

of Pub. L. 110-246, set out as a note under section 8701 of this title.]

CHAPTER 37—SEEDS

Sec.

1551. Short title.

SUBCHAPTER I—DEFINITIONS

1561. Definition of terms.

1562. False representations as certified seed; required provisions.

SUBCHAPTER II—INTERSTATE COMMERCE

1571. Prohibitions relating to interstate commerce in certain seeds.

1572. Records.

1573. Exemptions.

1574. Disclaimers, limited warranties and non-warranties.

1575. False advertising.

SUBCHAPTER III—FOREIGN COMMERCE

1581. Prohibitions relating to importations.

1582. Procedure relating to importations; disposal of refuse; exceptions.

1583, 1584. Repealed.

1585. Certain seeds not adapted for general agricultural use.

1586. Certain acts prohibited.

SUBCHAPTER IV—GENERAL PROVISIONS

1591. Delegation of duties.

1592. Rules and regulations.

1593. Standards, tests, tolerances.

1593a. Seed variety information and survey.

1594. Prohibition against alterations.

1595. Seizure.

1596. Penalties.

1597. Agent's acts as binding principal.

1598. Notice of intention to prosecute.

1599. Cease and desist proceedings.

1600. Appeal to court of appeals.

1601. Enforcement of order.

1602. Separability.

1603. Procedural powers; witness fees and mileage.

1604. Publication.

1605. Authorization of appropriations.

1606. Authorization of expenditures.

1607. Cooperation with other governmental agencies.

1608. Separability.

1609. Repeals.

1610. Effective date.

SUBCHAPTER V—SALE OF UNCERTIFIED SEED OF PROTECTED VARIETY

1611. Illegal sales of uncertified seed.

§ 1551. Short title

This chapter may be cited as the "Federal Seed Act."

(Aug. 9, 1939, ch. 615, §1, 53 Stat. 1275.)

EFFECTIVE DATE

See section 1610 of this title.

SHORT TITLE OF 1983 AMENDMENT

Pub. L. 97-439, §1, Jan. 8, 1983, 96 Stat. 2287, provided that: "This Act [amending sections 1561, 1571, 1581, 1582, 1585, and 1586 of this title and repealing sections 1583 and 1584 of this title] may be cited as the 'Federal Seed Act Amendments of 1982.'"

SUBCHAPTER I—DEFINITIONS

§ 1561. Definition of terms

(a) When used in this chapter—

(1) The term "United States" means the several States, District of Columbia, and Puerto Rico.

(2) The term "person" includes a partnership, corporation, company, society, or association.

(3) The term "interstate commerce" means—

(A) commerce between any State, Territory, possession, or the District of Columbia, and any other State, Territory, possession, or the District of Columbia; or

(B) commerce between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or

(C) commerce within the District of Columbia.

(4) For the purposes of this chapter with respect to labeling for treatment, variety and origin (but not in anywise limiting the foregoing definition), seeds shall be considered to be in interstate commerce, or delivered for transportation in interstate commerce, if such seeds are part of, or delivered for transportation in, that current of commerce usual in the transportation and/or merchandising of seeds, whereby such seeds are sent from one State with the expectation that they will end their transit in another, including, in addition to cases within the above general description, all cases where seeds are transported or delivered for transportation to another State, or for processing or cleaning for seeding purposes within the State and shipment outside the State of the processed or cleaned seeds. Seeds normally in such current of commerce shall not be considered out of such current through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this chapter.

(5) The term "foreign commerce" means commerce between the United States, its possessions, or any Territory of the United States, and any foreign country.

(6)(a) The term "district court of the United States" means any court exercising the powers of a district court of the United States.

(b) Omitted

(7) The term—

(A) "Agricultural seeds" shall mean grass, forage, and field crop seeds which the Secretary of Agriculture finds are used for seeding purposes in the United States and which he lists in the rules and regulations prescribed under section 1592 of this title.

(B) "Vegetable seeds" shall include the seeds of those crops that are or may be grown in gardens or on truck farms and are or may be generally known and sold under the name of vegetable seeds.

