

CHAPTER 236

AGRICULTURAL SEEDS

S. F. 482.

AN ACT to repeal sections five thousand seventy-seven-a fourteen (5077-a14), five thousand seventy-seven-a fifteen (5077-a15), five thousand seventy-seven-a sixteen (5077-16), five thousand seventy-seven-a seventeen (5077-a17), five thousand seventy-seven-a eighteen (5077-18), five thousand seventy-seven-a nineteen (5077-19), five thousand seventy-seven-a twenty (5077-a20), five thousand seventy-seven-a twenty-one (5077-a21), five thousand seventy-seven-a twenty-two (5077-a22), five thousand seventy-seven-a twenty-three (5077-a23), supplement to the code, 1913, (C. C. 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531) and five thousand seventy-seven-a twenty-four (5077-a24), supplemental supplement to the code, 1915, (C. C. 1532), and to amend section five thousand seventy-seven-a six (5077-a6), supplement to the code, 1913, (C. C. 1514), and to enact substitutes therefor and providing for standards of purity of agricultural seeds offered for sale and enforcement of such provisions.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Terms defined. "Agricultural seed" shall mean the
 2 seeds of Canada bluegrass, Kentucky bluegrass, brome grass, fescues,
 3 millet, tall meadow oat grass, orchard grass, redtop, Italian rye
 4 grass, perennial rye grass, kaffir corn, sorghum or cane, Sudan grass,
 5 timothy, alfalfa, alsike clover, crimson clover, mammoth or sapling
 6 clover, red clover, sweet clover, white clover, Canada field peas, cow-
 7 peas, soy beans, vetches, and other grasses and forage plants,
 8 buckwheat, flax, rape, barley, field corn, oats, rye, wheat and other
 9 cereals. "Weed seed" shall mean the seed of noxious weeds listed
 10 herein, and all seeds not listed above as agricultural seeds. "Noxious
 11 weeds" shall mean quack grass, Canada thistle, common wild must-
 12 tard or charlock, Indian mustard, buckhorn, perennial sow thistle,
 13 sour curled or smooth dock, wild oats, corn cockle, dodder (clover,
 14 alfalfa or field), sheep sorrel, and wild carrot, and such other plants
 15 as may be declared to be noxious weeds as provided in the next suc-
 16 ceeding section. "Commissioner" shall mean the state dairy and
 17 food commissioner, or his agents thereunto duly authorized as the
 18 context may require. "Purity" of agricultural seed shall mean free-
 19 dom from inert matter, and from other agricultural or weed seed
 20 distinguishable by their appearance.

1 SEC. 2. Committee to determine noxious character. Whenever
 2 it shall appear to the commissioner that any plant, other than those
 3 specifically enumerated in the last preceding section has become, or
 4 threatens to become, a menace to the agricultural industry of this
 5 state, he shall call a committee of three experts in plant life, one of
 6 whom shall be the botanist of the state college of agriculture and
 7 mechanics arts. If the said committee shall find that such plant or
 8 plants have become, or threaten to become a menace to the agricul-
 9 tural industry, they shall so report to the commissioner, who shall
 10 then declare the same to be a noxious weed. Notice of such declara-
 11 tion shall be given by posting same at the court house in each coun-
 12 ty of the state and the provisions of this act shall apply to such
 13 plants from and after thirty (30) days from the posting of said
 14 notice.

1 **SEC. 3. Labeling agricultural seeds.** All agricultural seed of-
2 ferred or exposed for sale, or sold in package or wrapped form for
3 seeding purposes shall be labeled on the package or container as pro-
4 vided in sections four (4) and five (5), and in addition thereto shall
5 have printed on the label prescribed in said sections:

6 1. The approximate percentage by weight of the purity of the
7 seed.

8 2. The approximate total percentage by weight of weed seed.

9 3. The name of each kind of seeds or bulblets of noxious weeds
10 which are present, singly or collectively, as follows:

11 a In excess of one (1) seed or bulblet in each five (5) grams
12 (approximately one-fifth (1/5) ounce) of timothy, redtop, tall
13 meadow oatgrass, orchard grass, crested dogtail, Canada bluegrass,
14 Kentucky bluegrass, fescues, brome grass, perennial and Italian rye-
15 grass, western ryegrass, crimson clover, mammoth clover, red clover,
16 white clover, alsike clover, sweet clover, alfalfa, and all other grasses
17 and clover not otherwise classified.

