

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
SEED
ADMINISTRATIVE CODE

CHAPTER 80-11-2
RULES GOVERNING SEED LABELING, SAMPLING AND RECORDKEEPING

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80-11-2-.01 Purpose.

(1) The purpose of this Chapter is to set up guidelines to be used in labeling all types of seed to include chemically treated seeds. It also provides for the keeping of records and sets out charges for the testing of seeds.

(2) In recognition of the necessity of establishing clear and effective standards for the testing, analyzing and labeling of seed, and the corresponding duties and obligations of seed dealers and others engaged in the sale of seeds to test and analyze seeds and to disclose the results of such testing, seed which shall have been tested in accordance with, and meets the standards established under the Alabama Seed Law and regulations, shall be deemed to comply with all laws of this State relating to fitness and suitability for use within this State. This provision is declaratory of the laws of Alabama as they have existed since the adoption of the Alabama Seed laws.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982. **Amended:** Filed December 10, 1984.

80-11-2-.02 Labeling Requirements And Recommended Tags.

(a) The labeling information required for agricultural seed under the provisions of Code of Ala. 1975, §2-26-7(a), with certain exceptions set out below, shall appear on a tag attached to each container in substantially the same form appearing below.

1. One seed variety.

Weight _____ Net Lot No. _____
 Kind and Variety _____
 Pure Seed _____ % Germ. _____ %
 Inert _____ % Hard Seed _____ %
 Weeds _____ % Germ. & H. S. _____ %
 Crop _____ % Date Tested _____
 Name & No. of Noxious Weeds per Lb. _____
 _____ Grown In _____
 NAME _____
 ADDRESS _____

2. Mixed seed variety tag.

MIXTURE

Weight _____ Net Lot No. _____
 Pure _____ Test _____

Kind	Variety	Seed	Germ	H.S.	Date
_____	_____	_____ %	_____ %	_____ %	_____
_____	_____	_____ %	_____ %	_____ %	_____
_____	_____	_____ %	_____ %	_____ %	_____

 Weed Seed _____ % Crop Seed _____ % Inert Matter _____ %
 Name & No. of Noxious Weeds Per Lb. _____
 _____ Grown In _____
 NAME _____
 ADDRESS _____

(b) In lieu of using a tag as set out in subparagraph(a) above, containers in which seed corn or soybeans are sold may show the required labeling information on a sealing tape across the top of each bag, provided the seller of the seed must have first obtained approval for the use of sealing tape from the Commissioner of Agriculture and Industries prior to its use.

(c) Effective June 1, 1985, Tall Fescue (*Festuca arundinacea*) seed sold, offered for sale, or exposed for sale, for forage purposes, shall also be labeled to show the percentage of Fungal Endophyte (*Acremonium coenophialum*) infected seed, except carryover Tall Fescue seed may be labeled to show only the percentage of Live Fungal Endophyte. This information shall be stated on the analysis tags with other required labeling information and in the same size print. Tall Fescue seed will be considered as carryover if more than nine months have expired from date of production.

(d) Effective June 1, 1985, Fescue and Ryegrass seed sold, offered for sale, or exposed for sale, for lawn and turf purposes, shall be labeled to show the percentage of Fungal Endophyte infected seed, if any representations as to these Fungal Endophytes are made in the labeling or advertising of the seed. Carryover seed

shall be labeled to show only the percentage of live Fungal Endophyte infected seed.

(e) The labeling requirement for all vegetable seed and lawn seed mixtures may be placed directly on the bag or container in lieu of a tag.

(f) The tag or label for tree and shrub seeds shall give the following information:

1. Commonly accepted common or Latin name of species.
2. Variety (if applicable).
3. New weight.
4. Lot number.
5. Year collected.
6. Origin. The specific locality (state and county, or Alabama zone, in the United States or nearest equivalent political unit in case of foreign countries) in which seed were collected.
7. Date of test (month and year).
8. Percentage by weight of pure seed.
9. Percentage by county of full seed.
10. Percentage by weight of inert matter.
11. Percentage by weight of other crop.
12. Percentage of germination.
13. Percentage of hard seed.
14. Speed of germination, as days to reach 90 per cent of total.
15. Pregermination treatment used in test.
16. Number of seed per pound.
17. Name and address of the person who labeled said seed or who sells, offers or exposes said seed for sale within this State.
18. The above information shall be placed on an analysis tag no smaller in size than a number 5 standard shipping tag in substantially the same order as appearing below:

