COLORADO PURE SEED LAW

COLORADO AGRICULTURAL COLLEGE
EXPERIMENT STATION
FORT COLLINS
COLORADO PURE SEED LAW

The State seed law under which the Colorado Seed Laboratory is functioning was passed by the General Assembly of Colorado in 1925. This law is patterned after the Uniform Seed Bill which the Association of Official Seed Analysts of North America in co-operation with the Seed Trade Associations worked out and finally approved at a joint meeting at Detroit in 1917. Practically all of the state seed laws now in force in the United States are modeled after this Uniform Seed Bill.

The Colorado Pure Seed Law is strictly a labeling law. Any kind or quality of seed may be lawfully sold in Colorado if it bears a truthful label as set forth in the provisions of this act. Any law which regulates the sale and movement of seeds in order to be effective must be reasonable and just as it affects all parties who are interested in the production and handling of this commodity. A labeling law such as the Colorado Pure Seed Law fulfills these requirements. This law does not place an undue burden upon the retail and wholesale merchants in requiring them to truthfully declare the quality of the goods they are offering to the public. At the same time it protects the purchaser from buying inferior seeds unless he voluntarily chooses to do so.

The following is a true copy of the Colorado Pure Seed Law as enacted by the Twenty-fifth General Assembly of Colorado. As an aid for quick reference, marginal notes have been added:

AN ACT

(Senate Bill No. 168)

BY SENATOR COLTMAN AND MESSRS BROWDER AND MINOR

TO REGULATE THE SALE, THE OFFERING OR EXPOSING FOR SALE, AND THE IMPORTING AND EXPORTING OF FIELD AND VINE SEEDS. TO PROVIDE FOR THE TESTING OF SUCH SEEDS; TO MAKE AN APPROPRIATION FOR CARRYING OUT THE PROVISIONS OF THIS ACT; TO PROVIDE A PENALTY FOR ITS VIOLATION, AND TO REPEAL ALL ACTS OR PARTS OF ACTS IN CONFLICT WITH THIS ACT.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. The term "field seeds" as used in this Act shall be defined as the seeds used by farmers, and which include the seeds of red clover, sweet clover, white clover, alsike clover, alfalfa, Kentucky blue-grass, Canada blue-grass, timothy, brome-grass, orchard-grass, red-top, meadow fescue, oat-grass, rye-grass and other grasses and forage plants, corn, flax, rape, wheat, oats, barley, rye, buckwheat
and other cereals, field peas, grain sorghums and forage sorghums.

The term “vine seeds” shall include all varieties of cucumbers, cantaloupes, muskmelons, honeydews, casabas, pumpkins, squashes and watermelons.

Section 2. Every lot of field or vine seeds as defined in Section 1 of this act, except as herein otherwise provided, which is sold, or offered or exposed for sale within this State for seeding purposes in this State, and every lot of vine seeds held for export or exported from this state, either in bulk, packages or other containers of five pounds or more, shall have affixed thereto, in a conspicuous place on the exterior of the container of such field or vine seed, a plainly written or printed tag or label, in the English language, stating:

1. The commonly accepted name of such field or vine seed.

2. The name and full address of the person selling, or offering for sale, such seed.

3. The approximate percentage, which shall be within two percent, by weight, of purity or freedom of such seed from foreign matter, or from other seeds distinguishable by their appearance.

4. The name and approximate number per pound of each kind of the seed or bulbets or seed balls for the following named noxious weeds:

Any variety of the wild mustards, any variety of the clover and alfalfa dodders, or wild oats, any variety of the plantains, bindweed or wild morning glory, any variety of the poverty weeds, crab grass, cheat, Canada thistle, cockle, sow-thistle wild barley or squirrel-tail grass or hop-clover, which are present in excess of one seed in five grams, or ninety seeds per pound of such field seeds.

5. The percentage of germination, which shall be within ten percent (10%), together with the date when such germination test was made, provided that seed sold or exposed for sale during the then seeding season from an emergency shipment shall be exempt from the requirements to label as to germination, when labeled “Emergency,” and the Colorado Agricultural Experiment Station is notified of the date when such shipment was received and is furnished with a copy of the bill of lading. It being understood that the term “Emergency” shipment shall be defined as a shipment received during the seeding season for the purpose of replenishing stock.

6. The state or foreign country where the seed was grown and, if in Colorado, the locality, or plainly marked “Unknown.”

7. All cantaloupe seed saved from the cull piles and melons left in the fields after shipping shall be plainly marked as “Cull Seeds.”

Section 3. The provisions of this act shall not apply to:

1. Any person selling agricultural or vine seeds direct to seed merchants. This shall not, however, exempt the grower of the seed from the provisions of the first and sixth and seventh subdivisions of Section 2 of this Act.

2. Any person growing or selling vine seeds. This shall not, however, exempt the growers or sellers of vine seeds
from the provisions of the first, sixth and seventh subdivisions of Section 2 of this Act.
3. Any person shipping field seed to a general market to be cleaned or graded before being offered or exposed for sale for seeding purposes.
4. Field seed which is held in storage for the purpose of being cleaned.
5. Field seed when plainly marked on the outside of the container "Not cleaned seed," or "Not tested seed," and held or sold for shipment outside of the State only.
6. Mixtures of field seed prepared for special purposes when so labeled. This shall not, however, exempt the vendor of such seed from the provisions of subdivisions 2 to 6 of Section 2 of this act.

