

1 SECTION 13. The provisions of this Act shall be in force and effect  
2 only from the effective date of this Act to the 31st day of May, 1943,  
3 inclusive.

1 SECTION 14. This Act being deemed of immediate importance shall  
2 take effect from and after its passage and publication in the Dumont  
3 Journal, a newspaper published in Dumont, Iowa, and in the Inde-  
4 pendent Republican, a newspaper published in Waverly, Iowa.

Approved March 10, 1941.

I hereby certify that the foregoing act was published in the Dumont Journal, Dumont, Iowa, March 19, 1941, and the Independent Republican, Waverly, Iowa, March 19, 1941.  
EARL G. MILLER, *Secretary of State.*

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CHAPTER 129  
DAIRY PRODUCTS

H. F. 46

AN ACT to amend section three thousand seventy-six and one-tenth (3076.1), Code, 1939, relating to pasteurization of dairy products.

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

1 SECTION 1. Section three thousand seventy-six and one-tenth  
2 (3076.1), Code, 1939, is hereby amended by striking the period at the  
3 end of said section and inserting in lieu thereof a comma and adding  
4 the following: "or by any other method which has been demonstrated  
5 to be of equal efficiency and is approved by the secretary of agricul-  
6 ture and state department of health."

Approved February 24, 1941.

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CHAPTER 130  
AGRICULTURAL SEEDS

H. F. 295

AN ACT to repeal chapter one hundred fifty-three (153), Code, 1939, and to enact a substitute therefor relating to agricultural seeds and the distribution thereof and providing for penalties and methods of enforcement.

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

Chapter one hundred fifty-three (153), Code, 1939, is hereby repealed and the following enacted in lieu thereof:

1 SECTION 1. For the purpose of this chapter:  
2 1. The term "person" includes an individual, a partnership, corpor-  
3 ation, company, society or association.  
4 2. The term "agricultural seeds" shall mean the seeds of Canada or  
5 Kentucky bluegrass, brome grass, fescues, millet, tall meadow oat  
6 grass, orchard grass, redtop, Italian, perennial or western rye grass,  
7 slender, western or crested wheat grass, reed canary grass, Kaffir corn,

8 sorghum or cane, Sudan grass, timothy, alfalfa, alsike, crimson, mam-  
 9 moth or sapling, red, sweet, or white clover, Canada field peas, cowpeas,  
 10 soybeans, vetches, and other grasses and forage plants, buckwheat,  
 11 flax, rape, barley, field corn, oats, rye, wheat and other cereals, and  
 12 such other field crop seeds as the secretary of agriculture may list in  
 13 the rules and regulations provided for in this act.

14 3. The term "weed seed" shall mean seeds of all noxious weeds  
 15 listed herein and other plants commonly designated as weeds in this  
 16 state.

17 4. Noxious weed seeds shall be divided into two classes, "primary  
 18 noxious weed seeds" and "secondary noxious weed seeds" which are  
 19 defined in a and b of this subsection; provided that the secretary of  
 20 agriculture, upon recommendation of the state botanist, may add to or  
 21 subtract from the list of seeds included under either definition when-  
 22 ever he finds, after public hearing, that such additions or subtractions  
 23 are within the respective definitions.

24 a. Primary noxious weed seeds are the seeds of perennial weeds such  
 25 as those that not only reproduce by seed but also by underground roots  
 26 or stems and which when established are highly destructive and diffi-  
 27 cult to control in this state by ordinary good cultural practices. Pri-  
 28 mary noxious weeds in this state are the seeds of—

29 Quack grass — *Agropyron repens*  
 30 Canada thistle — *Cirsium arvense*  
 31 Perennial sow thistle — *Sonchus arvensis*  
 32 Perennial pepper grass — *Lepidium draba*  
 33 European morning glory (field bindweed)—  
 34 *Convolvulus arvensis*  
 35 Horse nettle — *Solanum carolinense*  
 36 Leafy spurge — *Euphorbia esula*  
 37 Russian knapweed — *Centaurea repens*

38 b. Secondary noxious weed seeds are the seeds of such weeds as are  
 39 very objectionable in fields, lawns or gardens in this state but can be  
 40 controlled by good cultural practices. The secondary noxious weed  
 41 seeds in this state are the seeds of—

42 Wild carrot — *Daucus carota*  
 43 Sour dock — *Rumex crispus*  
 44 Smooth dock — *Rumex altissimus*  
 45 Sheep sorrel — *Rumex acetosella*  
 46 Butterprint — *Abutilon theophrasti*  
 47 Mustards — *Brassica* spp.  
 48 Cocklebur — *Xanthium commune*  
 49 Buckhorn — *Plantago lanceolata*  
 50 Dodders — *Cuscuta* spp.