Species _____ Variety _____
 Net wt. _____ Yr. Coll. _____ Lot No. _____
 Origin: State _____ County _____ Ala. Zone _____
 Date of Test _____ Pure Seed _____ %
 Full Seed _____ % Inert Matter _____ %
 Other Crop _____ % Germination _____ % Hard Seed _____ %
 Speed of Germination _____ Days
 Pregermination Treatment _____ Seed Per Lb. _____

 NAME _____
 ADDRESS _____

(g) The zones for labeling tree seed shall be Northern (N), Central (C) and Southern (S). The above abbreviations may be used. These zones are as follows:

See Master Code for a copy of map

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982. **Amended:** Filed December 10, 1984.

80-11-2-.03 Labeling Requirements For Treated Seed.

(a) In addition to the labeling requirements for treated seed appearing in Code of Ala. 1975, §2-26-7(e), the separate tag required for seed treated for seed-borne disease shall show the kind of chemical used and the manufacturer's recommended rate or the rate actually used.

(b) The information required for the separate tag to be placed on treated seed under §2-26-7(e) and this Chapter shall appear on the tag in substantially the same order as appearing below:

1. Treated seed tag.

A R A S A N T R E A T E D

(THIRAM) (Red Print)

Treated at rate specified by manufacturer or state the rate
 actually used

DO NOT USE FOR FOOD, FEED OR OIL PURPOSES

2. Poison treated seed tag.

P O I S O N T R E A T E D (Red Print)

(MERCURY) (Red Print)

(Skull & Crossbones) Treated with Ceresan (Skull & Crossbones)
 Treated at rate specified by manufacturer

or state the rate actually used DO NOT USE FOR FOOD, FEED OR
OIL PURPOSES

As required under law, the words "Poison Treated",
appearing on the above tag shall be in heavy red type of not less
than 1/4 inch.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982. **Amended:** Filed December 10, 1984.

80-11-2-.04 Additional Labeling Requirements And Prohibitions.

(a) Analysis tags not bearing all of the information required under the provisions of Code of Ala. 1975, §2-26-7, and this Chapter will be considered incomplete unless the value of such information found upon analysis is none and so stated on the tag in the proper spaces provided for such information.

(b) The words "Free" and "None" shall be construed to mean that none were found in a test complying with the methods set forth for testing seed by the Association of Official Seed Analysts.

(c) Abbreviations of names of the variety and kind of seed on the tag or tape is prohibited.

(d) Distribution or sale of cottonseed under a varietal name which is not already registered with the American Society of Agronomy is prohibited unless evidence is first furnished the Board of Agriculture and Industries showing this cotton to be true to name.

(e) The place of origin shall not be used in connection with the name of variety or kind of seed, unless it is a part of the generally accepted name of kind or variety. Modifying words or phrases shall not be used in connection with the variety, as for example, "type", "for forage purposes", etc.; nor shall group names be used as varietal names.

(f) Brand names, designs, grades or pictures indicating a condition or quality other than that required or shown on the analysis tag, or corresponding with that on the analysis tag, or indicating contradictions to any part of the analysis is prohibited.

(g) Alabama dealers will not be held responsible for representations made as to the variety or kind of seed when such varieties or kinds are not distinguishable by seed characteristics if the dealer secures and retains a grower's declaration or statement from the shipper that he has reason to know that the seed in question are true to variety or kind.

(h) For vegetable seed packed in containers of eight ounces or less, the year in which packed may be stated in lieu of the date of test and the percentage of germination need not be shown on the container for vegetable seed which germinate above the standard last established by the State Board of Agriculture and Industries.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982. **Amended:** Filed December 10, 1984.

80-11-2-.05 Record And Bagging Requirements.

