

LABEL REQUIREMENTS FOR AGRICULTURAL SEED

◆ **THE FOLLOWING INFORMATION IS REQUIRED ON THE LABEL OF AGRICULTURAL SEED**

- 1) The name of the kind, or kind and variety, or kind and "variety not stated" for each agricultural seed component in excess of five percent of the whole, and the percentage by weight of each in order of its predominance. Mixtures shall be listed in the label using the term "mixture," "mixed," or "mix";

Variety stated: Barley, flax, oats, rye, soybeans, triticale, and wheat seeds must be labeled as to kind and variety except when two or more varieties each in excess of 5% of the whole, are combined to form a blend. The variety names may be omitted from the label provided the kind is clearly identified with the word "blend" or other name or number commonly used by the seedsmen or seed producers to identify their blends;

- 2) Hybrids must be labeled as hybrids, unless the pure seed contains less than 75% hybrid seed. If the percentage of the hybrid seed is greater than 75%, but less than 95%, the percentage of hybrid must be labeled parenthetically following the variety;
- 3) Lot number or other lot identification;
- 4) State or foreign country of origin, if known, or perennials when grown in this state. If not known, the label must state that the origin is unknown;
- 5) Percentage by weight of all weed seed;
- 6) Name and rate of occurrence of each kind of restricted noxious weed seed, listed under the heading "noxious weed seeds";
- 7) Percentage by weight of agricultural seeds other than those required to be named on the label, listed under the heading "other crop";
- 8) Percentage by weight of inert matter;
- 9) For each named agricultural seed:
 - a) Percentage of germination, exclusive of hard and dormant seed (tetrazolium tests may be substituted for germination tests for green needlegrass and western wheatgrass);
 - b) Percentage of hard and dormant seed, if present;
 - c) The additional statement "total germination and hard and dormant seed" may be stated, if desired;
 - d) The calendar month and year the test was completed to determine such percentages;
- 10) Name and address of the seedsman or seed producer who labeled the seed.

◆ **ADVERTISING SEED**

Any person who advertises seed in South Dakota must include the following minimum of information in any seed advertisement.

- 1) Kind, or kind and variety, or kind and "variety not stated";
- 2) Percentages of purity and germination;
- 3) Percentage by weight of other crop seed, if present;
- 4) Rate of occurrence of any restricted noxious weed seed, if present;
- 5) Percentage by weight of all weed seed, if present;
- 6) Name and telephone number or name and address of the person commissioning the advertisement.

◆ **NOXIOUS WEED RESTRICTIONS**

It is unlawful for any person on South Dakota to sell, offer or expose for sale, or transport for sale any seed within the state if the seed:

- 1) contains any of the following prohibited noxious weed seeds, in any amount:
 - ◆ Field bindweed
 - ◆ Leafy spurge
 - ◆ Russian knapweed
 - ◆ Hoary cress
 - ◆ Perennial sowthistle
 - ◆ Quackgrass
 - ◆ Canada thistle
 - ◆ Horse nettle
- 2) contains the following restricted noxious weed seeds in excess of 2% by weight, or in excess of the number declared on the label:
 - ◆ Wild oats
 - ◆ Dodder
 - ◆ Hedge bindweed
 - ◆ Wild mustard
 - ◆ Field pennygrass
 - ◆ Wild carrot
 - ◆ Annual bluegrass
 - ◆ Musk thistle
 - ◆ Spotted knapweed
 - ◆ Giant foxtail
 - ◆ Plumeless thistle
- 3) the seed contains weeds seeds in excess of 2% by weight (or 5% by weight for Bluestems, Indiangrass, Gramas, and Prairie sandreed), or in excess of the amount declared on the label.

South Dakota
Department of
Agriculture

SEED INSPECTION PROGRAM



Agronomy Services

Division of
Agricultural Services

SEED INSPECTION PROGRAM

◆ GOAL

To provide consumer protection for the state's agricultural producers and homeowners who purchase seed, and to establish a productive business climate for the seed industry.

◆ BACKGROUND

The State Seed Law (SDCL 38-12A) gives the South Dakota Department of Agriculture responsibility for developing and enforcing the state's seed program. The law sets standards for the sale of seed to assure consumers they will be sold seed that is accurately labeled.