51 5. "Purity" of agricultural seed shall mean freedom from inert  
 52 matter, and from other agricultural or weed seed distinguishable by  
 53 their appearance.

54 6. "Tolerance" means the allowable deviation from any figure used  
 55 on a label to designate the percentage of any fraction in the lot in  
 56 question. It is based on the law of normal variation from a mean.  
 57 The secretary of agriculture shall prepare tables of maximum toler-  
 58 ances allowable in the enforcement of this act and may be guided in such  
 59 preparation by the rules and regulations under the Federal Seed Act.

60 7. "Treated seed" shall mean agricultural seed to which a fungicide  
61 has been added or applied for the purpose of controlling pathogens  
62 that cause crop diseases.

63 8. "Inoculant for leguminous plants" shall mean any bacterial cul-  
64 ture, or material containing bacteria, that is represented as causing  
65 the formation of nodules and aiding the growth of leguminous plants  
66 by the fixation of nitrogen.

67 9. The term "labeling" includes all labels, and other written, printed,  
68 or graphic representations, in any form whatsoever, accompanying and  
69 and pertaining to any seed whether in bulk or in containers, and in-  
70 includes invoices.

71 10. The term "advertisement" means all representations, other than  
72 those on the label, disseminated in any manner or by any means, relat-  
73 ing to seed within the scope of this act.

1 SECTION 2. The state botanist shall be the technical advisor to the  
2 secretary in the administration of this chapter.

1 SECTION 3. Agricultural seeds shall be labeled according to the  
2 following schedule—

3 1. Each container of agricultural seed which is sold, offered for  
4 sale, or exposed for sale, within this state for sowing purposes shall  
5 bear thereon or have attached thereto in a conspicuous place a plainly  
6 written or printed label or tag in the English language, giving the fol-  
7 lowing information:

8 a. Commonly accepted name of (1) kind, or (2) kind and variety  
9 or (3) kind and type of each agricultural seed component in excess of  
10 five percent of the whole and the percentage by weight of each in the  
11 order of its preponderance.

12 b. Lot number or other lot identification.

13 c. Origin, if known, of alfalfa, red clover. If the origin is unknown,  
14 that fact shall be stated.

15 d. Percentage by weight of all weed seeds.

16 e. The name and approximate number of each kind of secondary  
17 noxious weed seed, per ounce in groups (1), (2) and (3) and per  
18 pound in group (4), when present singly or collectively in excess of—

19 (1) five seeds or bulblets per ounce of *Agrostis*  
20 spp., *Poa* spp. Bermuda grass, timothy, or-  
21 chard grass, fescues (except meadow fescue),  
22 alsike and white clover, reed canary grass and  
23 other agricultural seeds of similar size and  
24 weight, or mixtures within this group;

25 (2) three seeds or bulblets per ounce of ryegrass,  
26 meadow fescue, foxtail millet, alfalfa, red  
27 clover, sweet clover, lespedeza, smooth brome,  
28 crimson clover, *Brassica* spp., flax, *Agropyron*  
29 spp. and other agricultural seeds of similar  
30 size and weight, or mixtures within this group  
31 or of this group with (1);

32 (3) one seed or bulblet per ounce of proso, sudan  
33 grass and other agricultural seeds of similar  
34 size and weight, or mixtures not specified in  
35 (1), (2) or (4):

36 (4) five seeds or bulblets per pound of wheat, oats,  
 37 rye, barley, buckwheat, sorghum (except sudan  
 38 grass), vetches, soybeans and other agricultural  
 39 seeds of a size and weight similar to or greater  
 40 than those within this group.

41 All determinations of noxious weed seeds are subject to tolerances  
 42 and methods of determination prescribed in the rules and regulations  
 43 under this act.

44 f. Percentage by weight of agricultural seeds other than those re-  
 45 quired to be named on the label.

46 g. Percentage by weight of inert matter.

47 h. For each named agricultural seed (1) percentage of germination  
 48 exclusive of hard seed, (2) percentage of hard seed, if present, and  
 49 (3) the calendar month and year the test was completed to determine  
 50 such percentages. Following (1) and (2) the additional statement  
 51 "total germination and hard seed" may be stated as such, if desired.