(a) In addition to the record keeping requirements under Code of Ala. 1975, §2-26-10, all seedsmen are also required to keep records of receipts, sales and deliveries of all seed for a period of not less than three years, (except retail sales and deliveries by dealers) for inspection purposes. Such records shall include:

1. Original shipper's analysis tag.
2. If lot numbers are changed, both the original and changed numbers shall be kept on record.
3. Copy of laboratory analysis identified by lot number from the original grower, shipper or firm responsible for analysis.
4. Such other available information as is needed for identification of shipment of lots of seeds.

(b) Records shall be kept on tree and shrub seed the same as any other seeds under §2-26-10 of this Chapter.

(c) All seed sold or offered for sale in Alabama may be sold in any size bags or containers, provided the bags or containers within each lot of seed are of uniform sizes and weights and further provided the net weight is stated on the analysis tag, except as stated below. Single cross hybrid corn seed only may be sold or offered for sale in bags weighing not less than 42 pounds net weight nor more than 56 pounds net weight, without complying with uniform weight requirements, provided the number of seed contained in the bag is shown on the analysis tag and the net weight thereof is shown on the bag or tag attached to each bag.

(d) With the exception of sales of each kind and variety of vegetable seed, of less than \$25.00, all sales of agricultural or vegetable seed when sold by a seed dealer, must meet the following requirements:

1. An invoice or sales ticket shall be issued by the seller which shall include thereon the name and address of the seller and the purchaser, the kind and variety of seed, the quantity

in each lot and the lot number or numbers for each kind and variety of such seed sold or delivered.

2. Copies of the invoices or sales tickets containing the above record information shall be kept by the seller for a period of not less than 12 months from the date of such sale.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982. **Amended:** Filed December 10, 1984.

80-11-2-.06 Charges For Seed Testing.

(a) Alabama farmers shall be entitled to submit to the Seed Laboratory of the Department of Agriculture and Industries seed samples to be analyzed and tested free of charge, provided that not more than the equivalent of Ten Dollars (\$10.00) worth of free seed testing services will be provided to any farmer within a period of one month.

(b) Seed testing and analysis for farmers in excess of \$10.00 per month and for seed dealers and non-farmers shall be charged as follows:

1. For purity and germination per sample:

Group 1

Barley, Wheat, Rye, Field Peas (Austrian), Corn, Lupine,
Sorghum, Vetch and Rough Peas ----- \$ 3.00

Group 2

Soybeans, Cowpeas, Velvet Beans, Partridge Peas, Crotalaria,
Peanuts, Button Clover, Crimson Clover, Lespedeza, Ryegrass
(except fluorescence test), Fescue, Millet, Sudan Grass,
Alfalfa, Cotton and Rescue Grass ----- \$ 4.00

Group 3

Johnson Grass, Bermuda Grass, Centipede Grass, Alsike Clover,
White Clover, Alyce Clover, Ladino Clover, Persian Clover,
Lappacea Clover, Red Clover, Ball Clover, Hop Clover, Oats,
Carpet Grass, Redtop, Dallis Grass, Kentucky Bluegrass,
Orchard grass and Love Grass -----
\$ 5.00

Bahia Grass: Hulled Samples ----- \$10.00
Unhulled Samples ----- \$ 5.00

2. For purity test only:

All Groups Deduct ----- \$ 1.00

3. For germination test only: For germination test only,
except when a purity test is required in order to conduct the
germination test, examination for noxious weeds only, varietal
determination only and moisture test only per sample
----- \$ 2.00

Vegetable Seed ----- \$ 2.00

4. Fluorescence Test for Ryegrass----- \$ 3.00

5. Vigor test for all varieties of seed-----\$ 1.00

Note: Pending the promulgation by the Association of Official Seed Analysts of uniform seed vigor testing procedures in its Rules For Testing Seeds, and the recognition and adoption of such testing procedures and corresponding labeling requirements relating to vigor under Alabama seed laws and regulations, persons requesting vigor tests are cautioned to only use the results for personal information. Pending the above, advertising or warranting of vigor in the selling of seed is prohibited. No Alabama dealer or other person offering seed for sale within this State shall be under a duty to conduct or secure tests for vigor or to disclose by label or otherwise any information relating to vigor.

(c) Seed not listed above will be charged according to other seed of similar size.

(d) All of the above prices apply only to seed that have been properly cleaned, and also to each kind or variety of seed in a mixture

Author:

Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982. **Amended:** Filed December 10, 1984.