

House File No. 538.  
BY COMMITTEE ON AGRICULTURE.

Passed on file.  
March 14, 1919.

## A BILL FOR AN ACT

To amend section five thousand seventy-seven-a-six (5077-a-6), five thousand seventy-seven-a-eleven (577-a-11), five thousand seventy-seven--twelve (5077-a-12) and five thousand seventy-seven-a-twenty-three (5077-a-23) and to repeal sections five thousand seventy-seven-a-fifteen (5077-a-15), five thousand seventy-seven-a-sixteen (5077-a-16), five thousand seventy-seven-a-seventeen (5077-a-17), five thousand seventy-seven-a-eighteen (5077-a-18), five thousand seventy-seven-a-nineteen (5077-a-19), five thousand seventy-seven-a-twenty (5077-a-20), five thousand seventy-seven-a-twenty-one (5077-a-21) and five thousand seventy-a-twenty-two (5077-a-22) and to enact a substitute for such sections relating to agricultural seeds and the labeling, buying, selling and testing of such agricultural seeds.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1.

2 (a) That section five thousand seventy-seven-a-six (5077-a-6)

3 be and the same is hereby amended by striking from lines three and

4 four the following "and every parcel, package or lot of agricultural

5 seeds as defined in section nine of this act"; also by striking from

6 the said section all of paragraph two.

7 (b) That section five thousand seventy-seven-a-eleven (5077-a-11)

8 be and the same is hereby amended by striking out of line three the

9 words "and agricultural seeds" and by striking out of lines seven and

10 eight the following words "and in case of agricultural seeds a sample

11 not exceeding four ounces in weight".

12 (c) That section five thousand seventy-seven a twelve (5077a 12)

13 be and the same is hereby amended by striking out of lines two and

14 three the words "all agricultural seeds", by striking out of line four  
15 the words "or seeds", and by striking out of lines five and six the  
16 words "fifty cents for each sample of agricultural seeds and"

17 (d) That sections five thousand seventy-seven a fourteen  
18 (5077a 14), five thousand seventy-seven a fifteen (5077a 15), five  
19 thousand seventy-seven a sixteen (5077a 16) five thousand seventy-  
20 seven a seventeen (5077a17), five thousand seventy-seven a eighteen  
21 (5077a18), five thousand seventy-seven a nineteen (5077a19), five  
22 thousand seventy-seven a twenty (5077a20), five thousand seventy-seven  
23 a twenty-one (5077a21), five thousand seventy-seven a twenty-two  
24 (5077a22) of the Code, 1913, are hereby repealed and that section  
25 five thousand seventy-seven a twenty-three (5077-a23) be and the same  
26 is hereby amended by striking from lines one to five the following:  
27 "sells, offers, or exposes for sale any of the seeds specified  
28 in sections thirteen (13) and fourteen (14) of this act which are  
29 mixed, adulterated or misbranded or any agricultural seeds which do  
30 not comply with sections ten, eleven and twelve of this act or who".

1 Sec. 2. That the term "agricultural seeds" or "agricultural  
2 seed", as used in this act, shall be defined as the seeds of Canada  
3 bluegrass, Kentucky bluegrass, brome grass, fescues, millets, tall  
4 meadow oat grass, orchard grass, redtop, Italian rye grass, perennial  
5 rye grass, Kaffir corn, sorghum or cane, Sudan grass, timothy, alfalfa,  
6 alsike clover, crimson clover, mammoth or sapling clover, red clover,  
7 sweet clover, white clover, Canada field peas, cowpeas, soy beans,  
8 vetches, and other grasses and forage plants, buckwheat, flax, rape,  
9 barley, field corn, oats, rye, wheat and other cereals, which are

10 sold, offered or exposed for sale within the state of Iowa for seeding  
11 purposes within this state.

1 Sec. 3. Every lot of agricultural seeds, as defined in section  
2 two except as herein otherwise provided, when in bulk, packages or other  
3 containers of ten pounds or more, shall have affixed thereto, in a con-  
4 spicuous place on the exterior of the container of such agricultural  
5 seeds, a plainly written or printed tag or label in the English language,  
6 stating:

7 (a) The commonly accepted name of such agricultural seeds

8 (b) The approximate percentage by weight of purity; meaning  
9 the freedom of such agricultural seeds from inert matter, and from  
10 other seeds distinguishable by their appearance.

11 (c) The approximate total percentage by weight of weed seeds,  
12 the term "weed seeds", as herein used, being defined as the seeds  
13 of the noxious weeds listed herein, and all seeds not listed herein  
14 as agricultural seeds.

15 (d) The name of each kind of the seeds or bulblets of the  
16 following named noxious weeds which seeds or bulblets are present,  
17 singly or collectively, as follows:

18 (1) In excess of one seed or bulblet in each five  
19 grams of timothy, redtop, tall meadow oatgrass, orchard  
20 grass, crested dogtail, Canada bluegrass, Kentucky blue-  
21 grass, fescues, brome grass, perennial and Italian ryegrass,  
22 western ryegrass, crimson clover, mammoth clover, red clover,  
23 white clover, alsike clover, sweet clover, alfalfa, and  
24 all other grasses and clovers not otherwise classified.