52 i. Warning as to danger from poisoning in the case of treated  
 53 seed if compound is used which is poisonous to man or farm animals.

54 j. Name and address of the person who labeled said seed, or who  
 55 sells, offers or exposes said seed for sale within this state.

56 2. Seed sold by the grower on his farm either in bulk or in containers  
 57 may be exempt from the detailed labeling provision of this section  
 58 provided that either a placard is displayed or a written or printed  
 59 statement is supplied to the purchaser with the following information:

60 a. The percentage germination of the seed being sold together with  
 61 the calendar month and year said seed was tested to determine the  
 62 percentage.

63 b. The kind and number per ounce or pound of all secondary noxious  
 64 weed seeds in the lot, if in excess of the amounts stated in subsection  
 65 1, paragraph e, inclusive of this section.

66 c. A guarantee that no primary noxious weed seeds are present as  
 67 provided under section 8, subsection 1, paragraph d. inclusive.

1 SECTION 4. In case agricultural seed is offered or exposed for sale  
 2 in bulk or sold from bulk, the information required under Section 3  
 3 subsection 1 inclusive may be supplied by (1) a placard conspicuously  
 4 displayed with the several required items thereon or (2) a printed or  
 5 written statement to be furnished to any purchaser of said seed.

6 If sold by the grower on his farm the requirements for labeling under  
 7 Section 3 subsection 2 inclusive may apply instead of those in this  
 8 section.

1 SECTION 5. It shall be unlawful for any person to sell, offer or ex-  
 2 pose for sale or falsely mark or tag, within the state of Iowa any seed  
 3 corn as hybrid unless it represents the first generation of a cross be-  
 4 tween strains of different parentage and involving inbred lines of  
 5 corn and (or) their combinations. Any corn sold as "hybrid" shall have  
 6 plainly printed or marked on the label or container in which such corn  
 7 is sold the identifying symbols or numbers, clearly indicating the  
 8 specific combination. The cross mentioned above shall be produced  
 9 by cross fertilization, controlled either by hand or detasseling at the  
 10 proper time.

1 SECTION 6. The container of any inoculant for leguminous plants

2 which is sold, offered for sale or exposed for sale within the state  
3 shall bear a label giving in the English language in legible letters the  
4 following information:

- 5 1. The kind or kinds of leguminous plants for which the contents  
6 are to be used;
- 7 2. The quantity of seed to which the contents are to be applied;
- 8 3. An expiry date after which the inoculant might be ineffective;
- 9 4. The name and place of business of the manufacturer or laboratory  
10 of origin, or alternately of the vendor only, if he accepts responsibility  
11 for the accuracy of the declarations made in subsection 1, 2, and 3 of  
12 this section.

1 SECTION 7. It is hereby established that a certification system is  
2 essential to the supply of good seed potato stocks for the state of Iowa  
3 and that long usage of a blue tag attached to bags containing certified  
4 seed by authorities in states where certified seed potatoes are produced  
5 has become identified in the public mind as evidence of superior quality  
6 and of official certification.

7 It shall be unlawful for any person to sell, offer for sale or expose  
8 for sale in the state of Iowa—

- 9 1. Any seed potatoes with a blue tag attached, unless same are  
10 certified.
- 11 2. Any seed potatoes as "certified" unless—  
12 a. Each bag bears a label blue in color with the word "certified"  
13 thereon.  
14 b. Such seed has been certified by a duly constituted state authority  
15 or state association in the state in which the seed was produced; said  
16 state authority or association to be recognized by the Iowa secretary of  
17 agriculture.

1 SECTION 8. It shall be unlawful for any person to sell, offer for sale  
2 or expose for sale within this state—

- 3 1. Any agricultural seed  
4 a. Unless the test to determine the percentage of germination re-  
5 quired by section 3, shall have been completed within a 9-month period,  
6 exclusive of the calendar month in which the test was completed,  
7 immediately prior to sale, exposure for sale, or offering for sale or  
8 transportation.
  - 9 b. Not labeled in accordance with the provisions of this act, or  
10 having a false or misleading labeling.
  - 11 c. Pertaining to which there has been a false or misleading advertise-  
12 ment.
  - 13 d. Containing any primary noxious weed seeds subject to tolerance  
14 and methods of determination prescribed in the rules and regulations  
15 under this act except that as better seed cleaning facilities become  
16 available the tolerance for noxious weed seeds may be reduced.
- 17 Determination of freedom from primary noxious weed seeds shall be  
18 based on an examination of not less than—
- 19 (1) One ounce of *Agrostis* spp., *Poa* spp., Bermuda grass.
  - 20 (2) Two ounces of all other grasses except Sudan grass,  
21 all clovers, alfalfa, lespedeza, foxtail, millet, flax,  
22 and *Brassica* spp.
  - 23 (3) Five ounces of Proso, Sudan grass.

