

Seed Disputes

When agricultural or vegetable seed fails to perform as represented on the label, or as advertised as to kind, kind and variety, purity, and germination, the parties must participate in a mandatory dispute resolution process administered by the California Department of Agriculture when proper notification of the requirement was provided.



The complaint process requires that a person alleging damage file a written complaint with a fee of \$250. The California Department of Food and Agriculture may conduct an investigation of the factors involved in the complaint. Invest-

igative findings are presented to a committee of labelers, growers and agricultural commissioners appointed by the Department. If either disputing party is not satisfied with the committee's report, they may request a mediation. The Department will provide a mediation free of charge. If mediation fails, the Department will note that the seed complaint process has been completed and the parties are free to pursue other legal remedy.

If a consumer does not file a complaint when there is a dispute he or she may be directed by the court to file a complaint with CDFA.

If a labeler fails to notify the buyer of seed of the mandatory seed complaint process, the buyer is not required to participate in the seed complaint process administered by CDFA. The buyer may proceed directly to court for legal remedy.



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SEED ADVISORY BOARD

The California Seed Advisory Board consists of 11 members appointed by the Secretary of Agriculture. The Board makes recommendation to the Secretary about the scope of Seed Program and appropriate levels of funding.

If you would like more information, please visit:

Seed Services Program:
<http://cdfa.ca.gov/plant/pe/Nursery/Seed.html>
CDFA Seed Laboratory
<http://cdfa.ca.gov/plant/PPD/seed.html>



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

What You Need to Know to Sell Seed

**Federal Seed Act
California Seed Law**

Supplier?

Labeler?

Dealer?

Records Requirement?

Label Requirements?

Dispute Resolution

Labeler vs. Dealer

Determine whether you are a labeler or a dealer.

A labeler is any person whose name and address appears on the label pertaining to or attached to a lot or container of agricultural or vegetable seed, or both agricultural and vegetable seed, for sale and distribution within the state.

A dealer is any person who sells or distributes agricultural and or vegetable seed within the state but whose name and address does not appear on the lot or container of agricultural and or vegetable seed.

Federal Seed Act

- California maintains a cooperative agreement with the USDA Agricultural Marketing Services/ Seed Regulatory Testing Division) which authorizes California to inspect seeds and records that are subject to the Federal Seed Act.

California Seed Law

- Section 52281 of the California Food and Agricultural Code (FAC) provides that the California Seed Law shall be construed to conform, in so much as possible, to the Federal Seed Act and regulations which are issued pursuant to that act.

Registration Requirement

- Registration Fee:** \$40.00/year for any person who sells or offers agricultural and/or vegetable seeds for sale in California.
- Assessment Fee:** \$0.25 per \$100 gross total sale of agricultural, vegetable, and/or grass seeds sold in California from preceding fiscal year
 - Fiscal year begins on July 1 and ends on June 30
 - Paid by labelers unless the lot has been changed.
- Two activities that make a dealer into a labeler .
 - Over-labeling with a new company name is considered a change to the lot number.
 - Repackaging or conditioning the original contents.

Record Keeping Requirements

Maintenance of proper records is required under the Federal Seed Act (FSA). The “term “complete record” is defined in regulations under the Federal Seed Act. The complete record kept by each person for each lot of seed consists of information pertaining to one’s own transactions and the information received from the other party’s transactions.

A complete record of each lot is required to be kept for 3 years, except that the file sample may be discarded one year after disposal of the entire lot of seed. Records are to be made accessible for inspection so the seed may be traced from the place where it is officially sampled back to the grower if necessary. Records are required but not limited to:

- Receiving Records
- Variety/Origin & Grower’s Declaration
- Processing/Handling
- Conditioning/Blending
- Test Records
- File Sample
- Labeling Records
- Sales and Shipping/Disposition Records
- Correspondence

Label Requirements—Agricultural Seed

ABC 555 Brand			
Kind: Soybeans	Pure Seed:	98.00%	
Variety: 123B	Weed Seed:	0.05%	
Lot #: B12	Other Crop:	0.10%	
	Inert:	1.85%	
Germination: 80%		Date Tested: 12/2004	
Noxious Weeds per Pound: None			
ABC Seed Co., PO Box 10, Anywhere, USA			

- ⇒ Name and address of labeler
- ⇒ Common name of the kind, kind & variety or kind for each component > 5%
- ⇒ Lot Number
- ⇒ Percentage by weight per component
- ⇒ Germination % for each component & test date shown , mo/yr
- ⇒ Name & apro. # per pound. of each kind of restricted weed seed

Vegetable seed label greater than 1/2 lbs



Vegetable seed label—1/2 lbs or less



Common Errors

- Firm not authorized to sell seed in California
- Noxious weeds seed test not performed for labeling
- Incorrect notification about PVP status
- Renaming a variety to a new name
- Variety not stated on vegetable seed label or PVP
- Incorrect germination test date at distribution points

Agriculture Marketing Services (AMS)

The Federal Seed Act (FSA) requires interstate shippers to include their name and address on the seed label. As an alternative, the FSA permits interstate shippers to put their customer’s name and address on the label, provided they have permission and the label contains the interstate shipper’s code designation. The use of this code allows the interstate shipper to label the seed with their customers name and address for resale and still be identified as the interstate shipper as required by the FSA.

Plant Variety Protection Act (PVP)

Certain varieties of plants may only be propagated by the person or firm that developed the variety. This restriction is achieved when the developer requests and receives a plant variety protection certificate. For a PVP certificate to remain valid the holder must notify the buyer of the protected status of the seeds by informing the buyer that unauthorized propagation is prohibited.