

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 seed laws and fair competition within the seed trade.

The following cases were settled administratively under the FSA between September 1, 2019, and August 31, 2020. 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.

Agri-AFC, LL, Decatur, Alabama, has paid \$675 for a case involving one seed shipment to Florida. Seed regulatory officials in Florida cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of germination test date, and
- False labeling of germination percentage.

Allied Seed, LLC, Nampa, Idaho, has paid \$3,025 for a case involving four seed shipments. There were shipments to Pennsylvania and Virginia in which three were subsequently reshipped to Kentucky. Seed regulatory officials in Pennsylvania and Kentucky cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of germination percentages, and
- False labeling of pure seed, inert matter, and other crop seed percentages.

Barenbrug USA, Tangent, Oregon, has paid \$16,575 for a case involving twelve seed shipments. There was one shipment to Missouri, one shipment to Pennsylvania, and four shipments to Indiana. There were also shipments to California, Kansas, Indiana, Iowa, Illinois, Michigan, Missouri, Nevada, New Hampshire, Massachusetts, Ohio, Pennsylvania, South Carolina, Texas, Virginia and Wisconsin in which one was subsequently reshipped to Pennsylvania, two were subsequently reshipped to Kentucky, and three were subsequently reshipped to Indiana. Seed regulatory officials in Indiana, Kentucky, Missouri, and Pennsylvania cooperated in the initial sampling and inspection. The alleged violations were:

- Failure to keep or supply records;
- False labeling as to coating;
- False labeling as to kind name;
- False labeling as to variety name;
- False labeling as to origin of seed;
- False labeling of germination percentages and test dates, and
- False labeling of pure seed, inert matter, and other crop seed percentages.

Beachner Seed Company, LLC, St. Paul, Kansas, has paid \$1,300 for a case involving two seed shipments. There were two shipments to Tennessee in which one was subsequently reshipped to Virginia. Seed regulatory officials in Tennessee and Virginia cooperated in the initial sampling and inspections. The alleged violations were:

- False labeling as to variety names.

Caudill Seed Company, Inc., Louisville, Kentucky, has paid \$875 for a case involving two seed shipments shipped to Indiana. Seed regulatory officials in Indiana cooperated in the initial sampling and inspection. The alleged violations were:

- Failure to keep or supply records;
- False labeling of pure seed, and
- False labeling of germination percentage.

Deer Creek Seed, Inc., Ashland, Wisconsin, has paid \$825 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 pure seed, and
- False labeling of germination test date.

DLF Pickseed USA, Inc., Halsey, Oregon, has paid \$14,625 for a case involving eleven seed shipments. There was one shipment to Indiana and three shipments to Kentucky. There were also shipments to Georgia, Illinois, Indiana, Kentucky, Maryland, Nebraska, Ohio, Pennsylvania, and Texas, in which one was subsequently reshipped to Kansas, one subsequently reshipped to Virginia, two subsequently reshipped to Indiana, and three subsequently reshipped to Kentucky. Seed regulatory officials in Indiana, Kansas, Kentucky, and Virginia cooperated in the initial sampling and inspection. The alleged violations were:

- Failure to keep or supply records;
- Failure to label as a mixture;
- False labeling as to variety name;
- False labeling as to origin of seed;
- False labeling of pure seed and inert matter percentages, and
- False labeling of germination percentages and test dates.

Domestic Seed Supply (dba Mustang Seeds, Inc.), Madison, South Dakota, has paid \$450 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:

- Shipping seed containing prohibited noxious-weed seeds.

Dow AgroSciences, LLC, Indianapolis, Indiana, has paid \$1,050 for a case involving two seed shipments to North Carolina. Seed regulatory officials in North Carolina cooperated in the initial sampling and inspection. The alleged violations were:

- Failure to keep or supply records, and
- False labeling of germination percentage.

Dynamic Seed Source, Stayton, Oregon, has paid \$825 for a case involving one seed shipment to Tennessee. Seed regulatory officials in Tennessee cooperated in the initial sampling and inspection. The alleged violations were:

- Failure to keep or supply records, and
- False labeling as to variety name.