- 24 (4) Ten ounces of sorghum, buckwheat.  
 25 (5) One pound of cereals, vetches, cowpeas, field peas,  
 26 soybeans.  
 27 e. Containing more than three percent of weed seeds by weight sub-  
 28 ject to tolerances prescribed in the rules and regulations.  
 29 2. Screenings of any agricultural seed subject to this act, unless it  
 30 is stated on the label, if in containers, or on the invoice, if in bulk, that  
 31 they are not intended for seeding purposes. For the purpose of this  
 32 subsection "screenings" shall include chaff, empty florets, immature  
 33 seed, weed seed, inert matter and other materials removed in any way  
 34 from any agricultural seeds subject to the provisions of this act, in any  
 35 kind of cleaning or processing, and which contain less than twenty-five  
 36 per centum of viable agricultural seeds.  
 37 It shall further be unlawful for any person within this state—  
 38 a. To detach, alter, deface, or destroy any label provided for in this  
 39 act or the rules and regulations made and promulgated thereunder, or  
 40 to alter or substitute seed, in a manner that may defeat the purposes  
 41 of this act.  
 42 b. To disseminate any false or misleading advertisement concerning  
 43 agricultural seed in any manner or by any means.  
 44 c. To hinder or obstruct in any way any authorized person in the  
 45 performance of his duties under this act.  
 46 d. To fail to comply with a "stop sale" order.

1 SECTION 9. Exemptions.

- 2 1. The provisions of sections 3 and 8, do not apply—  
 3 a. To seed or grain not intended for sowing purposes.  
 4 b. To seed in storage in, or consigned to, a seed cleaning or proces-  
 5 sing establishment for cleaning or processing; provided that any  
 6 labeling or other representation which may be made with respect to  
 7 the unclean seed shall be subject to this act.  
 8 2. No person shall be subject to the penalties of this act, for having  
 9 sold, offered or exposed for sale in this state any agricultural seeds,  
 10 which were incorrectly labeled or represented as to kind, variety, type  
 11 or origin which seeds cannot be identified by examination thereof,  
 12 unless he has failed to obtain an invoice or grower's declaration giving  
 13 kind, or kind and variety, or kind and type, and origin, if required and  
 14 to take such other precautions as shown by the records of purchase.

1 SECTION 10. The Iowa State College and the State Department of  
 2 Agriculture, in order to furnish farmers and dealers with information  
 3 as to seed quality and to guide them in the proper labeling of seeds  
 4 for sale, shall—

- 5 1. Confer for the purpose of integrating the seed testing by the  
 6 college seed laboratory which is essential to its educational and research  
 7 program with the testing of samples by the state department of agricul-  
 8 ture in such a way as to avoid unnecessary duplication of personnel  
 9 and equipment;  
 10 2. Cooperate in the exchange of information which will be mutually  
 11 beneficial to both agencies in matters pertaining to agricultural seed;  
 12 3. Agree upon such techniques and methods of analyzing seed as  
 13 shall promote uniformity in seed testing in this state; said techniques  
 14 and methods to be in general accord with (1) the rules for seed testing

15 promulgated by the United States Department of Agriculture for the  
16 enforcement of the Federal Seed Act and (2) new methods arising  
17 from research in seed technology.

18 Any resident of this state may submit fair samples of any agricul-  
19 tural seed to the department of agriculture, accompanied by an analysis  
20 fee of fifty (50) cents for each sample, and a proper analysis of same  
21 may be made and furnished.

1 SECTION 11. For the purpose of carrying out the provisions of this  
2 act, the state secretary of agriculture who may act through his author-  
3 ized agents is hereby authorized and directed:

4 1. To sample, inspect, make analysis of, and test agricultural seeds  
5 transported, sold, offered or exposed for sale within this state for  
6 sowing purposes, at such time and place and to such extent as he may  
7 deem necessary to determine whether said agricultural seeds are in  
8 compliance with the provisions of this act, and to notify promptly the  
9 person who transported, sold, offered or exposed the seed for sale, of  
10 any violation.

