

Historic, Archive Document

Do not assume content reflects current scientific knowledge, policies, or practices.

1-9472
28543

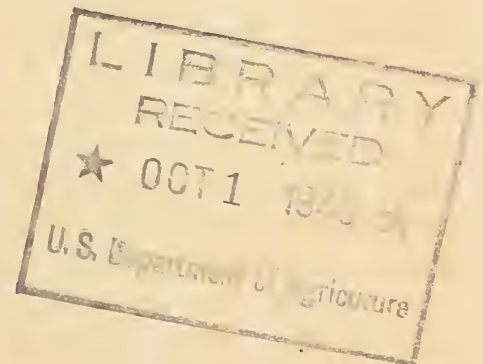
July 1940

UNITED STATES DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service

Suggestions to country shippers of seed for their guidance in handling seed and seed records under the Seed Verification Service and the Federal Seed Act.

-oOo-

INTRODUCTION



The Seed Verification Service was inaugurated in 1927 for the primary purpose of verifying the origin or place where grown of alfalfa and red clover seed. This is a voluntary service created for the assistance of dealers and shippers in which practically all the larger dealers who handle either or both of these seeds are enrolled.

A new Federal Seed Act, to regulate interstate and foreign commerce, became effective for agricultural seeds on February 5, 1940. This Act requires, among other things, that the origin, if known, be given for alfalfa, red clover, and field corn (except hybrid seed corn) when shipped in interstate commerce.

Inasmuch as a large portion of the alfalfa and red clover seed now handled in commercial channels enters the possession of verified-origin seed dealers and others who are subject to the Federal Seed Act, it is important that country shippers become familiar with the requirements of the Seed Verification Service and of the Federal Seed Act. Verified-origin seed dealers should confine their purchases of alfalfa seed to lots for which acceptable assurances of origin may be obtained. One of these assurances is a Country Shipper's Declaration of Origin (page 9) from a shipper whose records are known or believed to be adequate to substantiate the origin of each lot of seed. Another form of assurance is a Grower's Declaration of Origin (page 8).

The alert shipper will find it to his advantage to maintain records that meet the requirements of the Seed Verification Service and of the Federal Seed Act regardless of whether he is shipping seed out of his State or not. Because the volume and character of seed shipments differ considerably in the cases of different shippers, the detail in which records are to be kept varies among shippers. Those shippers or dealers who handle large quantities of seed, especially when such seed is obtained from distant points or from States other than that in which they are located, are expected to keep more detailed records than shippers who handle small quantities or who confine their purchases to seed that is locally grown.

All shippers who issue declarations of origin in the prescribed form (page 9) covering seed shipped by them to verified-origin seed dealers, or shippers and dealers who operate under the Federal Seed Act, subscribe to the following: "In accordance with the regulations under the Federal Seed Act, I, the country shipper of the seed described below, do hereby declare that the facts stated are correct to the best of my knowledge and belief." Therefore, in order to acquaint shippers with those requirements, extracts from the Regulations and Instructions Governing Origin Verification of Seed, the Federal Seed Act, and of the Rules and Regulations under the Act, together with information to make clearer to the shippers the application of the requirements are given herewith. It is thought that these will make for a better understanding or appreciation of the problems of verified-origin seed dealers and those who operate under the Federal Seed Act.

DEFINITIONS

Complete record.— The term "complete record" means information which relates to the origin, germination, or purity of each lot of agricultural seed handled. Such information includes declarations, labels, seed samples, records of purchases and sales, cleaning and bulking, handling, storage analyses, tests, and examinations pertaining to the origin, germination, or purity of any lot of seed.

The complete record kept by each person for each lot of seed consists of the information pertaining to his own transactions, and the information received pertaining to each lot of seed handled. The record shall be kept in such manner as to permit comparison with the records kept by other persons for the same lot of seed, so that the origin, germination, or purity may be traced from the grower to the ultimate consumer, and so that the lot of seed may be correctly labeled.

(201.2 (1) RR-FSA)

Note.— Paragraphs quoted in whole or in part are followed with the paragraph or section number and RI-SVS, FSA, or RR-FSA in parenthesis. RI-SVS meaning the Regulations and Instructions Governing Origin Verification of Seed; FSA the Federal Seed Act; and RR-FSA the Rules and Regulations under the Federal Seed Act.

