

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, 2021, and August 31, 2022. 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, LLC, Decatur, Alabama, has paid \$450 for a case involving one seed shipment to Florida. Seed regulatory officials in Florida cooperated in the initial sampling and inspection. The alleged violation was:

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

Allied Seed, LLC, Nampa, Idaho, has paid \$3,900 for a case involving four seed shipments. There was one seed shipment to Virginia and one shipment to Illinois in which was subsequently reshipped to Kentucky. There were also two seed shipments to Alabama in which were subsequently reshipped to Kentucky and Virginia. 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 of pure seed;
- False labeling as to kind name;
- False labeling as a mixture name, and
- False labeling of noxious-weed seeds rate of occurrence.

Barenbrug, USA, Tangent, Oregon, has paid \$14,300 for a case involving ten seed shipments. There was one shipment to Missouri, one shipment to Michigan, and two shipments to Louisiana in which were subsequently reshipped to Indiana. There were also shipments to Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kansas, Indiana, Iowa, Illinois, Massachusetts, Michigan, New Hampshire, New York, Ohio, Pennsylvania, South Carolina, Texas, Virginia, Washington, and Wisconsin in which one was subsequently reshipped to Michigan and Missouri, two were subsequently reshipped to Indiana and Kentucky. Seed regulatory officials in Indiana, Kentucky, Michigan, and Missouri cooperated in the initial sampling and inspection. The alleged violations were:

- Failure to keep or supply records;
- False labeling as to kind name;
- False labeling as to variety name;
- False labeling of germination percentages and test dates, and
- False labeling of pure seed and weed seed percentages.

Bayer Crop Science, St. Louis, Missouri, has paid \$2,750 for a case involving five seed shipments. There was one seed shipment to Illinois then reshipped to Missouri and four seed shipments to Louisiana. Seed regulatory officials in Louisiana and Missouri cooperated in the initial sampling and inspections. The alleged violations were:

- False labeling of germination percentages.

Browning Seed, Inc., Plainview, Texas, has paid \$525 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 germination percentage and test date.

Burpee Garden Products, Company, Warminster, Pennsylvania, has paid \$550 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 germination percentage.

Columbia Seeds, LLC, Albany, Oregon, has paid \$2,025 for a case involving three seed shipments. There was one seed shipment to Pennsylvania and two seed shipments to Kentucky.

Seed regulatory officials in Pennsylvania and Kentucky cooperated in the initial sampling and inspections. The alleged violations were:

- False labeling as to variety name;
- False labeling of pure seed, and
- False labeling of germination test date.

Delta Grow Seed Company, Inc., England, Arkansas, has paid \$350 for a case involving one seed shipment to Louisiana. Seed regulatory officials in Louisiana cooperated in the initial sampling and inspection. The alleged violation was:

- False labeling of germination percentage.

DLF Pickseed USA, Inc., Halsey, Oregon, has paid \$17,225 for a case involving thirteen seed shipments. There was one seed shipment to Kentucky, two seed shipments to Maryland, and two seed shipments to Indiana. There were also seed shipments to Arizona, Georgia, Indiana, Iowa, Illinois, Kentucky, Maryland, Minnesota, Missouri, Nebraska, New York, Ohio, Tennessee, and Texas in which one each was subsequently reshipped to Connecticut, Illinois, Kentucky, Louisiana, New York, Pennsylvania, and Utah, and two seed shipment were subsequently reshipped to Indiana. Seed regulatory officials in Connecticut, Illinois, Indiana, Kentucky, Louisiana, Maryland, New York, Pennsylvania, and Utah cooperated in the initial sampling and inspections. The alleged violations were:

- Failure to keep or supply records;
- False labeling as to variety name;
- False labeling as to incorrect labeling;
- False labeling of pure seed and other crop seed;
- False labeling of germination percentages and test dates;
- False labeling of noxious-weed seeds rate of occurrence, and
- Failure to label the interstate shippers name and address or code designation.

Erwin Keith, Inc., Wynne, Arkansas, has paid \$350 for a case involving one seed shipment to Louisiana. Seed regulatory officials in Louisiana cooperated in the initial sampling and inspection. The alleged violation was:

- False labeling of germination percentage.

Johnston Elevator, Clare, Michigan, has paid \$875 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 pure seed, and
- False labeling of germination percentage.

