

made and promulgated thereunder, with seed of the same kind produced in the United States.

(h) Screenings of any seed subject to this chapter, unless they are not intended for seeding purposes; and it is stated on the label, if in containers, or on the invoice if in bulk, that they are intended for cleaning, processing, or manufacturing purposes, and not for seeding purposes.

(i) Any agricultural seeds or any mixture thereof or any vegetable seeds or any mixture thereof, for seeding purposes, that have been treated, unless each container thereof bears a label giving the following information and statements in accordance with rules and regulations prescribed under section 1592 of this title:

(1) A word or statement indicating that the seeds have been treated;

(2) The commonly accepted coined, chemical (generic), or abbreviated chemical name of any substance used in such treatment;

(3) If the substance used in such treatment in the amount remaining with the seeds is harmful to humans or other vertebrate animals, an appropriate caution statement approved by the Secretary of Agriculture as adequate for the protection of the public, such as "Do not use for food or feed or oil purposes": *Provided*, That the caution statement for mercurials and similarly toxic substances, as defined in said rules and regulations, shall be a representation of a skull and crossbones and a statement such as "This seed has been treated with POISON", in red letters on a background of distinctly contrasting color; and

(4) A description, approved by the Secretary of Agriculture as adequate for the protection of the public, of any process used in such treatment.

(Aug. 9, 1939, ch. 615, title II, §201, 53 Stat. 1279; Pub. L. 85-581, §§5-8, Aug. 1, 1958, 72 Stat. 476; Pub. L. 89-686, §§4-10, Oct. 15, 1966, 80 Stat. 975-977; Pub. L. 97-439, §§2-4, Jan. 8, 1983, 96 Stat. 2287.)

Editorial Notes

AMENDMENTS

1983—Subsec. (a). Pub. L. 97-439, §2(a), struck out " , except as provided in paragraph (j) of this section for seed mixtures intended for lawn and turf purposes," after "following information" in provisions preceding par. (1).

Subsec. (a)(1)(A). Pub. L. 97-439, §2(b)(1), inserted "(A), except with respect to seed mixtures intended for lawn and turf purposes," after "*Provided*, That".

Subsec. (a)(1)(B). Pub. L. 97-439, §2(b)(2), substituted " , (B)" for " : *And provided further*, That".

Subsec. (a)(1)(C). Pub. L. 97-439, §2(b)(3), added cl. (C).

Subsec. (a)(8). Pub. L. 97-439, §3, inserted exception relating to the case of a seed mixture.

Subsec. (c)(1). Pub. L. 97-439, §4(1), substituted "(1)" for "(a)".

Subsec. (c)(2). Pub. L. 97-439, §4(2), substituted "(2)" for "(b)".

Subsec. (c)(2)(A). Pub. L. 97-439, §4(3), inserted "(A)" after "vegetable seed which".

Subsec. (c)(2)(B). Pub. L. 97-439, §4(4), added cl. (B).

Subsec. (j). Pub. L. 97-439, §2(c), struck out subsec. (j) which directed that seed mixtures intended for lawn and turf purposes be transported or delivered for transport in interstate commerce in containers of fifty pounds or less, and specified the information to be placed on the label.

1966—Subsec. (a). Pub. L. 89-686, §4, inserted in introductory text, " , except as provided in subsection (j) of this section for seed mixtures intended for lawn and turf purposes,".

Subsec. (a)(1). Pub. L. 89-686, §5, amended par. (1) generally. Prior to amendment, par. (1) read as follows: "The name of (A) kind, or (B) kind and variety, or (C) kind and type, for each agricultural seed component present in excess of 5 per centum of the whole and the percentage by weight of each: *Provided*, That such components are expressed in accordance with the category designated under (A), (B), or (C);".

Subsec. (a)(10). Pub. L. 89-686, §6, added par. (10).

Subsec. (b). Pub. L. 89-686, §7, substituted provisions respecting labeling requirements for containers of one pound or less of seed that germinates equal to or above the standard last established by the Secretary of Agriculture in par. (1), containers of one pound or less of seed that germinates less than the standard last established by the Secretary in par. (2), and containers of more than one pound of seed in par. (3), for former labeling requirements which prescribed in par. (1) name of each kind and variety of seed and if two or more kinds or varieties are present, the percentage of each, in par. (2) for each variety of vegetable seed which germinates less than the standard last established by the Secretary of Agriculture, as provided under section 1593(c) of this title, the percentage of germination, exclusive of hard seed; (ii) percentage of hard seed, if present; (iii) the calendar month and year the test was completed to determine such percentages; (iv) the words "Below Standard"; and in par. (3), name and address of—

(A) the person who transports, or delivers for transportation, said seed in interstate commerce; or

(B) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 1592 of this title, indicating the person who transports or delivers for transportation said seed in interstate commerce.

Subsec. (c). Pub. L. 89-686, §8, substituted in cl. (b) "a longer period for any kind of agricultural or vegetable seed which is packaged in such container materials and under such other conditions prescribed by the Secretary of Agriculture as he finds will, during such longer period, maintain the viability of said seed under ordinary conditions of handling" for "a longer period not to exceed nine months, exclusive of the calendar month in which the test was completed, for kinds of agricultural or vegetable seed which he finds under ordinary conditions of handling will maintain during such longer period a germination within the established limits of tolerance".

Subsec. (i)(4). Pub. L. 89-686, §9, transposed "of any process used in such treatment" which followed "description" to end of sentence, inserting a comma preceding such phrase.