11 2. To prescribe, and after public hearing following due public notice,  
12 to adopt rules and regulations governing the methods of sampling,  
13 inspecting, analysis, tests and examination of agricultural seed, and the  
14 tolerances to be followed in the administration of this act, which shall  
15 be in general accord with officially prescribed practice in interstate  
16 commerce under the Federal Seed Act and such other rules and regula-  
17 tions as may be necessary to secure the efficient enforcement of this  
18 act.

19 Further, for the purpose of carrying out the provisions of this act, the  
20 state secretary of agriculture individually or through his authorized  
21 agents, is authorized and directed:

22 1. To enter upon any public or private premises during regular  
23 business hours in order to have access to seeds subject to the act and  
24 the rules and regulations thereunder.

25 2. To issue and enforce a written or printed "stop sale" order to the  
26 owner or custodian of any lot of agricultural seed which the state  
27 secretary of agriculture or his authorized agents believe is in violation  
28 of any of the provisions of this act which shall prohibit further sale  
29 of such seed until such officer has evidence that the law has been com-  
30 plied with: provided, that the owner or custodian of such seed shall be  
31 permitted to remove said seed from a sales room open to the public;  
32 provided further, that in respect to seeds which have been denied sale  
33 as provided in this paragraph, the owner or custodian of such seeds  
34 shall have the right to appeal from such order to a court of competent  
35 jurisdiction where the seeds are found, praying for a judgment as to  
36 the justification of said order and for the discharge of such seed from  
37 the order prohibiting the sale in accordance with the findings of the  
38 court; and provided further, that the provisions of this paragraph shall  
39 not be construed as limiting the right of the enforcement officer to  
40 proceed as authorized by other sections of this act.

41 3. To establish and maintain or make provision for seed testing  
42 facilities essential to the enforcement of this act, to employ qualified  
43 persons, and to incur such expenses as may be necessary to comply  
44 with these provisions.

45 4. To cooperate with the United States Department of Agriculture  
46 in seed law enforcement.

1 SECTION 12. Upon the recommendation of the state secretary of  
2 agriculture or his duly authorized agents, the court of competent juris-  
3 diction in the area in which the seed is located shall cause the seizure  
4 and subsequent denaturing, processsing, or destruction to prevent the  
5 use for sowing purposes of any lot of agricultural seed found to be  
6 prohibited from sale as set forth in Section 8 subsection 1 paragraphs  
7 d and e, and subsection 2; provided, that in no instance shall the de-  
8 naturing, processing, or destruction be ordered without first having  
9 given the claimant of said seed an opportunity to apply to said court for  
10 the release of said seed.

1 SECTION 13. Every violation of the provisions of this act shall be  
2 deemed a misdemeanor, punishable by a fine of not more than two  
3 hundred fifty dollars (\$250.00). The department of agriculture through  
4 its duly authorized agent or agents, may institute proceedings in a  
5 court of competent jurisdiction to enforce the provisions of this act.

1 SECTION 14. It shall be the duty of the secretary of agriculture and  
2 his agents, to enforce this act (.....GA, Chapter.....)\*  
3 and of the county attorneys, and of the attorney general of the state  
4 to cooperate with him in the enforcement of this act.

1 SECTION 15. If any provision of this act shall be declared invalid,  
2 such invalidity shall not affect the validity of any portion of this act  
3 which can be given effect without such invalid part.

Approved April 30, 1941.

## CHAPTER 131

### THE IOWA FERTILIZER LAW OF 1941

#### S. F. 414

AN ACT to repeal chapter one hundred fifty-four (154), Code, 1939, and to enact a substitute therefor relating to the regulation of the registration, sale, inspection, sampling and analysis of commercial fertilizers, superphosphates and fertilizer materials in the State of Iowa.

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

Chapter one hundred fifty-four (154), Code of Iowa, 1939, is hereby repealed and the following enacted in lieu thereof:

1 SECTION 1. This act shall be known and may be cited by the short  
2 title of the "Iowa Fertilizer Law of 1941."

1 SEC. 2. This act shall be administered by the Secretary of Agricul-  
2 ture of the State of Iowa, hereinafter referred to as the "Secretary".

1 SEC. 3. As used in this chapter:

2 The term "manufacturer" means a person engaged in the business of  
3 preparing, mixing or manufacturing commercial fertilizer or fertilizer  
4 material.

\*Note: In accordance with the enrolled bill. The reference is to 49th G. A., Chap-  
ter 130.