

No. 159.

AN ACT

Regulating the selling, offering or exposing for sale of agricultural seeds and mixtures of the same for seeding purposes; forbidding the sale of seeds unfit for seeding purposes; and providing for the prohibition of such sales by injunction; providing for the taking and examination of samples of agricultural seeds by the Secretary of Agriculture and his agents, and the publication of information gained from such examinations; providing for the enforcement of the act; and providing penalties for its violation.

Agricultural seeds.
Defined.

Section 1. Be it enacted, &c., That the term "agricultural seeds," as used in this act, shall include the seeds of Canada blue grass, Kentucky blue grass, brome grass, fescues, millets, tall meadow oat grass, orchard grass, redtop, Italian rye grass, kaffir corn, perennial rye grass, sorghum, Sudan grass, timothy, alfalfa, alsike clover, crimson clover, red clover, sweet clover, white clover, Canada field peas, cow peas, soy beans, vetches, buckwheat, flax, rape, barley, field corn, oats, rye, wheat, and other grasses, legumes, cereals, and forage plants and vegetables. The term "vegetable seeds" shall include all seeds which are commonly known as vegetable seeds, and which are of the kinds used for the purpose of raising garden and truck crops.

Vegetable seeds defined.

Noxious weeds defined.

Section 2. For the purposes of this act, the following shall be defined as noxious weeds: Wild onion or garlic (*Allium* spp.); quack grass (*Agropyron repens*); dodders (*Cuscuta* spp.); Canada thistle (*Cirsium arvense*); devil's paint brush (*Hieracium aurantiacum*); king devil (*Hieracium* spp.); perennial sow thistle (*Sonchus arvensis*); horse nettle (*Solanum Carolinense*); bindweed (*Convolvulus* spp.).

Weed seeds defined.

Section 3. For the purposes of this act, the term "weed seeds" shall include all seeds and bulblets of noxious weeds, and, in addition thereto, all seeds other than agricultural seeds.

Sale of agricultural seeds.

Section 4. It shall be unlawful to sell, offer for sale, or expose for sale any agricultural seeds, exclusive of vegetable seeds, as defined in section one of this act, for seeding purposes, in bulk, package, or containers of ten pounds or more, unless there shall be delivered to the purchaser, or unless the package or container in which the same shall be exposed or offered for sale shall have attached thereto in a conspicuous place on the exterior thereof, a tag or label, on which shall be plainly and legibly written or printed in the English language the following information relating to such seeds:

Tag or label.

Contents of label.

- (a) Commonly accepted name of such agricultural seeds.
- (b) The approximate percentage, by weight, of

purity, meaning the freedom of such agricultural seeds from inert matter and from other seeds distinguished by their appearance.

(c) The approximate total percentage, by weight, of weed seeds.

(d) The name and approximate number per ounce of each kind of the seeds or bulblets of noxious weeds which are present singly or collectively, as follows:

(1) In excess of one seed or bulblet, in each five grams of timothy, redtop, tall meadow oat grass, orchard grass, crested dogtail, Canada blue grass, Kentucky blue grass, fescues, brome grasses, perennial and Italian rye grass, western rye grass, crimson clover, red clover, white clover, alsike clover, sweet clover, alfalfa, and all other grasses and clovers not otherwise classified.

(2) In excess of one, in twenty-five grams of millets, rape, flax, and other seeds not specified in one (1) or three (3) of this subsection.

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

(e) The approximate percentage of germination of such agricultural seeds, together with the month and year in which the seed was tested: Provided, That this statement shall not be made a basis for prosecution under this section: And provided further, That, whenever the Secretary of Agriculture shall test or cause to be tested samples of such seed, and shall publish the results of germination tests thereof, he shall, in such publication, state the month and the year in which his test was made, together with the month and year of test stated on the label.

(f) The full name and address of the vender of such agricultural seeds.

(g) The country or locality of origin in the case of the following imported seeds: (one) Turkestan alfalfa; (two) Italian grown red clover; (three) Italian grown alfalfa; (four) red clover grown in Chili.

Section 5. It shall be unlawful to sell, offer for sale, or expose for sale, as a mixture, any mixture of agricultural seeds for seeding purposes which contains not more than two kinds of such seeds in excess of five per centum (5%), by weight, each, in bulk, package, or containers of ten pounds or more, unless there shall be delivered to the purchaser, or unless the package or container in which the same shall be exposed or offered for sale shall have attached thereto in a conspicuous place on the exterior thereof, a tag or label, on which shall be plainly and legibly written or printed in the English language the following information relating to such mixture:

(a) That such seed is a mixture.

