

## FEDERAL SEED ACT CASES SETTLED

The Federal Seed Act (FSA) regulates the interstate shipment of agricultural and vegetable seeds. The FSA requires that seed shipped in interstate commerce be labeled with certain information necessary for the seed buyer to make an informed choice. The labeling information and any advertisements pertaining to the seed must be truthful. The FSA helps promote uniformity among the state laws and fair competition within the seed trade.

The following cases were settled administratively under the FSA between September 3, 2013, and September 2, 2014. Under the administrative settlement procedure, the Seed Regulatory and Testing Division and the firms agreed to settle the cases, for the amount specified, with the firms neither admitting nor denying the charges.

American Seed Producers, Tangent, OR, has paid \$900 for a case involving one seed shipment to Minnesota. Seed regulatory officials in Minnesota cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of pure seed percentage and kind name; and
- Failure to label as a mixture.

Antler King Trophy Products, Inc., Black River Falls, WI, has paid \$350 for a case involving one seed shipment to Kentucky. Seed regulatory officials in Kentucky cooperated in the initial sampling and inspection. The alleged violation was:

- False labeling of germination percentage.

Ash Swale Seed Company LLC, Shedd, OR, has paid \$350 for a case involving one seed shipment to Texas. Seed regulatory officials in Texas cooperated in the initial sampling and inspection. The alleged violation was:

- Failure to label the presence of noxious-weed seeds.

Barenbrug USA, Tangent, OR, has paid \$6,500 for cases involving six seed shipments to Indiana, Missouri, and Texas. Seed regulatory officials in Indiana, Missouri, and Texas cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of germination, hard seed, pure seed percentages, and test date;
- Failure to label the presence of noxious-weed seed; and
- Failure to keep required records.

Beachner Grain, Inc., Erie, KS, has paid \$525 for a case involving one seed shipment to Missouri. Seed regulatory officials in Missouri cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of pure seed percentage and kind name.

Beck's Superior Hybrid's, Inc., Atlanta, IN, has paid \$525 for a case involving one seed shipment to Kentucky. Seed regulatory officials in Kentucky cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of germination percentage; and
- Failure to keep required records.

Buchheit, Inc., Perryville, MO, has paid \$550 for a case involving one seed shipment to Tennessee. A portion of the seed was subsequently shipped into Kentucky where it was officially sampled. Seed regulatory officials in Kentucky cooperated in the initial sampling and inspection. The alleged violation was:

- Failure to label the presence of noxious-weed seeds.

W. Atlee Burpee Company, Inc., Warminster, PA, has paid \$825 for a case involving one seed shipment to Utah. Seed regulatory officials in Utah cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of germination percentage and variety name;
- Failure to test for germination within the prescribed time prior to interstate shipment; and
- Failure to keep required records.

Burtch Seed Company, Celina, OH, has paid \$175 for a case involving one seed shipment to Indiana. Seed regulatory officials in Indiana cooperated in the initial sampling and inspection. The alleged violation was:

- Misleading labeling of the variety name.

Cal Approved Seed Growers, Woodland, CA, has paid \$525 for a case involving one seed shipment to Kentucky. Seed regulatory officials in Kentucky cooperated in the initial sampling and inspection. The alleged violation was:

- False labeling of germination percentage.

Cal Approved Seed Growers, Woodland, CA, has paid \$525 for a case involving one seed shipment to Missouri. Seed regulatory officials in Missouri cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of germination percentage and variety name.

Caudill Seed Company, Inc., Louisville, KY, has paid \$525 for a case involving one seed shipment to Indiana. Seed regulatory officials in Indiana cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of germination percentage; and
- Failure to label as a mixture.

Chiefland Hardware and Farm Supply, Chiefland, FL, has paid \$525 for a case involving one seed shipment to Georgia. Seed regulatory officials in Georgia cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of germination percentage; and
- Failure to keep required records.

CHS, Inc., Tangent, OR, has paid \$1,050 for cases involving two seed shipments to Kentucky. Seed regulatory officials in Kentucky cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of pure seed and germination percentages.

CHS, Inc., Tangent, OR, has paid \$900 for cases involving two seed shipments to West Virginia. Seed regulatory officials in West Virginia cooperated in the initial sampling and inspection. The alleged violation for both shipments was:

- False labeling of variety name.

Cousins Agri Center, Inc., Newberry, SC, has paid \$350 for a case involving one seed shipment to Georgia. Seed regulatory officials in Georgia cooperated in the initial sampling and inspection. The alleged violation was:

- False labeling of purity percentages.