Eddie Mercer Agri-Services, Inc., Fredrick, Maryland, has paid \$1,050 for a case involving three seed shipments to Virginia. Seed regulatory officials in Virginia cooperated in the initial sampling and inspection. The alleged violations were:

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

Global Seed Coating, Sycamore, Georgia, has paid \$1,400 for a case involving two seed shipments to Florida. Seed regulatory officials in Florida cooperated in the initial sampling and inspection. The alleged violations were:

- Failure to keep or supply records;
- False labeling as to lot number;
- False labeling of germination percentage;
- False labeling of pure seed and inert matter percentages.

Green Seed Company, Inc., Springfield, Missouri, has paid \$2,250 for a case involving three seed shipments to Arkansas. Seed regulatory officials in Arkansas cooperated in the initial sampling and inspection. The alleged violations were:

- Failure to keep or supply records;
- False labeling as to variety name;
- False labeling of pure seed percentage, and
- False labeling of noxious-weed seeds in excess of State limit.

Green Thumb Commodities, Inc., Oldham, South Dakota, has paid \$1,350 for a case involving two seed shipments. There was one shipment to Florida and one shipment to Virginia. Seed regulatory officials in Florida and Virginia cooperated in the initial sampling and inspections. The alleged violations were:

- False labeling as to kind name;
- False labeling of germination percentage and test date, and
- False labeling of pure seed and other crop percentages.

GROSouth, Inc., of Montgomery, Alabama, has paid \$525 for a case involving one seed shipment to Florida. Seed regulatory officials in Florida cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of germination percentage and test date.

Jersey Seed, Inc., New Brunswick, New Jersey, has paid \$350 for a case involving one seed shipment to Pennsylvania. Seed regulatory officials in Pennsylvania cooperated in the initial sampling and inspection. The alleged violation was:

- False labeling of pure seed percentage.

Jonathan Green, Inc., Farmingdale, New Jersey, has paid \$675 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 test date, and
- False labeling of pure seed percentage.

Kelly Seed Company, Inc., Hartford, Alabama, has paid \$3,900 for a case involving four seed shipments. There were two shipments to Florida, and two shipments Georgia with one was subsequently reshipped to Florida. Seed regulatory officials in Florida and Georgia cooperated in the initial sampling and inspections. The alleged violations were:

- False labeling as to kind name;
- False labeling as to variety name;
- False labeling of germination percentage and test dates, and
- Failure to label the interstate shippers name and address or code designation.

La Crosse Seed, La Crosse, Wisconsin, has paid \$5,200 for a case involving four seed shipments. There was one shipment each to Kentucky and Pennsylvania, and two shipments to Indiana. Seed regulatory officials in Indiana, Kentucky, and Pennsylvania cooperated in the initial sampling and inspections. The alleged violations were:

- Failure to keep or supply records;
- False labeling as to variety names;
- False labeling as to incorrect labeling;
- False labeling of germination percentages and test date, and
- False labeling of pure seed and inert matter percentages.

Local Seed Company, Memphis, Tennessee, has paid \$350 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 and inert matter percentages.

Loveland Products, Inc., Greeley, Colorado, has paid \$450 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.

Monsanto Company, St. Louis, Missouri, has paid \$450 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.

Oregro Seeds, Albany, Oregon has paid \$900 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:

- Failure to keep or supply records;
- False labeling as to kind name, and
- False labeling of noxious-weed seeds rate of occurrence.

Pennington Seed, Inc., Madison, Georgia, has paid \$7,150 for a case involving ten seed shipments. There was one shipment to Indiana, two shipments to Virginia, and three shipments to Kentucky. There were also two shipments to Alabama and two shipments to Georgia, which were subsequently reshipped to Kentucky. Seed regulatory officials in Indiana, Kentucky, and Virginia cooperated in the initial sampling and inspections. The alleged violations were:

- False labeling of noxious-weed seeds rate of occurrence;
- False labeling of germination percentages and test dates, and
- False labeling of pure seed and other crop percentages.