Sale of mixtures.

Label or tag.

Contents of label.

(b) The name and approximate percentage, by weight, of each kind of agricultural seed present in such mixture in excess of five per centum (5%), by weight, of the total mixture.

(c) Approximate percentage, by weight, of weed seeds.

(d) The name and approximate number per ounce of each kind of the seeds or bulblets of the noxious weeds which are present singly or collectively in excess of one seed or bulblet in each fifteen (15) grams of such mixture.

(e) The approximate percentage of germination in such mixture in excess of five per centum (5%), by weight, of each kind of agricultural seed present, together with the month and year in which the seed was tested: Provided, That this statement shall not be made a basis for prosecution under this section: And provided further, That, whenever the Secretary of Agriculture shall test or cause to be tested samples of such seed, and shall publish the results of germination tests thereof, he shall, in such publication, state the month and the year in which his test was made, together with the month and year of test stated on the label.

(f) The full name and address of the vender of such mixtures.

(g) The country or locality of origin of the following imported seeds, if such seeds are present: (one) Turkestan alfalfa; (two) Italian grown red clover; (three) Italian grown alfalfa; (four) red clover grown in Chili.

Sale of other mixtures.

Section 6. It shall be unlawful to sell, offer for sale, or expose for sale, as a mixture, any mixture of agricultural seeds for seeding purposes, other than the mixtures specified in section five of this act, in bulk, packages, or containers of eight ounces or more, unless there shall be delivered to the purchaser, or unless the package or container in which the same shall be offered or exposed for sale shall have attached thereto in a conspicuous place on the exterior thereof, a tag or label, on which shall be plainly and legibly written or printed in the English language the following information relating to such mixture:

Label or tag.

Contents of label.

(a) That such seed is a mixture.

(b) The name of each kind of agricultural seed present in such mixture in excess of five per centum (5%), by weight, of the total mixture.

(c) The approximate total percentage, by weight, of weed seeds.

(d) Approximate percentage, by weight, of inert matter.

(e) The name and approximate number per ounce of each kind of the seeds or bulblets of noxious weeds

which are present singly or collectively in excess of one seed or bulblet in each fifteen (15) grams of such mixture.

(f) The full name and address of the vender of such mixture.

(g) The country or locality of origin of the following imported seeds, if such seeds are present: (one) Turkestan alfalfa; (two) Italian grown red clover; (three) Italian grown alfalfa; (four) red clover grown in Chili.

Section 7. It shall be unlawful to sell, offer or expose for sale or distribution any agricultural seeds, or any mixture of the same, for seeding purposes, when such agricultural seeds or mixtures shall contain more than three per centum (3%), by weight, of weed seeds, or shall contain one or more seeds of dodder (*Cuscuta* spp.) or one or more seeds of Canada thistle (*Cirsium arvense*), to five grams of such seed or mixture. Such agricultural seeds or mixtures are hereby declared to be unfit for seeding purposes, and their use for such purposes to be a menace to the public.

Sale of certain seed prohibited.

Section 8. Whenever the Secretary of Agriculture receives information that agricultural seeds, or any mixture of the same, which are hereinbefore declared to be unfit for seeding purposes, are being sold, offered for sale, or exposed for sale in this Commonwealth, and is of the opinion that the interests of the public so require, he may present to the court of common pleas of the county in which is located the residence or place of business of the person, firm, or corporation selling, offering for sale, or exposing for sale such seeds, his petition for an injunction to restrain the same, and thereupon the court, being satisfied that such seeds are being sold, offered for sale, or exposed for sale, shall issue its injunction to restrain such person, firm, or corporation from selling, offering for sale, or exposing for sale such seeds.

Injunction against sales.

Section 9. The Secretary of Agriculture and his agents:

Powers of Department of Agriculture.

(a) Shall have free access, at all reasonable hours, to any premises or structures, to make examinations of any agricultural seeds or mixtures intended for sale for seeding purposes, whether such seeds are upon the premises of the owner, dealer in, or consignee of such seeds, or on the premises or in the possession of any warehouse, elevator, railway, or steamship company; and they are hereby authorized, upon notice to the owner, dealer, or consignee, or his agent, or to the representative of any warehouse, elevator, railway, or steamship company, if present, to take for test or analysis, upon tendering the fair value thereof, a composite sample of such agricultural seeds or mixtures.