Section 4. No field seed in quantities of five pounds or more shall be shipped or brought into Colorado from outside the State by any person to be used by himself for seeding purposes, unless such seeds shall have been tested and the containers of such seed shall have affixed thereto, in conspicuous place on the exterior of the container of such field seed, a plainly written tag or label, giving the information and test required in Section 2 of this act, and hear an official certificate of inspection for purity and viability issued by the State from which shipment is made, or by the Colorado Agricultural Experiment Station, or by United States officers or boards. In case such importer shall receive such seed, and it has not been tested or tagged or labeled as required by this act, the importer of such seed shall immediately notify the director of the Colorado Agricultural Experiment Station at Fort Collins, and send the director of such station a fair and proper sample of the imported seed for inspection, and shall hold such seed until the test required by this act shall have been made.

Section 5. It shall be unlawful for any transportation company to bring into the State of Colorado, except as hereinafter provided, any field seed as defined in this act, for seeding purposes, unless such seed has been tested as to purity, which test shall be established by the official certificate issued by the State from which such shipment is made, or by the Colorado Agricultural Experiment Station or by United States officers or boards, and a duplicate of such certificates shall be attached to the bill-of-lading, and unless the containers of such seed are labeled or tagged, giving the information and test required in Section 2 of this act. Where such certificate has not been obtained, or where the containers of such shipment have not been labeled or tagged, as required by Section 2 of this act, the transportation company may bring the seed into the State of Colorado, but shall notify the Colorado Agricultural Experiment Station and shall hold such seed for inspection, such inspection to be made at the expense of the owner of such seed.

Section 6. The Colorado Agricultural Experiment Station at Fort Collins shall inspect, examine and make analyses of and test seeds, sold, offered, or exposed for sale in the State, at such time and places and to such extent as it may deem necessary. The said, the Colorado Agricultural Experiment Station, may appoint such agents as may be deemed necessary to carry out the provisions of this act, and the said Colorado Agricultural Experiment Station, or its agents, shall have free access, at all reasonable hours.
upon and into any premises or structures to make examination of any seeds, whether such seeds are upon the premises of the owner of such seeds, or on other premises, or in the possession of any warehouse, elevator or railway company, and upon tendering payment therefore at the current price, may take any sample or samples of such seeds.

Section 7. Whoever sells, offers or exposes for sale, within this State, any field seed defined in Section 1 of this act, without complying with the requirements of Section 2 of this act, or whoever shall prevent the representatives of the Colorado Agricultural Experiment Station from inspecting said seed and collecting samples, as provided in Section 6 of this act, or any transportation company or person who shall ship or bring field seed into this State, without complying with the requirements of Sections 4 and 5 of this act, shall be guilty of misdemeanor, and upon conviction, shall be fined not more than one hundred dollars ($100). provided, however, that no prosecution for the violation of this act shall be instituted except in the manner following: When the Colorado Agricultural experiment Station believes, or has reason to believe, that any person has violated any of the provisions of this Act, it shall cause notice of such fact, together with full specifications of the act or omission constituting the violation, to be given to such person, who, either in person, or by agent or attorney, shall have the right, under reasonable rules and regulations as may be prescribed by the said, the Colorado Agricultural Experiment Station, to appear before the Colorado Agricultural Experiment Station and introduce evidence. If, after said hearing, or without such hearing in case said person fails or refuses to appear, said Colorado Agricultural Experiment Station shall decide and decree that any or all of said specifications have been proven to its satisfaction, it may, in its discretion, so certify to the proper prosecuting attorney and request him to prosecute said person according to law for the violation of this act, transmitting with said certificate a copy of the specifications and such other evidence as it shall deem necessary and proper. Whereupon said prosecuting attorney shall prosecute such person according to law.

Section 8. The salaries of such agents as may be appointed to carry out the provisions of this Act, shall be fixed and paid by the Agricultural Experiment Station of the Colorado Agricultural College, out of the funds appropriated in this Act.

Section 9. Any citizen of this State, or person shipping seed into Colorado for seeding purposes in this State, shall have the privilege of submitting to the Colorado Agricultural Experiment Station samples of field or garden seeds, for test and analysis subject to such rules and regulations as may be adopted by said Agricultural Experiment Station.

Section 10. The said Colorado Agricultural Experiment Station shall make an annual report to the State Board of Agriculture, one copy of which shall be transmitted to the Governor of the State of Colorado, upon the work done under this act, which report shall show the results of inspections, examinations, analyses or tests made of field seeds, together with dates of said inspection, examinations, analyses or tests, and may include names of persons, firms,
or corporations having had seed under such inspection, examination, analysis or test. The said Colorado Agricultural Experiment Station shall, at its discretion, publish bulletins or press reports setting forth results of said inspections, examinations, analyses, or tests conducted under the provisions of this act, which bulletins or reports may include the names of the persons, firms or corporations having had seeds under inspection, examination, analysis or test. The Colorado Experiment Station may, at its discretion, publish bulletins or press reports setting forth information on field or vine seeds, which bulletin may be distributed free to the citizens of this State.