(8) For the purpose of subchapter II of this chapter, the term "weed seeds" means the seeds or bulblets of plants recognized as weeds either by the law or rules and regulations of—

(A) The State into which the seed is offered for transportation, or transported; or

(B) Puerto Rico, Guam, or District of Columbia into which transported, or District of Columbia in which sold.

(9)(A) For the purpose of subchapter II of this chapter, the term “noxious-weed seeds” means the seeds or bulblets of plants recognized as noxious—

(i) by the law or rules and regulations of the State into which the seed is offered for transportation, or transported;

(ii) by the law or rules and regulations of Puerto Rico, Guam, or the District of Columbia, into which transported, or District of Columbia in which sold; or

(iii) by the rules and regulations of the Secretary of Agriculture under this chapter, when after investigation he shall determine that a weed is noxious in the United States or in any specifically designated area thereof.

(B) For the purpose of subchapter III of this chapter, the term “noxious-weed seeds” means the seeds of *Lepidium draba* L., *Lepidium repens* (Schrenk) Boiss., *Hymenophyllum pubescens* C. A., Mey., white top; *Cirsium arvense* (L.) Scop., Canada thistle; *Cuscuta* spp., dodder; *Agropyron repens* (L.) Beauv., quackgrass; *Sorghum halepense* (L.) Pers., Johnson grass; *Convolvulus arvensis* L., bindweed; *Centaurea picris* Pall., Russian knapweed; *Sonchus arvensis* L., perennial sowthistle; *Euphorbia esula* L., leafy spurge; and seeds or bulblets of any other kinds which after investigation the Secretary of Agriculture finds should be included.

(10) The term “origin” means the State, District of Columbia, Puerto Rico, or possession of the United States, or the foreign country, or designated portion thereof, where the seed was grown.

(11) The term “kind” means one or more related species or subspecies which singly or collectively is known by one common name, for example, soybean, flax, carrot, radish, cabbage, cauliflower, and so forth.

(12) The term “variety” means a subdivision of a kind which is characterized by growth, plant, fruit, seed, or other characters by which it can be differentiated from other sorts of the same kind, for example, Marquis wheat, Flat Dutch cabbage, Manchu soybeans, Oxheart carrot, and so forth.

(13) The term “type” means either (A) a group of varieties so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions, or (B) when used with a variety name means seed of the variety named which may be mixed with seed of other varieties of the same kind and of similar character, the manner of and the circumstances connected with the use of the designation to be governed by rules and regulations prescribed under section 1592 of this title.

(14) The term “germination” means the percentage of seeds capable of producing normal seedlings under ordinarily favorable conditions (not including seeds which produce weak, malformed, or obviously abnormal sprouts), determined by methods prescribed under section 1593 of this title.

(15) The term “hard seeds” means the percentage of seeds which because of hardness or impermeability do not absorb moisture or ger-

minate under prescribed tests but remain hard during the period prescribed for germination of the kind of seed concerned, determined by methods prescribed under section 1593 of this title.

(16) The term “inert matter” means all matter not seeds, and includes among others broken seeds, sterile florets, chaff, fungus bodies, and stones, determined by methods prescribed under section 1593 of this title.

(17) The term “label” means the display or displays of written, printed, or graphic matter upon or attached to the container of seed.

(18) The term “labeling” includes all labels, and other written, printed, and graphic representations, in any form whatsoever, accompanying and pertaining to any seed whether in bulk or in containers, and includes invoices.

(19) The term “advertisement” means all representations, other than those on the label, disseminated in any manner or by any means, relating to seed within the scope of this chapter.

(20) Subject to such tolerances as the Secretary of Agriculture is authorized to prescribe under the provisions of this chapter—

(A) the term “false labeling” means any labeling which is false or misleading in any particular;

(B) the term “false advertisement” means any advertisement which is false or misleading in any particular.