Declaration of origin.- The term "declaration of origin" means a declaration of a grower or country shipper in the United States stating for each lot of agricultural seed (a) kind of seed, (b) lot number or other identification, (c) State where seed was grown and the county where grown if to be labeled showing the origin as a portion of a State, (d) quantity of seed, (e) date shipped or delivered, (f) to whom sold, shipped, or delivered, and (g) the signature and address of the grower or country shipper issuing the declaration. If the declaration is issued by a grower and the identity of the person delivering the seed is unknown to the receiver, the motor-vehicle license number or other identification of the delivering agency should be entered on the declaration by the receiver. If a country shipper's declaration includes seed shipped or delivered to him by another country shipper, it shall give for each lot the other country shipper's lot number as included in the other country shipper's declaration of origin. (201.2 (n) RR-FSA)

Grower.- The term "grower" means any person who produces directly or through a growing contract, or is a seed-crop sharer in seed which is sold, offered for sale, transported, or offered for transportation. (201.2 (r) RR-FSA)

Country shipper.- The term "country shipper" means any person located in a producing area who purchases seed locally for shipment to seed dealers or to other country shippers. (201.2 (s) RR-FSA)

Dealer.- The term "dealer" means any person who cleans, processes, sells, offers for sale, transports, or delivers for transportation seeds in interstate commerce. (201.2 (t) RR-FSA)

Lot of seed.- The term "lot of seed" means a definite quantity of seed identified by a lot number, every portion or bag of which is uniform, within permitted tolerances for the factors which appear in the labeling. (201.2 (v) RR-FSA)

Screenings.- The term "screenings" shall include chaff, sterile florets, immature seed, weed seed, inert matter, and any other materials removed in any way from any seeds in any kind of cleaning or processing and which contain less than 25 per centum of live agricultural or vegetable seeds. (Sec. 101 (a) (22) FSA)

Verified-origin seed dealer.- A seed dealer who is authorized under these Regulations and Instructions to issue verified-origin seed certificates for seed inspected as to origin for him. (Sec. 59.2 (k) RI-SVS)

DECLARATIONS OF ORIGIN

Declarations of origin should be obtained (1) when seed is purchased from a grower and was not produced in the vicinity of the purchaser's place of business; (2) when seed is purchased from a grower and was produced in a State other than that in which the purchaser is located; and (3) when seed is purchased from a shipper.

Growers' declarations of origin need not be obtained when seed is purchased by a country shipper directly from a local grower and the buyer has knowledge of the grower and where the seed was grown.

The country shipper should retain a copy of each declaration which he issues and maintain a detailed record showing origin, the names and addresses of growers or country shippers from whom the seed was purchased, the quantity of seed purchased from each, and the date on which it was delivered to him. It is also suggested that growers retain copies of each declaration that they issue.

Responsibility of dealer and/or shipper in accepting declarations of origin.- Any dealer, shipper, or other person accepting a declaration of origin from a grower or a shipper shall for his own protection and the protection of the service assure himself, so far as possible, that the declaration is authentic and valid. Among other things he shall observe the following: (a) That each declaration accepted is in a form prescribed or approved by the service for the purpose. In order to assure himself of this, the verified-origin seed dealer should furnish blank declaration forms in duplicate to growers and shippers from whom he purchases seed. Failure on the part of the verified-origin seed dealer to furnish these forms may result in the use of nonacceptable forms which might cause delays and other difficulties in obtaining inspection certificates. (b) In accepting a grower's declaration from a grower or grower's agent who is unknown to him, a verified-origin seed dealer shall have satisfactory identification of the grower such as truck-license number or other form of identification and shall know or have good reason to believe that the entries in the declaration are consistent with the facts. (c) In accepting a country shipper's declaration, he shall assure himself that the shipper filling in the declaration is not on the nonaccredited list, that such shipper is a local buyer and shipper of the kind of seed in question, in accordance with section 59.2 (i) of Regulations, that, if he is also a general seed dealer, he has been approved by the service as a shipper of such seed, and that every lot is covered by a satisfactory initial assurance of origin. Wherever covered by "personal knowledge of grower" he shall know that the shipper is so located that he could have intimate knowledge of the grower and the place where the seed was grown. (Rule 4, section 2 RI-SVS)