Searches and seizures

Tests and analyses.

In case any sample, taken as herein provided, upon

test or analysis is found to fall below the statements on the tag or label attached to the container from which such sample was secured, or otherwise to violate any of the provisions of this act, the owner, dealer in, or consignee of the seeds tested or analyzed shall be notified, and a copy of said notice shall be delivered or mailed to the person, firm, or corporation whose tag or label was found affixed thereto.

Tests and analyses on application of owner.

(b) Are hereby authorized to test or analyze any samples of agricultural seeds which may be submitted for those purposes by any citizen of this Commonwealth, subject to such rules and regulations as the Secretary of Agriculture may adopt. The Secretary of Agriculture, by rule or regulation, may fix the maximum number of samples which may be tested or analyzed for any one citizen within a given period of time. He shall, for each such test and analysis, charge and collect in advance a fee of twenty-five cents. All fees paid under the provisions of this subsection shall be paid by the Secretary of Agriculture into the State Treasury.

Fees.

Bulletins and reports.

(c) Are hereby authorized to publish, or cause to be published, in bulletins or reports, any and all information obtained from tests or analyses made by them under the provisions of this act which the Secretary of Agriculture may deem proper for publication in the interest of the public, including the names and addresses of any persons who have sold, offered for sale, or exposed for sale any agricultural seeds so tested or analyzed: Provided, however, That they shall not publish the name or address of any citizen who shall have submitted samples of seeds for test or analysis under subsection (b) hereof, but who has not sold, offered for sale, or exposed for sale any such seeds.

Proviso.

Interference with enforcement of act.

Section 10. Any one interfering with the person charged with the enforcement of this act or any of his duly authorized agents when in the discharge of the duties herein enjoined, or refusing such persons the privilege of entering any place to which under the provisions of this act they shall have access, shall be guilty of a violation of this act.

Enforcement of act.

Section 11. The Secretary of Agriculture is hereby specifically charged with the enforcement of the provisions of this act. He shall make any such reasonable rules and regulations, not inconsistent with this act, as he may deem necessary to secure the efficient enforcement thereof, and any such rule or regulation made by him shall be published in bulletins or reports or in pamphlet form, and distributed to all persons who may apply therefor.

False marks or labels.

Section 12. It shall be unlawful to falsely mark or label any agricultural seeds, or mixtures thereof, required to be marked and labeled under the provisions of this act.

Section 13. Any person, copartnership, association, or corporation, and any officer, agent, servant, or employe thereof, violating any of the provisions of this act or any reasonable rule or regulation promulgated thereunder, shall be guilty of a misdemeanor, and, on conviction, shall be sentenced to pay a fine of not more than two hundred dollars (\$200) for each offense. All fines collected under authority of this act shall be paid to the Secretary of Agriculture or his agent, and shall be by them paid into the State Treasury.

Violations.

Misdemeanor.

Penalty.

Section 14. Agricultural seeds, or mixtures of the same, shall be exempt from the provisions of this act:

When seeds are exempt from act.

(a) When possessed, offered for sale, exposed for sale, or sold for food or feeding purposes only.

(b) When sold for the purpose of being recleaned before being sold or exposed for sale for seeding purposes.

(c) When stored for the purpose of recleaning, or not possessed, sold, or offered for sale for seeding purposes within the State: Provided, That whenever, in any prosecution brought for a violation of the provisions of this act, the defendant shall defend upon the ground that any seeds were sold, offered for sale, or exposed for sale for seeding purposes outside of this State, the burden of proving such fact shall rest upon such defendant.

Proviso.

Section 15. This act shall take effect and be in force on and after the first day of July, one thousand nine hundred and twenty-one.

When effective.

Section 16. The act of General Assembly, approved the twenty-ninth day of April, Anno Domini one thousand nine hundred and thirteen (Pamphlet Laws, one hundred and twenty-seven), entitled "An act to regulate the sale of certain seeds; providing for the selection of samples thereof, and their examination by the Department of Agriculture, and the publication of information concerning the same; providing also for the enforcement of the act; and fixing penalties for its violation," and all other acts or parts of acts inconsistent herewith are hereby repealed.

Act of April 29, 1913 (P. L. 127), repealed.

Repeal.

APPROVED—The 26th day of April, A. D. 1921.

WM. C. SPROUL.