(21) The term “screenings” shall include chaff, sterile florets, immature seed, weed seed, inert matter, and any other materials removed in any way from any seeds in any kind of cleaning or processing and which contain less than 25 per centum of live agricultural or vegetable seeds.

(22) The term “in bulk” refers to seed when loose either in vehicles of transportation or in storage, and not to seed in bags or other containers.

(23) The term “treated” means given an application of a substance or subjected to a process designed to reduce, control, or repel disease organisms, insects or other pests which attack seeds or seedlings growing therefrom.

(24) The term “seed certifying agency” means (A) an agency authorized under the laws of a State, Territory, or possession, to officially certify seed and which has standards and procedures approved by the Secretary (after due notice, hearings, and full consideration of the views of farmer users of certified seed and other interested parties) to assure the genetic purity and identity of the seed certified, or (B) an agency of a foreign country determined by the Secretary of Agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies under (A).

(Aug. 9, 1939, ch. 615, title I, §101, 53 Stat. 1275; June 25, 1948, ch. 646, §1, 62 Stat. 870; Aug. 1, 1956, ch. 852, §1, 70 Stat. 908; Pub. L. 85-581, §§1-3, Aug. 1, 1958, 72 Stat. 476; Pub. L. 89-686, §§1-3, 19, Oct. 15, 1966, 80 Stat. 975, 979; Pub. L. 91-89, §1, Oct. 17, 1969, 83 Stat. 134; Pub. L. 97-439, §5(a), Jan. 8, 1983, 96 Stat. 2288.)

CODIFICATION

Section was enacted without a subsec. (b).

Former subsec. (a)(6)(b), which extended the former term "circuit court of appeals," in case the principal place of business or residence of the person against whom a cease and desist order was issued was in the District of Columbia, to the United States Court of Appeals for the District of Columbia, for purposes of this chapter, has been omitted from the Code as obsolete due to the enactment of act June 25, 1948. The District of Columbia is now a judicial circuit under sections 41 and 43 of Title 28, Judiciary and Judicial Procedure. See, also, Change of Name notes under sections 1599, 1600, and 1601 of this title.

AMENDMENTS

1983—Subsec. (a)(8). Pub. L. 97-439, § 5(a)(1)(B), struck out "(A)" before "For the purpose of subchapter II of this chapter".

Subsec. (a)(8)(A). Pub. L. 97-439, § 5(a)(1)(C), substituted "(A)" for "(i)" before "The State into which".

Subsec. (a)(8)(B). Pub. L. 97-439, § 5(a)(1)(A), (D), substituted "(B)" for "(ii)" before "Puerto Rico, Guam, or District of Columbia" and struck out a former subpar. (B) which had, for purposes of subchapter III, defined "weed seeds" to mean seeds or bulbets of plants found by Secretary to be detrimental to agricultural interests of the United States or any part thereof.

Subsec. (a)(17). Pub. L. 97-439, § 5(a)(2), redesignated par. (18) as (17). Former par. (17), which, for purposes of subchapter III, had defined "pure live seed" as the portion of any lot of seed subject to this chapter consisting of live agricultural or vegetable seed determined by methods prescribed under section 1593 of this title, was struck out.

Subsec. (a)(18) to (25). Pub. L. 97-439, § 5(a)(2), redesignated pars. (18) through (25) as (17) through (24), respectively.

1969—Subsec. (a)(25). Pub. L. 91-89 inserted provision authorizing Secretary (after due notice, hearing, and full consideration of the views of interested parties) to approve of the standards and procedures of seed certifying agencies authorized under the laws of a State, Territory, or possession.

1966—Subsec. (a)(1). Pub. L. 89-686, § 1, struck out references to "Alaska," and "Hawaii," before and after "District of Columbia,".

Subsec. (a)(4). Pub. L. 89-686, § 19, inserted "treatment" before "variety".

Subsec. (a)(7)(A). Pub. L. 89-686, § 2, redefined "agricultural seeds" to be such as are listed in rules and regulations rather than in statutory text as added to or taken therefrom pursuant to rules and regulations.