25 (2) One in twenty-five grams of millets, rape, flax,  
26 and other seeds not specified in (1) or (3) of this sub-  
27 section.

28 (3) One in one hundred grams of wheat, oats, rye,  
29 barley, buckwheat, vetches, and other seeds as large or  
30 larger than wheat.

31 For purposes of this act, the following shall be defined as  
32 noxious weeds: quack grass, Canada thistle, wild mustard, sour  
33 curled or smooth dock, blackhorn or ribbed plantain, wild parsnip,  
34 and wild carrots.

35 (e) The approximate percentage of germination of such agri-  
36 cultural seeds, together with the month and year said seed was tested  
37 and, if corn, the county and state where grown, provided, however,  
38 that this statement shall not be a basis for prosecution under this  
39 act; and provided further that the agricultural experiment station  
40 at the college of agriculture and mechanic arts at Ames shall be  
41 empowered to test and publish the results of such tests as herein pro-  
42 vided, together with the month and year such test was made, together  
43 with the percentage of germination and date of test as shown on tag  
44 or label.

45 (f) The full name and address of the person, firm or corpora-  
46 tion assuming the responsibility, under the conditions of this act,  
47 for the information placed on the tags or labels required by this  
48 section.

1 Sec. 4. Mixtures of alsike and timothy, alsike and white clover ,  
2 redtop and timothy, alsike and red clover, when sold, offered or ex-

3 posed for sale as mixtures, and in lots of ten (10) pounds or more  
4 shall have affixed thereto, in a conspicuous place on the exterior of  
5 the container of such mixture of seeds, a plainly written or printed  
6 tag or label in the English language, stating:

7 (a) That such seed is a mixture.

8 (b) The name and approximate percentage by weight of each kind  
9 of agricultural seed present in such mixture in excess of five (5)  
10 per cent by weight of the total mixture.

11 (c) The approximate percentage by weight of weed seeds as  
12 defined in section 3 of this act.

13 (d) The name of each kind of the seeds or bulblets of the  
14 noxious weeds listed in section 3 of this act, which seeds or  
15 bulblets are present singly or collectively in excess of one seed  
16 or bulblets in each fifteen (15) grams of such mixture.

17 (e) The approximate percentage of germination of each kind  
18 of agricultural seed present in such mixture in excess of five (5)  
19 per cent by weight, together with the month and year said seed was  
20 tested; provided, however, that this statement shall not be a basis  
21 for prosecution under this act; and provided further that the said  
22 agricultural experiment station shall be empowered to test and publish  
23 the results of such tests as herein provided, together with the month  
24 and year such test was made, together with the percentage of germina-  
25 tion and date of test as shown on tag or label.

26 (f) The full name and address of the person, firm or cor-  
27 poration assuming the responsibility, under the conditions of this  
28 act, for the information placed on the tags or labels required by

29 this section.

1     Sec. 5. Special mixtures of agricultural seeds, except as  
2 specified in section 4 of this act, when sold, offered or exposed for  
3 sale, as mixtures in bulk, packages or other containers of eight ounces  
4 or more shall have affixed thereto in a conspicuous place on the  
5 exterior of the container of such mixture a plainly written or printed  
6 tag or label in the English language, stating:

- 7     (a) That such seed is a mixture.  
8     (b) The name of each kind of agricultural seed which is pres-  
9 ent in proportion of five (5) per cent or more of the total mixture.  
10    (c) The approximate total percentage by weight of weed seeds.  
11    (d) The approximate percentage by weight of inert matter.  
12    (e) The name of each kind of the seeds or bulblets of the  
13 noxious weeds listed in section 3 of this act, which are present,  
14 singly or collectively, in excess of one seed or bulblet in each  
15 fifteen (15) grams of such mixture.  
16    (f) The full name and address of the person, firm or cor-  
17 poration assuming the responsibility, under the conditions of this  
18 act, for the information placed on the tags or labels required by  
19 this section.

1     Sec. 6. Agricultural seeds or mixtures of same shall be exempt  
2 from the provisions of this act:

- 3     (a) When possessed, exposed for sale or sold for food pur-  
4 poses only:  
5     (b) When sold to merchants to be recleaned before being sold  
6 or exposed for sale for seeding purposes:

7 (c) When in store for the purpose of recleaning or not  
8 possessed, sold or offered for sale for seeding purposes within the  
9 state of Iowa.

10 (d) When sold by one farmer to another; provided that if such  
11 seed is advertised for sale or is delivered through a common carrier,  
12 then the seller shall be deemed to be a vender and said seed and seller  
13 shall be subject to all the requirements of this act.