18 b One (1) in twenty-five (25) grams (approximately one (1)
19 ounce) of millet, rape, flax, and other agricultural seeds not specified
20 in "a" or "c" of this subsection.

21 c One (1) in one hundred (100) grams (approximately four (4)
22 ounces) of wheat, oats, rye, barley, buckwheat, vetches, and other
23 agricultural seeds as large or larger than wheat.

24 4. The approximate percentage of germination of such agricultural
25 seeds, together with the month and year said seed was tested and, if
26 corn, the county and state where grown.

1 **SEC. 4. Labeling of certain mixed seeds.** Mixtures of alsike
2 and timothy, alsike and white clover, redtop and timothy, alsike and
3 red clover, offered or exposed for sale or sold as mixtures in package
4 or wrapped form for seeding purposes and in lots of ten pounds or
5 more shall be labeled on the package or container as to the quantity,
6 percentage of weed seed present, the name of vendor, in the man-
7 ner prescribed for pure agricultural seed and in addition the label
8 shall contain the following specific items: The fact that such seed
9 is a mixture. The name and approximate percentage by weight of each
10 kind of agricultural seed present in such mixture in excess of five
11 per cent (5%) by weight of the total mixture. The name of each
12 kind of seeds or bulblets of noxious weeds, which are present singly
13 or collectively in excess of one (1) seed or bulblet in each fifteen
14 (15) grams (approximately three-fifths (3/5) ounce) of such mix-
15 ture. The approximate percentage of germination of each kind of
16 agricultural seed present in such mixture in excess of five per cent
17 (5%) by weight, together with the month and year said seed was
18 tested.

1 **SEC. 5. Labeling other mixtures of seeds.** Special mixtures of
2 agricultural seed except as provided in the preceding section, offered
3 or exposed for sale, or sold in package or wrapped form for seeding
4 purposes and in quantities of eight (8) ounces or more shall be labeled
5 on the package or container prescribed in the preceding section, except
6 that the percentage of germination need not be stated, but the label
7 shall contain a statement showing the approximate percentage by
8 weight of inert matter.

1 **SEC. 6. Written labels.** The label on a package or container of
2 agricultural seed may be written instead of being printed, but when
3 written, the writing must be plain and legible.

1 **SEC. 7. Sales from bulk.** In case agricultural seed or mixtures
2 of the same are offered or exposed for sale in bulk, or sold from bulk,
3 there shall be conspicuously displayed in connection therewith a
4 placard containing the items required on the label of such seed when
5 offered or exposed for sale, or sold in package or wrapped form, or
6 in lieu of this requirement the vendor may furnish the vendee with a
7 printed or written statement containing the said items.

1 **SEC. 8. Presumption of freedom from weed seeds.** In every
2 sale of agricultural seeds or mixture of the same it shall be presumed
3 that the said seeds are free from weed seeds unless the label on the
4 package or container specifies the presence of such weed seeds or the
5 purchaser is informed of the presence of the same in the manner
6 provided in the preceding section.

1 **SEC. 9. Analysis of seeds for personal use—fee.** Any person
2 purchasing any agricultural seed in this state for his own use may
3 submit fair samples of said seed to the dairy and food commissioner,
4 accompanied by an analysis fee of fifty cents (50c) for each sample
5 and a proper analysis of the same shall be made and furnished.

1 **SEC. 10. Exemptions.** Agricultural seeds or mixtures of same
2 shall be exempt from the provisions of this title: When possessed,
3 exposed or offered for sale, or sold for food purposes only. When
4 sold or in store for the purpose of recleaning or not possessed, offered
5 or exposed for sale, or sold for seeding purposes within this state.
6 When sold by one farmer to another and delivered upon the vendor's
7 premises; but if such seed is advertised for sale or is delivered through
8 a common carrier, then the seed shall be subject to all the require-
9 ments of this title, provided, however, that this exemption shall in no
10 event be construed as permitting the sale of agricultural seed contain-
11 ing the seed of Canada thistle, quack grass, dodders (clover, alfalfa
12 or field) buckhorn and wild carrot in violation of the next succeeding
13 section.