Cover Crop Solutions LLC, Robeson, PA, has paid \$350 for a case involving one seed shipment to Indiana. Seed regulatory officials in Indiana cooperated in the initial sampling and inspection. The alleged violation was:

- False labeling of germination percentage.

J.P. Davenport & Son, Greenville, NC, has paid \$700 for a case involving one seed shipment to Virginia. Seed regulatory officials in Virginia cooperated in the initial sampling and inspection.

The alleged violations were:

- False labeling of pure seed percentage;
- Failure to test for germination within the prescribed time prior to interstate shipment; and
- Failure to keep required records.

Dick's Seed Cleaning and Harvesting, Lake City, FL, has paid \$6,825 for cases involving 14 seed shipments to Georgia. Seed regulatory officials cooperated in the initial sampling and inspection. The alleged violations, while not the same for all shipments, were:

- False labeling of germination, pure seed, inert matter, other crop seed, and weed seed percentages, and variety name;
- Failure to label the kind name, presence of noxious-weed seeds, test date, and the complete interstate shipper's name and address or code designation; and
- Failure to keep or supply complete records of the seed.

Discount Seeds, Inc., Watertown, SD, has paid \$7,425 for cases involving nine seed shipments to Missouri. Seed regulatory officials in Missouri cooperated in the initial sampling and inspection. The alleged violations, while not the same for all shipments, were:

- False labeling of germination percentage;
- Failure to label the presence of noxious-weed seeds; and
- Failure to keep required records.

DLF Pickseed USA, Tangent, OR, has paid \$700 for a case involving one seed shipment to Texas. Seed regulatory officials in Texas cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of germination and pure seed percentages.

East Texas Seed Company, Tyler, TX, has paid \$525 for a case involving one seed shipment to Georgia. Seed regulatory officials in Georgia cooperated in the initial sampling and inspection.

The alleged violations were:

- False labeling of germination percentage; and
- Failure to keep required records.

Encap LLC, Green Bay, WI, has paid \$525 for a case involving one seed shipment to Pennsylvania. Seed regulatory officials in Pennsylvania cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of pure seed percentage; and
- Failure to keep required records.

Farmers Ag Center, Mountain Grove, MO, has paid \$1,100 for a case involving one seed shipment to Georgia. Seed regulatory officials in Georgia cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of noxious-weed seeds rate of occurrence; and
- Shipping seed containing noxious-weed seeds in excess of State's limit.

Faulk Brothers Farm, Dublin, GA, has paid \$1,050 for a case involving one seed shipment to North Carolina. The seed was subsequently shipped to into Georgia where it was officially sampled. Seed regulatory officials in Georgia cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of germination, hard seed, and weed seed percentages;
- Failure to label the interstate shippers name and address or code designation; and
- Failure to keep required records.

Ferry-Morse Seed Company, Fulton, KY, has paid \$1,575 for cases involving two seed shipments to North Carolina and Utah. Seed regulatory officials in Utah cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of germination percentage and variety name;
- Failure to test for germination within prescribed time prior to interstate shipment;
- Failure to label by variety name; and
- Failure to keep required records.

Feyh Farm Seed Company, Alma, KS, has paid \$350 for a case involving one seed shipment to Missouri. Seed regulatory officials in Missouri cooperated in the initial sampling and inspection. The alleged violation was:

- False labeling of purity percentages.

Jonathan Green, Inc., Farmingdale, NJ, has paid \$2,450 for cases involving three seed shipments to Illinois, Pennsylvania, and Wisconsin. Seed regulatory officials in Illinois, Pennsylvania, and Wisconsin cooperated in the initial sampling and inspection. The alleged violations, while not the same for all shipments, were:

- False labeling of germination, pure seed, and inert matter percentages, test date, kind name, and variety name; and
- Failure to label the presence of noxious-weed seeds.

Haas Seed House, Albers, IL, has paid \$1,050 for cases involving two seed shipments to Arkansas and Missouri. Seed regulatory officials in Arkansas and Missouri cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of germination percentage and variety name;
- Failure to label the presence of noxious-weed seeds; and
- Failure to keep required records.

Hanes Geo Components, Winston-Salem, NC, has paid \$350 for a case involving one seed shipment to Georgia. Seed regulatory officials in Georgia cooperated in the initial sampling and inspection. The alleged violation was:

- False labeling of noxious-weed seeds rate of occurrence.

J.W. Jung Seed Company, Randolph, WI, has paid \$525 for a case involving one seed shipment to North Carolina. Seed regulatory officials in North Carolina cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of variety name; and
- Failure to keep required records.