Section 11. There is hereby appropriated the sum of Six Thousand ($6,000) Dollars, annually, beginning with the fiscal year 1921, to the State board of Agriculture, for carrying out the provisions of this Act, and the Auditor of State is hereby authorized to draw warrants on the fund hereby appropriated upon the order of the President of the State Board of Agriculture, countersigned by the Secretary.

Section 12. The words "persons," "vendor," "party in interest," as used in this act, shall be construed to import both the plural and singular as the case demands and shall include corporations, firms, societies and associations.

Section 13. All acts and parts of acts in conflict with this act are hereby repealed.

Section 14. The labeling requirements under this act shall not take effect until August 1, 1925.

Section 15. If any clause, sentence, paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

STERLING B. LACEY,
President of the Senate.

ATTESTED:

W. M. LAMBERT,
Speaker of the House of Representatives.

CLARENCE J. MORLEY,
Governor of the State of Colorado.

APPROVED:
April 24th 1925 at 4:28 o'clock P. M.
SUMMARY

A brief summary of the chief provisions of this law and the Seed Laboratory’s interpretation of these might be helpful to the farmer as well as the seed dealer. For this reason the following statements are appended. These are based upon questions frequently asked of the Inspector.

(See Section 1)

This Act does not control the sale of garden seeds.

“Field seeds” as defined in this Act does not include the seeds of beans, sugar beets, soy beans, or the ordinary garden plants.

“Vine seeds” includes all varieties of cucumbers, cantaloupes, muskmelons, honeydews, casabas, pumpkins, squashes and watermelons.

(See Section 2)

Field and vine seeds sold or exposed for sale for seeding purposes must bear a label on the outside of each container. This means that every individual bag, bin or car must be tagged.

The law requires that “vine seeds” shall be labelled when exported or held for export.

Packages containing less than five pounds of seed need not be labelled.

Every label must be complete. The seven items required on the label are:—1. Kind of seed. 2. Name and address of seller. 3. Percentage purity. 4. Noxious weed seed contents. 5. Percentage germination. 6. Date of germination. 7. State or locality where grown.

SEEDS

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[IF IN COLORADO]

O NOXIOUS WEEDS: NAME AND NUMBER PER POUND, IN EXCESS OF 90 SEEDS PER POUND.

SALESMAN

ADDRESS

Fig. 1.—A convenient form of label recommended by the Colorado Seed Laboratory.

The variety of the seed (as Minnesota 13) need not be stated but whenever the variety is marked upon the label the seed must be true to that variety.

The different species of noxious weed seeds in excess of ninety seeds per pound must be listed separately upon the label.

The statement “dodder-free alfalfa” or “plantain-free bluegrass” should not be used on the label unless such seed is actually free from these weed seeds even though their presence may not be in excess of ninety seeds per pound.

The percentage germination in alfalfa and other legumes is interpreted as meaning actual percentage of germinating seeds. “Hard seeds” should
not be included in this percentage. The "hard seeds" should be listed separately or one-third of the "hard seeds" may be considered as germinating. "Hard seeds" are such seeds as are viable but do not germinate during the period of test due to the impermeability of their seed coats. "Emergency shipments" must bear a complete label with the exception of the percentage of germination. "Emergency shipments" must not be made except under the provisions set forth in subdivision 5 of Section 2 of the Colorado Pure Seed Law. (See Section 3)

Any grower selling agricultural seeds direct to seed merchants is only required to label such seed as to kind of seed and locality where the seed is grown. This exemption applies only to growers and not to seed merchants. Pasture and lawn mixtures must bear a complete label except the name of such seed and the locality where the different seeds were grown.

Only seed held or sold for shipment outside of the state should be marked "Not clean seed" or "Not tested seed." (See Section 4)

No one may bring or ship unlabelled field seeds into the state to be used by himself for seeding purposes. (See Section 5)

Transportation companies should not carry unlabelled field seeds for seeding purposes into the state. The transportation company can not be held responsible for the correctness of the data upon the label but merely for the presence of such a label attached to the container.

If a transportation company carries unlabelled field seeds for seeding purposes into the state it must notify the Colorado Agricultural Experiment station and hold such shipments for inspection. (See Section 7)

The Colorado Agricultural Experiment Station may call a hearing of any company or party when in their judgment evidence in their hands justifies prosecution.

Prosecution can not be instituted against any company or individual until such party or parties have been offered an opportunity for presenting their case at a hearing at the Colorado Agricultural Experiment Station.

The maximum fine that can be assessed under the provisions of the Colorado Pure Seed Law is one hundred dollars for each offense. (See Section 9)

Seed samples may be submitted to the Laboratory for test and analysis by any citizen of Colorado or by persons shipping into Colorado.

The authority to make all rules and regulations concerning the test and analysis of seeds submitted for test has been delegated to the state seed laboratory. So far all samples submitted have been tested free of charge and the results reported as promptly as the time for the proper germination tests would permit.