Subsec. (a)(8)(A)(ii), (9)(A)(ii). Pub. L. 89-686, § 1, struck out reference to "Alaska, Hawaii," before "Puerto Rico".

Subsec. (a)(10). Pub. L. 89-686, § 1, struck out references to "Alaska," and "Hawaii," before and after "District of Columbia,".

Subsec. (a)(11). Pub. L. 89-686, § 3, substituted "soybean, flax, carrot, radish" for "wheat, oat, vetch, sweetclover".

1958—Subsec. (a)(7)(A). Pub. L. 85-581, § 1, included sugar beets in list of seeds subject to this chapter by striking out "excluding sugar beet" after "Beta vulgaris L.—Field beet".

Subsec. (a)(24). Pub. L. 85-581, § 2, added par. (24).

Subsec. (a)(25). Pub. L. 85-581, § 3, added par. (25).

1956—Subsec. (a)(8)(A)(ii). Act Aug. 1, 1956, § 1(a), inserted "Guam" after "Puerto Rico".

Subsec. (a)(9)(A)(ii). Act Aug. 1, 1956, § 1(b), inserted "Guam" after "Puerto Rico".

EFFECTIVE DATE OF 1958 AMENDMENT

Pub. L. 85-581, § 16, provided that: "This Act, and the amendments [amending sections 1561, 1562, 1571 to 1574, 1581, 1582, and 1586 of this title] made hereby, shall take effect upon the date of enactment [Aug. 1, 1958]."

EFFECTIVE DATE

See section 1610 of this title.

ADMISSION OF ALASKA AND HAWAII TO STATEHOOD

Alaska was admitted into the Union on Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, and Hawaii was admitted into the Union on Aug. 21, 1959, on issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74. For Alaska Statehood Law, see Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions. For Hawaii Statehood Law, see Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as a note preceding section 491 of Title 48.

§ 1562. False representations as certified seed; required provisions

Any labeling, advertisement, or other representation subject to this chapter which represents that any seed is certified seed or any class thereof shall be deemed to be false in this respect unless (a) it has been determined by a seed certifying agency that such seed conformed to standards of genetic purity and identity as to kind or variety, and is in compliance with the rules and regulations of such agency pertaining to such seed; and (b) the seed bears an official label issued for such seed by a seed certifying agency certifying that the seed is of a specified class and a specified kind or variety. Seed of a variety for which a certificate of plant variety protection under the Plant Variety Protection Act [7 U.S.C. 2321 et seq.] specifies sale only as a class of certified seed shall be certified only when

(1) the basic seed from which the variety was produced furnished by authority of the owner of the variety if the certification is made during the term of protection, and

(2) it conforms to the number of generations designated by the certificate, if the certificate contains such a designation.

(Aug. 9, 1939, ch. 615, title I, § 102, as added Pub. L. 85-581, § 4, Aug. 1, 1958, 72 Stat. 476; amended Pub. L. 91-89, § 2, Oct. 17, 1969, 83 Stat. 134; Pub. L. 91-577, title III, § 142(b), Dec. 24, 1970, 84 Stat. 1558.)

REFERENCES IN TEXT

The Plant Variety Protection Act, referred to in text, is Pub. L. 91-577, Dec. 24, 1970, 84 Stat. 1542, as amended, which is classified principally to chapter 57 (§ 2321 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2321 of this title and Tables.

AMENDMENTS

1970—Pub. L. 91-577 inserted provisions setting out conditions for certification of seed of any variety for which a certificate of plant variety protection under the Plant Variety Protection Act specifies sale only as a class of certified seed.

1969—Pub. L. 91-89 struck out references to registered seed, and required labels, advertisement, or other representations to certify that the seed contained therein was determined by a seed certifying agency to be of a specified class and a specified kind of variety in conformity with the standards of genetic purity and identity as to kind or variety.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-577 effective Dec. 24, 1970, see section 141 of Pub. L. 91-577, set out as an Effective Date note under section 2321 of this title.