J. Lee Co., LLC, Hennessy, OK, has paid \$4,225 for cases involving three seed shipments to Georgia and Texas. Seed regulatory officials in Georgia and Texas cooperated in the initial sampling and inspection. The alleged violations, while not the same for all shipments, were:

- False labeling of weed seed percentage;
- Failure to label the presence of noxious-weed seeds and to label the interstate shippers name and address or code designation; and
- Shipping seed containing noxious-weed seeds in excess of State's limit.

Missouri Southern Seed Corporation, Rolla, MO, has paid \$875 for cases involving two seed shipments to Arkansas and Kentucky. Seed regulatory officials in Arkansas and Kentucky cooperated in the initial sampling and inspection. The alleged violations, while not the same for both shipments, were:

- False labeling of germination percentage, noxious-weed seeds rate of occurrence, kind name, and variety name.

Jimmy Murphy Farms, Jennings, FL, has paid \$875 for a case involving one seed shipment to Georgia. Seed regulatory officials in Georgia cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of pure seed and other crop seed percentages and noxious-weed seeds rate of occurrence; and
- Failure to keep required records.

Porter Seed House, Inc., Bolivar, MO, has paid \$700 for a case involving one seed shipment to Kentucky. Seed regulatory officials in Kentucky cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of germination percentage and test date; and
- Failure to keep required records.

Prince Corporation, Marshfield, WI, has paid \$525 for a case involving one seed shipment to Indiana. Seed regulatory officials in Indiana cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of germination percentage and test date.

Production Plus, Plainview, TX, has paid \$1,925 for cases involving three seed shipments to Missouri. Seed regulatory officials in Missouri cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of germination percentage and kind name;
- Failure to test for germination within the prescribed time prior to interstate shipment;
- Failure to label the interstate shippers name and address or code designation; and
- Failure to keep required records.

Rainier Seeds, Inc., Davenport, WA, has paid \$350 for a case involving one seed shipment to Utah. Seed regulatory officials in Utah cooperated in the initial sampling and inspection. The alleged violation was:

- False labeling of germination percentage.

L.W. Sales, Inc., Groton, SD, has paid \$1,225 for a case involving one seed shipment to Georgia. Seed regulatory officials in Georgia cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of weed seed percentage and noxious-weed seeds rate of occurrence;
- Failure to test for germination within prescribed time prior to interstate shipment;
- Failure to label the interstate shippers name and address or code designation; and
- Failure to keep required records.

Jimmy Sanders, Inc., Stuttgart, AR, has paid \$350 for a case involving one seed shipment to Kentucky. Seed regulatory officials in Kentucky cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of germination percentage; and
- Failure to keep required records.

Seeds, Inc., Memphis, TN, has paid \$350 for a case involving one seed shipment to Georgia. Seed regulatory officials in Georgia cooperated in the initial sampling and inspection. The alleged violation was:

- False labeling of germination percentage.

Seminis Vegetable Seeds, Inc., Oxnard, CA, had paid \$350 for a case involving one seed shipment to Pennsylvania. A portion of the seed was subsequently shipped into North Carolina where it was officially sampled. Seed regulatory officials in North Carolina cooperated in the initial sampling and inspection. The alleged violation was:

- False labeling of variety name.

Sexauer Discount Farm Services, Inc., Brookings, SD, has paid \$1,225 for cases involving three seed shipments to Missouri. Seed regulatory officials in Missouri cooperated in the initial sampling and inspection. The alleged violations were:

- Failure to label the presence of noxious-weed seeds; and
- Failure to keep or supply complete records of the seed.

Shooting Star Native Seed, Inc., Spring Grove, MN, has paid \$525 for a case involving one seed shipment to Missouri. Seed regulatory officials in Missouri cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of germination percentage and variety name.

Weaver Seed of Oregon, Crabtree, OR, has paid \$350 for a case involving one seed shipment to Georgia. Seed regulatory officials in Georgia cooperated in the initial sampling and inspection. The alleged violation was:

- False labeling of variety name.

Duncan White LLC, West Farmington, OH, has paid \$700 for a case involving one seed shipment to Indiana. Seed regulatory officials in Indiana cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of germination percentage and test date; and
- Failure to keep required records.

Wise Seed Company, Inc., Frostproof, FL, has paid \$1,400 for cases involving two seed shipments to Georgia. Seed regulatory officials in Georgia cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of pure seed, other crop seed, and weed seed percentages; and
- Shipping seed containing noxious-weed seeds in excess of State's limit.