Subsec. (j). Pub. L. 89-686, §10, added subsec. (j).

1958—Subsec. (a)(8). Pub. L. 85-581, §5, inserted "and each kind or variety or type of agricultural seed shown in the labeling to be present in a proportion of 5 per centum or less of the whole".

Subsec. (b)(1). Pub. L. 85-581, §6, required label on container to show percentage where two or more varieties of seed are present.

Subsec. (b)(2). Pub. L. 85-581, §7, substituted "For each variety of vegetable seed" for "For seeds".

Subsec. (i). Pub. L. 85-581, §8, added subsec. (i).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

See section 1610 of this title.

§ 1572. Records

All persons transporting, or delivering for transportation, in interstate commerce, agricul-

tural seeds shall keep for a period of three years a complete record of origin, treatment, germination, and purity of each lot of such agricultural seeds, and all persons transporting, or delivering for transportation, in interstate commerce, vegetable seeds shall keep for a period of three years a complete record of treatment, germination and variety of such vegetable seeds. The Secretary of Agriculture, or his duly authorized agents, shall have the right to inspect such records for the purpose of the effective administration of this chapter.

(Aug. 9, 1939, ch. 615, title II, §202, 53 Stat. 1281; Pub. L. 85-581, §9, Aug. 1, 1958, 72 Stat. 477; Pub. L. 89-686, §11, Oct. 15, 1966, 80 Stat. 978.)

Editorial Notes

AMENDMENTS

1966—Pub. L. 89-686 required record of treatment of agricultural and vegetable seeds.

1958—Pub. L. 85-581 required keeping of records of vegetable seeds.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

See section 1610 of this title.

§ 1573. Exemptions

(a) Carrier transporting seeds

The provisions of sections 1571 and 1572 of this title shall not apply to any carrier in respect to any seed transported or delivered for transportation in the ordinary course of its business as a carrier: *Provided*, That such carrier is not engaged in processing or merchandising seed subject to the provisions of this chapter; and such provisions shall not apply to seeds produced by any farmer on his own premises and sold by him directly to the consumer, provided such farmer is not engaged in the business of selling seeds not produced by him: *And provided further*, That such seeds produced or sold by him when transported or offered for transportation to any State, Territory, or District, shall not be exempted from the provisions of sections 1571 and 1572 of this title unless said seeds shall be in compliance with the operation and effect of the laws of such State, Territory, or District, enacted in the exercise of its police power, to the same extent and in the same manner as though such seed had been produced, sold, offered or exposed for sale in such State, Territory, or District, and shall not be exempted therefrom by reason of being introduced therein in original packages or otherwise: *And provided further*, That such seeds produced or sold by him are in compliance with the seed laws of the State into which the seed is transported.

(b) Seeds not for seeding purposes

The provisions of section 1571(a), (b), or (i) of this title shall not apply—

(1) to seed or grain not intended for seeding purposes when transported or offered for transportation in ordinary channels of commerce usual for such seed or grain intended for manufacture or for feeding; or

(2) to seed intended for seeding purposes when transported or offered for transportation in interstate commerce—

(A) if in bulk, in which case, however, the invoice or other records accompanying and pertaining to such seed shall bear the various statements required for the respective seeds under section 1571(a), (b), and (i) of this title; or

(B) if in containers and in quantities of twenty thousand pounds or more: *Provided*, That (i) the omission from each container of the information required under section 1571(a), (b), and (i) of this title is with the knowledge and consent of the consignee prior to the transportation or delivery for transportation of such seed in interstate commerce, (ii) each container shall have stenciled upon it or bear a label containing a lot designation, and (iii) the invoice or other records accompanying and pertaining to such seed shall bear the various statements required for the respective seeds under section 1571(a), (b), and (i) of this title; or

(C) if consigned to a seed cleaning or processing establishment, to be cleaned or processed for seeding purposes: *Provided*, That (i) this fact is so stated in the invoice or other records accompanying and pertaining to such seed if the seed is in bulk or if the seed is in containers and in quantities of twenty thousand pounds or more, (ii) this fact is so stated on attached labels if the seed is in containers and in quantities less than twenty thousand pounds, and (iii) any such seed later to be labeled as to origin and/or variety shall be labeled as to origin and/or variety in accordance with rules and regulations prescribed under section 1592 of this title.

(c) Emergency preventing presentation of information

When the Secretary of Agriculture finds that, because of the time interval between seed harvesting and sowing, or because of an emergency beyond human control, the information required by this chapter as to the germination, and hard seed of certain kinds of seeds, cannot be given prior to transportation or delivery for transportation in interstate commerce, he may promulgate, with or without a hearing, rules and regulations providing that the provisions of section 1571(a) and (b) of this title as to the required labeling for germination and hard seed shall not apply for such period and to such kinds of seed as he may specify in his said rules and regulations.

(d) Intermixture of unidentified seeds; percentages of kind or kind and variety of seeds

The provisions of sections¹ 1571(a) and (b) of this title relative to the labeling of agricultural and vegetable seeds with the percentages of the kind or kind and variety of seeds shall not be deemed violated if there are seeds in the container or bulk which could not be, or were not, identified because of their indistinguishability in appearance from the seeds intended to be transported or delivered for transportation in interstate commerce: *Provided*, That the records of the person charged with the duty under said section of labeling or invoicing the seeds, kept

¹ So in original. Probably should be "section".