Persons from whom declarations are not acceptable.- Declarations of origin are not acceptable if made out by, or if furnished by, or if tendered by or in connection with the sale or the handling of certain parcels of seed by (a) persons who are not bona-fide shippers of the kind of seed in question, (b) verified-origin seed dealers, or shippers or buyers who represent the applicant or other verified-origin seed dealers, except that shippers or buyers who represent the applicant may furnish or tender growers' or other country shippers' declarations which they have received from the growers or shippers of the seed in question, (c) general seed dealers who have not been approved as shippers, which approval involves the keeping of complete records of all lots of the kind of seed in question handled by them, the tagging of every shipment of alfalfa and red clover seed with the lot number and origin as is required of verified-origin seed dealers, and the complying in every other way with the requirements and limitations prescribed for shippers, or (d) shippers who have failed to comply with the regulations and provisions pertaining to the issuance of such declarations, including the obtaining of the necessary information from growers and the keeping of the necessary stock records and samples of seed handled. (Rule 4, section 3 RI-SVS)

SEED SAMPLES

Each country shipper shall retain a sample of each lot of seed not produced locally and which is covered by a declaration of origin. Each dealer shall retain a sample of each lot of seed purchased directly from a grower when such seed is covered by a declaration of origin and has not been produced in the vicinity of the dealer's place of business. (201.5 RR-FSA)

LABELING BY COUNTRY SHIPPERS

Screenings.- Screenings shipped in interstate commerce, if in containers, shall be labeled in a legible manner with letters not smaller than 18 point type and, if in bulk, shall be invoiced with the words, "Screenings for processing - not for seeding." (201.32 RR-FSA)

Seed for cleaning or processing.- Seed transported to a seed-cleaning or processing establishment for cleaning or processing, if in bulk, shall be invoiced, or if in bags, shall be labeled with the words "Seed for processing." If such seed is covered by a declaration of origin, kind, variety, or type, the lot designation appearing in the declaration shall be placed on the invoice, if the seed is in bulk, or on the label if the seed is in containers. (201.33 RR-FSA)

RECORDS

Maintenance and accessibility.- Each person handling agricultural seed subject to the act shall keep for a period of 3 years a complete record of each lot of agricultural seed handled, except that any seed sample may be discarded 1 year after the entire lot represented by such sample has been disposed of by such person. Each person shall retain a sample representing each lot of agricultural seed shipped by him in interstate commerce, and shall retain such additional samples as are required by the regulations. The record shall be accessible for inspection by the authorized agents of the Secretary in connection with the administration of the act at any time during customary business hours. (201.4 RR-FSA)

Simple suggested forms of receiving or purchase record and shipping or sales record are shown herewith (pp 10 & 11) which provide for all essential information needed by the small country shipper.

KIND, VARIETY, OR TYPE

In addition to the foregoing information, which relates almost entirely to origin requirements as to declarations, samples, records, etc., under both the Seed Verification Service and the Federal Seed Act, the following applies to kind, variety, or type of agricultural seeds under the Federal Seed Act for seeds which are indistinguishable by seed characteristics.

DEFINITIONS

The term "kind" means one or more related species or subspecies which singly or collectively is known by one common name, for example, wheat, oat, vetch, sweetclover, cabbage, cauliflower, and so forth. (101 (a) (11) FSA)

The term "variety" means a subdivision of a kind which is characterized by growth, plant, fruit, seed, or other characters by which it can be differentiated from other sorts of the same kind, for example Marquis wheat, Flat Dutch cabbage, Manchu soybeans, Oxheart carrot, and so forth. (101 (a) (12) FSA)

The term "type" means either (A) a group of varieties so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions, or (B) when used with a variety name means seed of the variety named which may be mixed with seed of other varieties of the same kind and of similar character, the manner of and the circumstances connected with the use of the designation to be governed by rules and regulations prescribed under section 402 of this act. (101 (a) (13) FSA)

Declaration of kind, variety, or type.- The term "declaration of kind, variety, or type" means a declaration of a grower stating for each lot of seed (a) the name of the kind, variety, or type stated in accordance with Sections 201.9 to 201.12, (b) lot number or other identification, (c) place where seed was grown, (d) quantity of seed, (e) date shipped or delivered, (f) to whom sold, shipped or delivered, and (g) the signature and address of the grower issuing the declaration. (201.2 (o) RR-FSA)

DECLARATIONS AND SAMPLES

Indistinguishable seed to be sold under the name of kind, variety, or type shall be supported by a grower's declaration of kind, variety, or type which declaration and sample shall be retained for each lot by the shipper or dealer who first purchased the seed from the grower. He in turn may issue a country shipper's declaration and record of kind, variety, or type (page 8) or pass the information on to the purchaser by use of a tag, invoice, or any other form.