Inspectors routinely visit seed dealers, elevators, lawn and garden stores and certified seed growers to check for compliance with seed law and to collect random samples of seed offered for sale. The samples are tested by the SDSU seed lab at Brookings to determine if the label information is accurate. Common factors checked are kind, variety, purity, weed seed content, germination, other crop seed and inert matter.

The seed law was amended in 1988 to provide more uniformity with seed laws in other states. In revising the law, the Recommended Uniform State Seed Law, developed by the American Association of Seed Control Officials, was used as a model.

The revised seed law also provides for arbitration when producers feel they "have not gotten what the label stated." The arbitration process is available to seed dealers, seed producers, seedsmen and consumers.

◆ INDUSTRY FACTS

Total sales of major agricultural seeds in the state run \$376 million annually (2007 Census of Agriculture, UDSA-NASS).

The 2009 Department of Agriculture total seed permits are:

◆ Seedsman	175
◆ Seed Producer	124
◆ Seed Dealer	935

The revenue generated from seed permits is \$52,000 annually.

The number of certified growers in South Dakota in 2009 was 216 (exclusive of potato growers).

ANALYSIS TAG			
Perfection Seed Company			
Variety & Kind: Vernal Alfalfa			
Lot no: 301-31			
Pure Seed	98.09%	Germination	90.00%
Inert Matter	01.05%	Hard Seed	05.00%
Other Crop Seed	00.00%	Date Tested	Jan 2001
Weed Seed	00.05%	Net Weight	60lbs.
Noxious Weeds	00.00%	Origin	South Dakota
Perfection Seed Company			
Box A			
Middletown, U.S.A.			

◆ SEEDSMAN

Any person who purchases, conditions, labels, or sells seed as a major part of his or her business.

◆ SEED PRODUCER

Any person who labels and sells seed only of his own production.

◆ SEED DEALER

Any person who exposes seed for sale, maintains an unsold inventory, and sells seed, or takes and fills orders for seed for a Seedsman or Seed Producer, but does not condition or label seed.

◆ SEED INSPECTION & LABELING REQUIREMENTS

South Dakota seed laws and regulations require complete, accurate labeling conspicuously placed on *each* container of seed sold, offered for sale, exposed for sale, held for storage, or transported within the state with the intent to sell for sowing purposes.

If seed is offered for sale in bulk or sold from bulk, the label information must be conspicuously displayed on the container or bin. A copy of the label or label information must be presented to the consumer upon sale.

These requirements apply to agricultural seed, lawn and turf seed, vegetable seed, flower seed, and tree and shrub seed.

The seed law also establishes label requirements for treated seed.

Information for seed labels must be based on seed tests conducted under the supervision of a registered or certified seed technologist. However, any person may conduct seed tests in their own laboratory to determine label information for their *own* seed without the supervision of a registered or certified seed technologist.

◆ ARBITRATION

A seed arbitration committee may be formed to assist consumers, seedsmen, seed producers and seed dealers to determine the validity of complaints made by consumers, and to recommend total money damages resulting from alleged failure of the seed to produce as represented by the label on the seed package. Any report of the arbitration committee is non-binding; however, the arbitration report may be offered as evidence in any litigation.

◆ SEED PERMITS ARE REQUIRED

Before selling, distributing, advertising, soliciting orders for, offering for sale, exposing for sale, or transporting seed, a person must obtain a seed permit from the Department of Agriculture.

A permit is not required for those who sell or advertise seed they have produced, provided that the seed is stored or delivered only to a purchaser on or from the farm where it was grown, or the production and sale of seed is not a primary source of income to the seller.

Each permit expires on the 31st day of December of the year following the date of issue.

The biennial fee for a seed permit is:

◆ Seedsman	\$500
◆ Seed Producer	\$ 75
◆ Seed Dealer	\$ 75

Each Permit applicant must agree to provide the Secretary of Agriculture with a legible copy of any records, and access during customary business hours to the premises where the seed is sold, handled or stored. The information obtained from records and from application is for the sole use of the secretary in carrying out the provisions of the seed chapter.

FOR MORE INFORMATION:

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