1 **SEC. 11. Agricultural seed containing certain noxious weed**
2 **seeds.** No person shall sell, offer or expose for sale or distribution for
3 the purpose of seeding, any agricultural seed unless such seed is free
4 from the seed of Canada thistle, quack grass and dodders (clover,
5 alfalfa or field) buckhorn and wild carrot.

1 **SEC. 12. Duty and power of commissioner.** It shall be the duty
2 of the commissioner to administer this law and enforce its provisions,
3 and he shall assign such of his agents, officers and employes as may
4 be necessary without additional compensation. He shall maintain a
5 laboratory and shall publish the results of any examination, analysis,
6 or test of any seed as provided in the next succeeding section together
7 with such other information as he may deem of public interest. He
8 may make and promulgate such rules and regulations as may be nec-
9 cessary effectively to carry out the purposes of this act.

SEC. 13. Analysis—access to premises and samples—notice.

1 It shall be the duty of the commissioner to examine, analyze and test
2 agricultural seed sold, offered, or exposed for sale within this state.
3 For the purpose of such examination, analysis or test he shall have
4 free access at all reasonable times to any and all premises and to any
5 railroad car, automobile or other means of transportation whereupon
6 such seed is kept or stored or being transported. He may take from
7 such seed two composite samples, thoroughly mixed, which shall be
8 securely sealed. One sample shall be given to the owner or his agent
9 in person if present, and if not present shall be promptly forwarded
10 thereunto, and the other shall be retained by the commissioner for
11 analysis. If it is found that such sample does not conform to the
12 standards upon the label attached to the lot from which it was ob-
13 tained, the vendor or consignee, if known, shall be immediately noti-
14 fied, and a copy of said notice shall be mailed to the person, firm or
15 corporation whose label was affixed thereto. The commissioner may
16 make such further investigation as he may deem proper.

1 **SEC. 14. Attorney general to prosecute.** It shall be the duty
2 of the attorney general to prosecute or cause to be prosecuted, all per-
3 sons, firms or corporations violating the provisions of this act as pro-
4 vided in the next succeeding section, and for that purpose may require
5 any county attorney to appear on behalf of the state.

1 **SEC. 15. Penalty.** Any person, firm or corporation violating any
2 of the provisions of this act, except those contained in sections twelve
3 (12), thirteen (13) and fourteen (14) hereof, or in any manner inter-
4 fering with the commissioner or his agents in the discharge of their
5 duties shall be guilty of a misdemeanor and upon conviction thereof
6 shall be fined in a sum not less than one hundred dollars (\$100.00)
7 nor more than five hundred dollars (\$500.00).

SEC. 16. Misrepresentation or breach of warranty—remedy.

1 The provisions of this act shall not be construed in any way to abridge
2 or limit any remedy which a vendee may now have against the vendor
3 for misrepresentation or breach of warranty.

1 **SEC. 17. Agricultural seeds—statement.** That section five thou-
2 sand seventy-seven-a six (5077-a6) supplement to the code, 1913, be
3 and the same is hereby amended by striking therefrom all of said
4 section following the words "United States" in line twenty-two (22)
5 thereof.

1 **SEC. 18. Repeal.** That section five thousand seventy seven-a
2 fourteen (5077-a14), five thousand seventy-seven-a fifteen (5077-a15),
3 five thousand seventy-seven-a sixteen (5077-a16), five thousand sev-
4 enty-seven-a seventeen (5077-a17), five thousand seventy-seven-a
5 eighteen (5077-a18), five thousand seventy-seven-a nineteen (5077-
6 a19), five thousand seventy-seven-a twenty (5077-a20), five thousand
7 seventy-seven-a twenty-one (5077-a21), five thousand seventy-seven-a
8 twenty-two (5077-a22), five thousand seventy-seven-a twenty-three
9 (5077-a23) supplement to the code, 1913, (C. C. 1522, 1523, 1524,
10 1525, 1526, 1527, 1528, 1529, 1530, 1531), and five thousand seventy-
11 seven-a twenty-four (5077-a24) supplemental supplement to the code,
12 1915, (C. C. 1532) be and the same are hereby repealed.

Approved April 13, A. D. 1921.