Performance Seed Company, St. Cloud, Minnesota, has paid \$1,375 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 as to variety name;
- False labeling of germination test date, and
- False labeling of noxious-weed seeds in excess of State limit.

Plantation Products, LLC, Norton, Massachusetts, has paid \$1,950 for a case involving three seed shipments. There was one shipment to Utah and two shipments to Illinois, which were subsequently reshipped to Missouri. Seed regulatory officials in Missouri and Utah cooperated in the initial sampling and inspections. The alleged violations were:

- False labeling as to kind name, and
- False labeling of germination percentage.

Porter Seed House, Inc., Bolivar, Missouri, has paid \$1,100 for case involving one seed shipment to Virginia. Seed regulatory officials in Virginia cooperated in the initial sampling and inspections. The alleged violations were:

- False labeling as to variety name, and
- False labeling of germination percentage.

ProSeeds Marketing, Inc., Jefferson, Oregon, has paid \$5,200 for a case involving five seed shipments. There was one shipment to Indiana, one shipment to Pennsylvania, one shipment to Virginia. There were also two shipments to Illinois, which were subsequently reshipped to Indiana and Kentucky. Seed regulatory officials in Indiana, Kentucky, Pennsylvania, and Virginia cooperated in the initial sampling and inspections. The alleged violations were:

- Failure to label as a mixture;
- False labeling as to variety name;
- False labeling of germination test date;
- False labeling of noxious-weed seeds in excess of State limit, and
- False labeling of pure seed, weed seed, other crop seed percentages.

The Scotts Company, LLC, Marysville, Ohio, has paid \$6,825 for a case involving seven seed shipments to Kentucky. Seed regulatory officials in Kentucky cooperated in the initial sampling and inspections. The alleged violations were:

- Failure to keep or supply records, and
- False labeling of germination percentages.

Seedway, LLC, Hall, New York, has paid \$450 for a case involving one seed shipment to Maryland. Seed regulatory officials in Maryland cooperated in the initial sampling and inspections. The alleged violation was:

- False labeling of noxious-weed seeds in excess of State limit.

SiteOne Landscape Supply, Cleveland, Ohio, has paid \$1,625 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
- False labeling of germination percentage and test date.

Smith Seed Services, Halsey, Oregon, has paid \$2,600 for a case involving three seed shipments. There was one shipment to Ohio in which was subsequently reshipped to Kentucky. There was one shipment to Tennessee in which was subsequently reshipped to Kentucky and was one shipment to Illinois in which was subsequently reshipped to Indiana. Seed regulatory officials in Indiana and Kentucky in the initial sampling and inspections. The alleged violations were:

- False labeling as to kind names, and
- False labeling of pure seed and inert matter percentages.

Stockton Seed House, Inc., Stockton, Missouri, has paid \$550 for a case involving one seed shipment to Indiana. Seed regulatory officials in Indiana cooperated in the initial sampling and inspections. The alleged violation was:

- False labeling as to variety name.

Tucker Seed Company, Inc., McRae, Georgia, has paid \$450 for a case involving one seed shipment to Florida. Seed regulatory officials in Florida cooperated in the initial sampling and inspections. The alleged violation was:

- False labeling of germination percentage.

Turf Merchants, Inc., Tangent, Oregon, has paid \$675 for a case involving one seed shipment to. There were shipments to Delaware, Minnesota, New Jersey, Pennsylvania, and Virginia, in which one was subsequently reshipped to Pennsylvania. Seed regulatory officials in Pennsylvania cooperated in the initial sampling and inspections. The alleged violations were:

- False labeling of germination test date, and
- False labeling of pure seed percentages.

Turner Seed, Inc., Antioch, Tennessee, has paid \$3,900 for a case involving three seed shipments. There was one shipment to Virginia and two shipments to Kentucky. Seed regulatory officials in Kentucky and Virginia cooperated in the initial sampling and inspections. The alleged violations were:

- Failure to keep or supply records;
- False labeling as to incorrect labeling;
- False labeling of germination test date;
- False labeling of pure seed and coating percentages, and
- False labeling of noxious-weed seeds in excess of State limit.