1 Sec. 7. The duties of enforcing this act, carrying out its  
2 provisions and requirements, shall be vested in the agricultural  
3 experiment station of the Iowa State College of agriculture and  
4 mechanic arts at Ames, and in such members of the staff of the agri-  
5 cultural experiment station as shall be appointed by the dean of  
6 that department and the dean of said department may appoint county  
7 agents as assistants for this purpose. The said department, upon  
8 notice to the seed trade of the state through proper advertisement  
9 or publication, shall be empowered to adopt such reasonable "rules and  
10 regulations" as may be deemed necessary in order to secure the  
11 efficient enforcement of this act; provided further that said  
12 agricultural experiment station shall maintain a state seed laboratory  
13 with necessary equipment, and may appoint such analysts, inspectors and  
14 assistants as may be necessary for the proper enforcement and carry-  
15 ing out of the provisions of this act, and in said department's dis-  
16 cretion, fix the salaries of said analysts, inspectors and assistants.  
17 Said department shall also be empowered to publish, at its discretion,  
18 the results of the examination, analysis and test of any sample of  
19 agricultural seed or mixture of such seed, together with any other

20 information it may deem advisable.

1    Sec. 8. It shall be the duty of said agricultural experiment  
2 station, or its duly authorized agents; to inspect, examine and make  
3 analysis of and test any agricultural seeds sold, offered or exposed  
4 for sale, within this state for seeding purposes within this state, at  
5 such time and place and to such extent as it may determine. Said de-  
6 partment and its agents shall have access at all reasonable  
7 hours to any premises or structures to make examinations of such agri-  
8 cultural seeds, whether such seeds are upon the premises of the  
9 owner or consignee of such seeds or on the premises or in the posses-  
10 sion of any warehouse, elevator, railway or steamship company, and said  
11 department is hereby given authority by its agents, upon notice to  
12 the dealer, his agents, or the representative of any warehouse, ele-  
13 vator, railway or steamship company, if present, to take for analysis  
14 a composite sample of such agricultural seeds. On demand of the dealer  
15 or his agent, or at the discretion of the inspector concerned,  
16 the sample drawn shall be mixed as thoroughly as possible and divided  
17 into two portions, and one part left with the dealer or his agent. On  
18 demand of the dealer or his agent, any sample drawn shall be paid for  
19 by the inspector, on a basis not exceeding the local market price for  
20 the seed sampled. In case a sample, drawn as provided herein, upon test  
21 or analysis is found to fall, in excess of the allowance for variation  
22 made by said department, below the statement on the tag or label attach-  
23 ed to the lot from which said sample was drawn, or to violate any  
24 of the provisions of this act, the vendor or consignee of said lot of  
25 seed shall be notified and a copy of said notice mailed to the person,

26 firm or corporation whose tag or label was found affixed thereto.

1 Sec. 9. It should be unlawful for any person, firm or corpora-  
2 tion to sell, offer or expose for sale within this state any agricul-  
3 tural seeds or mixtures of agricultural seeds, as defined in this  
4 act, for seeding purposes within this state without complying with the  
5 requirements of this act, or falsely to mark or label any agricultural  
6 seeds, or to interfere in any way with the agricultural experiment  
7 station or its inspectors or assistants in the discharge of the duties  
8 herein named.

1 Sec. 10. Every violation of the provisions of this act shall be  
2 deemed a misdemeanor or punishable by a fine not exceeding one hundred  
3 dollars (\$100), and if the said agricultural experiment station shall  
4 find upon examination, analysis or test that any person, firm or  
5 corporation has violated any of the provisions of this act, said  
6 agricultural experiment station or its duly authorized agent or agents  
7 may institute proceedings in a court of competent jurisdiction to have  
8 such person, firm or corporation convicted therefor, or said department,  
9 in its discretion, may report the results of such examination to the  
10 proper prosecuting attorney, together with the sworn statement of the  
11 inspector or analyst, duly acknowledged, and such other evidence of  
12 said violation as said agricultural experiment station shall deem  
13 necessary. Provided, however, that no prosecution of this act shall be  
14 instituted except in the manner following; when said agricultural ex-  
15 perimental station finds that the act has been violated, it shall give  
16 notice to the persons, firms or corporations concerned, designating a  
17 time and place for a hearing. This hearing shall be private and the

18 person, firm or corporation involved shall have the right to introduce  
19 evidence either in person or by agent or attorney. If after said hear-  
20 ing or without said hearing in case said person or agent fails or  
21 refuses to appear, the agricultural experiment station decides that the  
22 evidence warrants prosecution, said agricultural experiment station  
23 shall proceed as herein provided. It shall be the duty of the proper  
24 prosecuting attorney to institute proceedings at once against the person  
25 or persons, firms or corporations, charged with such violation.

1 Sec. 11. When any lot of agricultural seed or mixture of agri-  
2 cultural seeds is sold, offered or exposed for sale as free of weed  
3 seeds, this act shall be deemed violated unless proper indication of  
4 such freedom is given on the tags or labels attached to such seed.

1 Sec. 12. Any citizen of Iowa shall have the privilege of sub-  
2 mitting to the agricultural experiment station samples of agricultural  
3 seeds for test and analysis, subject to such rules and regulations as  
4 may be adopted by said agricultural experiment station; provided,  
5 that said agricultural experiment station may by regulations fix the max-  
6 imum number of samples that may be tested or analyzed free of charge  
7 for any one citizen in any one period of time and fix charges for  
8 tests or analysis of samples submitted in excess of the number tested  
9 free of charge.

1 Sec. 13. All acts or parts of acts inconsistent with this act are  
2 hereby repealed.