Jonathan Green, Inc., Farmingdale, New Jersey, has paid \$4,125 for a case involving four seed shipments. There were four seed shipments to Illinois in which were subsequently reshipped to Indiana. Seed regulatory officials in Indiana cooperated in the initial sampling and inspections. The alleged violations were:

- False labeling of pure seed and inert matter, and
- False labeling of germination percentages and test dates.

Kelly Seed Company, LLC, Hartford, Alabama, has paid \$3,250 for a case involving four seed shipments. There was one seed shipment to Georgia and three seed shipments to Florida. Seed regulatory officials in Georgia and Florida cooperated in the initial sampling and inspections. The alleged violations were:

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

La Crosse Seed, La Crosse, Wisconsin, has paid \$650 for a case involving one seed shipment to Michigan. Seed regulatory officials in Michigan cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling as to incorrect labeling, and
- False labeling of pure seed and inert matter.

Loveland Products, Inc., Loveland, Colorado, has paid \$550 for a case involving one seed shipment to Louisiana. Seed regulatory officials in Louisiana cooperated in the initial sampling and inspection. The alleged violation was:

- False labeling of germination percentage.

Millborn Seeds, Inc., Brookings, South Dakota, has paid \$1,800 for a case involving two seed shipments. There was one seed shipment to Iowa in which was subsequently reshipped to Missouri and one seed shipment to Utah. Seed regulatory officials in Missouri and Utah cooperated in the initial sampling and inspections. The alleged violations were:

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

Mountain View Seeds, Salem, Oregon, has paid \$5,775 for a case involving seven seed shipments. There was one seed shipment each to Michigan, Missouri, and Pennsylvania. There was also one seed shipment to Connecticut in which was reshipped to Michigan, one seed shipment to Pennsylvania in which was reshipped to Virginia, one seed shipment to Michigan and Ohio in which was reshipped to Indiana, and one seed shipment to Wisconsin in which was reshipped to Michigan. Seed regulatory officials in Indiana, Michigan, Missouri, Pennsylvania, and Virginia cooperated in the initial sampling and inspections. The alleged violations were:

- False labeling of germination percentage and test dates, and
- False labeling of pure seed, coating material and inert matter.

Nutrien Ag Solutions, Inc., Loveland, Colorado, has paid \$875 for a case involving one seed shipment to from North Carolina to Virginia. Seed regulatory officials in Virginia cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling of other crop seed;
- False labeling of germination percentage, and
- Failure to label the interstate shippers name and address or code designation.

Olean Seed Company, Olean, Missouri, has paid \$4,550 for a case involving five seed shipments. There was one seed shipment to Illinois, one seed shipment to Kentucky in which was subsequently reshipped to Indiana, one seed shipment to Ohio in which was subsequently reshipped to Florida, and two seed shipments to Maryland in which both were subsequently reshipped to Virginia. Seed regulatory officials in Florida, Illinois, Indiana, and Virginia cooperated in the initial sampling and inspections. The alleged violations were:

- False labeling as to variety names;
- False labeling of pure seed and other crop seed, and
- False labeling of noxious-weed seeds rate of occurrence.

OreGro Seeds, Inc., Albany, Oregon, has paid \$550 for a case involving one seed shipment to Florida. Seed regulatory officials in Florida cooperated in the initial sampling and inspection. The alleged violation was:

- False labeling of germination percentage.

Pennington Seed, Inc., Madison, Georgia, has paid \$4,875 for a case involving five seed shipments. There was one seed shipment each to Florida, Kentucky, and Pennsylvania.

There were also two seed shipments to Louisiana. Seed regulatory officials in Florida, Kentucky, Louisiana, and Pennsylvania cooperated in the initial sampling and inspections. The alleged violations were:

- Failure to keep or supply records;
- False labeling as to kind name;
- False labeling as to variety name;
- False labeling of pure seed percentage;
- False labeling of germination percentages, and
- False labeling of noxious-weed seeds rate of occurrence.

Pioneer Hi-Bred International, Inc., Johnston, Iowa, has paid \$450 for a case involving one seed shipment from South Carolina to North Carolina. Seed regulatory officials in North Carolina cooperated in the initial sampling and inspection. The alleged violation was:

- False labeling of germination percentage.

