

One of a crop producer's priorities is to protect their investment. Insuring that inputs will perform in the manner claimed by the distributor is critical to insuring investment return from the crop. Productivity and profitability could be compromised if the product does not perform as claimed.

It is a good practice to ask if the company has a license to distribute fertilizer in South Dakota or has registered their soil amendment product with the Department of agriculture. You can confirm licensing and registration by contacting the Department of Agriculture. You can search online by going to our website at:

[http://sdda.sd.gov/Ag\\_Services/](http://sdda.sd.gov/Ag_Services/)

Look for the box titled "Database Searches".

If you suspect a product will not perform as claimed by the manufacturer, contact the South Dakota Department of Agriculture.



SOUTH DAKOTA



DEPARTMENT OF  
**AGRICULTURE**

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## **FERTILIZER & SOIL AMENDMENT PERFORMANCE CLAIMS**

**Are they too good to be true?**

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**South Dakota  
Department of Agriculture**

09/2010

## Is it too good to be true?

The old adage often times holds true...“If it’s too good to be true...It probably is.” There are a variety of fertilizer and soil amendment products on today’s market. Claims regarding the performance of these products vary depending on the product and the marketing strategy used by the distributor.

For example, a questionable claim might be yield increase from the use of a fertilizer product recommended at a single use rate for a crop or all crops regardless of soil test results or yield goal. South Dakota State University has compiled data over many years from observed responses to various rates of nutrient application. This data has been used to develop recommended rates of plant nutrients considering soil test results and yield goals. Claims of attaining a crop yield improvement by applying a single recommended rate should be questioned.

Some marketing claims are legitimate and have been substantiated with scientific research. Familiarity with crop management practices can help a consumer determine if a product’s marketing claim is “too good to be true”.



## It’s the law!



In South Dakota, state law, [SDCL38-19-2.1](#), requires a fertilizer distributor to obtain a Commercial Fertilizer Distribution License.

Similarly, [SDCL38-19A-4](#) requires soil amendment products be registered with the South Dakota Department of Agriculture before they can be distributed.

State law requires that marketing claims be substantiated by scientific research as a condition of licensing and registration.

The department has been directed to promote, protect, and advocate the interests of agriculture in the state. Regulation of fertilizer and soil amendments is one way this is being accomplished.

### Requirements for Distributing:

#### Commercial Fertilizer

- Obtain a Commercial fertilizer Distribution License.
- Provide Scientific Proof of Marketing Claims and Value.
- [SD Codified Law 38-19 Commercial Fertilizer](#)

#### Soil Amendments

- Register Soil Amendment Product
- Provide Scientific Proof of Marketing Claims and Value.
- [SD Codified Law 38-19A Soil Amendments](#)

## What can I do?

Although protection is built into the law, the ability to market and distribute these products has increased in recent history.

### Protect your investment:

#### Question your salesperson

- Are you licensed to distribute fertilizer in South Dakota?
- Is your soil amendment registered in South Dakota?
- How does the product work?

#### Verify Compliance

- Contact South Dakota Department of Agriculture, Office of Agronomy Services to check for licensing and product registration.
- You can search online by going to our website at: [http://sdda.sd.gov/Ag\\_Services/](http://sdda.sd.gov/Ag_Services/) Look for the box titled “Database Searches”.

Many of these products are marketed on the Internet or over the telephone by telemarketers. The law applies to these distributors just as it does to your local dealer.