MISREPRESENTATION AND PENALTIES

Misrepresentation.- Any misrepresentation or any deceptive or fraudulent practice made or committed by an applicant for inspection or by any other person regarding any seed or in connection with the verification of origin of seed covered or to be covered by an inspection certificate, or failure in any way to comply with the regulations and instructions, may be deemed sufficient cause for debarring such person from any further inspections under the act, or from the use of verified-origin seed certificates in the merchandising of alfalfa and red clover seed, or from having any declarations of origin issued by him accepted on which to base verification of origin in the Seed Verification Service, and public notice thereof may be given. (59.20 RI-SVS)

Institution of proceedings.- Any person having information of any violation of the act or of any of the regulations promulgated thereunder may file with the Chief of the Agricultural Marketing Service an application requesting the Secretary to institute such proceedings as may be authorized under the act. Such application shall be in writing, signed by or on behalf of the applicant, and shall contain a short and simple statement of the facts constituting the alleged violation and the name and address of the applicant and the party complained of. If, after investigation of the matters complained of in the application or after investigation made on his own motion, the Secretary has reason to believe that any person has violated or is violating any of the provisions of the act or the regulations made and promulgated thereunder, he may institute such proceeding as may be authorized by the act. (201.151 RR-FSA)

Form
GSFSA-250
3/5/40

UNITED STATES DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service

GROWER'S DECLARATION
of
Origin, Kind, Variety or Type

(Declarations of ORIGIN are required for alfalfa, red clover, and corn, other than hybrid corn. Declarations of KIND, VARIETY, or TYPE are required only when the seed is being sold under the name of a KIND, VARIETY, or TYPE that cannot be determined by the appearance of the seed.)

In accordance with the regulations under the Federal Seed Act, I, the grower of the seed described below, do hereby declare that the facts stated are correct to the best of my knowledge and belief.

Kind of seed _____ Variety 1/ _____ Type 1/ _____

My lot number or mark _____ Bags _____ Pounds _____

Where grown: County _____ State _____

Seed sold to _____ P.O. Address _____

Shipped or delivered to _____ Place _____

Date shipped _____ 19 _____ or delivered _____ 19 _____

1/
The grower should have adequate information to support his naming of the variety or type. Not having such information the variety or type should not be stated.

(To be filled in by purchaser) : Signature of grower
Auto :
Tag: State _____ No. _____ :
Purchaser's receiving Lot No. _____ : P. O. _____ State _____

Note: A copy of this declaration should be retained by the grower.

Form
GSFSA-251
3/5/40

UNITED STATES DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service

Our Declaration No. _____

19

COUNTRY SHIPPER'S DECLARATION OF ORIGIN
and record of
KIND, VARIETY OR TYPE OF SEED

(A declaration should cover only one kind of seed)

In accordance with the regulations under the Federal Seed Act, I, the country shipper of the seed described below, do hereby declare that the facts stated are correct to the best of my knowledge and belief.

Our lot number	Where each lot was grown		Kind of seed	Variety or Type of seed	Quantity		Declaration of origin held by us			Other shippers lot number
	State	County			Bags	Pounds	G	PK	S	
1	2		3	4	5	6	7	8	9	10

1/ When a lot is grown in more than one State, the name and the percentage of seed grown in each State shall be given.
2/ The shipper should have adequate information to support his naming of the variety or type. Not having such information, the variety or type should not be stated. For seed purchased from a grower, the shipper should have the grower's declaration, when the variety or type cannot be determined by the appearance of the seed. The word "Type" shall be used when the seed is named as to "Type."
3/ Indicate for each lot by means of a cross (X) in the proper column the kind of declaration or assurance of origin held by you. An (X) in column 7 to indicate a grower's declaration; in column 8 to indicate that your assurance is based on your personal knowledge of the grower and where the seed was grown; and in column 9 that another shipper's declaration is held by you. Column 10 should ALWAYS be filled in when an (X) has been shown in column 9.

Seed sold, shipped or delivered to _____ :Country shipper issuing this declaration
_____ :

P.O. _____ State _____ : By _____
Date shipped _____ :
or delivered _____ 19 _____ :P.O. _____ State _____