Plantation Products, LLC, Norton, Massachusetts, has paid \$2,200 for a case involving three seed shipments. There was one seed shipment each to Kentucky, Missouri, and Utah. Seed regulatory officials in Kentucky, Missouri, and Utah cooperated in the initial sampling and inspections. The alleged violations were:

- False labeling as to variety name;
- False labeling as to incorrect labeling, and
- False labeling of germination percentages and test dates.

Proseeds Marketing, Inc., Jefferson, Oregon, has paid \$4,225 for a case involving five seed shipments. There was one seed shipment to Indiana, one seed shipment to Kansas in which was subsequently reshipped to Missouri, one seed shipment to Tennessee in which was subsequently reshipped to Kentucky, and one seed shipment to Pennsylvania in which was subsequently reshipped to Michigan. Seed regulatory officials in Indiana, Kentucky, Michigan, and Missouri cooperated in the initial sampling and inspections. The alleged violations were:

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

RiceTec, Inc., Alvin, Texas, has paid \$1,400 for a case involving four seed shipments. There was one seed shipment to Arkansas in which was subsequently reshipped to Louisiana, and three seed shipments to Louisiana. Seed regulatory officials in Louisiana cooperated in the initial sampling and inspections. The alleged violations were:

- False labeling of germination percentages.

Seedway, Inc., Hall, New York, has paid \$650 for a case involving one seed shipment to Virginia. Seed regulatory officials in Virginia cooperated in the initial sampling and inspection. The alleged violation was:

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

SiteOne Landscape Supply, Cleveland, Ohio, has paid \$650 for a case involving one seed shipment to Virginia. Seed regulatory officials in Virginia cooperated in the initial sampling and inspection. The alleged violation was:

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

Smith Seed Services, Halsey, Oregon, has paid \$3,900 for a case involving five seed shipments. There was one seed shipment to Alabama in which was subsequently reshipped to Florida, one seed shipment to Texas in which was subsequently reshipped to Kentucky, and three seed shipments to Texas. Seed regulatory officials in Florida, Kentucky, and Texas cooperated in the initial sampling and inspections. The alleged violations were:

- False labeling as to kind name;
- False labeling of germination test date;
- False labeling of pure seed percentage;
- False labeling of noxious-weed seeds rate of occurrence, and
- False labeling of noxious-weed seeds in excess of State limit.

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

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

Stockton Seed House, Inc., Stockton, Missouri has paid \$8,450 for a case involving twelve seed shipments. There was one seed shipment to Arizona in which was subsequently reshipped California, one seed shipment to Georgia in which was subsequently reshipped to Florida, one seed shipment to Texas in which was subsequently reshipped to Arkansas, two seed shipments to Kentucky, three seed shipments to Virginia in which were subsequently reshipped to Maryland, and four seed shipments to Maryland. Seed regulatory officials in Arkansas, California, Florida, Kentucky, Maryland, and Virginia cooperated in the initial sampling and inspections. The alleged violations were:

- False labeling as to variety names;
- False labeling of germination percentage, and
- False labeling of noxious-weed seeds rate of occurrence.

Stratton Seed Company, Stuttgart, Arkansas, 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 violation was:

- False labeling of germination percentage.

Swanson Seed, LTD., Sherwood, Oregon, has paid \$650 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 pure seed percentage;

The Scotts Company, LLC, Marysville, Ohio, has paid \$1,950 for a case involving two seed shipments. There was one seed shipment each to Illinois and Pennsylvania in which were subsequently reshipped 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 and test date.

TNT Seed, LLC, Hennessey, Oklahoma, has paid \$700 for a case involving one seed shipment to Alabama in which was subsequently reshipped to Florida. Seed regulatory officials in Florida cooperated in the initial sampling and inspection. The alleged violations were:

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

Tucker Seed Company, Inc., McRae-Helena, Georgia, has paid \$825 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 as to incorrect labeling, and
- False labeling of germination percentage.

Urban Farmer, LLC, Westfield, New Jersey, has paid \$700 for a case involving two seed shipments. There was one seed shipment to Kentucky and one seed shipment to USDA (NC). Seed regulatory officials in Kentucky and USDA (NC) cooperated in the initial sampling and inspection. The alleged violations were:

- False labeling as to variety names.