

## SEED SERVICES PROGRAM STAFF

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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/nsc/Seed.html>

CDFA Seed Laboratory

<http://cdfa.ca.gov/plant/PPD/seed.html>



CALIFORNIA DEPARTMENT OF  
FOOD & AGRICULTURE

# KNOW WHAT YOU SOW!



Important information about the  
California Seed Law and Seed Quality

## HOW DO YOU KNOW SEED IS IN COMPLIANCE?

The California Seed Law was first passed in 1921 to ensure the quality of seed sold to the consumer was of the quality represented by the seller. Over the years, specific requirements have been adopted for the labeling of seeds.

The information required on the label depends on the kind of seed offered for sale and the intended use. Occasionally, seeds in a container may not be of the quality represented on the label. The first indication that seed offered for sale is not in compliance to the seed law is if the seller has not obtained authorization to sell seeds from the California Department of Food and Agriculture (CDFA).

## AUTHORIZATION TO SELL SEEDS IN CALIFORNIA

Section 52351 of the California Food and Agriculture Code (FAC) requires that every labeler of agricultural or vegetable seed offered for sale in California, or any person, as defined in Section 52256.5, who sells that seed in this state, shall annually register with CDFA to obtain authorization to sell agricultural or vegetable seed.

Some sellers believe this requirement only applies to large companies. Such an assertion is not accurate. The requirement applies to anyone selling agricultural or vegetable seed and includes transactions that may not involve money.

## SELLING SEEDS IN CALIFORNIA

FAC Section 44 states that "sell" includes "offer for sale, expose, possess for sale, exchange, barter, or trade."

**Consumers should not purchase seeds they suspect are out of compliance to requirements of the California Seed Law!**

A list of persons/firms authorized to sell seeds can be viewed at [www.cdfa.ca.gov/plant/pe/nsc/seed/index.html](http://www.cdfa.ca.gov/plant/pe/nsc/seed/index.html).



be token labeled with just a lot number. The invoice AND one or more of the token-labeled containers however, must bear all of the required label information, including the Notice of Arbitration/Conciliation/Mediation.

Growers should also keep records of all land preparation and production costs, including prior crop history and dates for all inputs. This information can be very helpful in the event of a dispute regarding the quality of seed purchased and planted.

## SEED COMPLAINT PROCESS

When buyers are not satisfied with the quality of seed, they should contact the seller first. If the issue is not resolved, the buyer may contact their local County Agricultural Commissioner and file a formal seed complaint.

The California Seed Law prescribes a specific process for filing a complaint against a seed supplier. Once filed, CDFA will conduct an investigation and attempt to resolve the dispute without either party incurring the cost of civil litigation. If the complainant or respondent are not satisfied with the dispute resolution process, the Department will release the complaint so that either party may pursue civil litigation.

## GROWERS OF SEED CROPS

Seed companies occasionally contract growers to produce planting seed. The source seed is not generally sold to the grower but instead provided for planting and crop production under contract. Since the farmer is providing a service and the source seed is not sold, it may not be labeled per the requirements of the California Seed Law. It is still very important however, for the grower to know the quality of the seed being provided for planting. Additionally, the grower should ask the supplier about any known pests possibly associated with the seed. The expectations and responsibilities of each party should be clearly stated in contracts for seed production.



should always consider the percentage of inert material that is contributing to the weight of the seed. It may be necessary to adjust the weight upward to get the desired number of seeds planted in an area when significant amounts of inert material are present.

While the [origin of seed](#) is not specifically required in the California Seed Law, FAC Section 6421 does require that seed shipments brought into the state, have legibly marked on them the following information:

- The name and address of the shipper or owner.
- The name of the person to whom the shipment is forwarded or shipped or the name of his agent.
- The name of the country, state, or territory where the contents were grown.
- A statement of its contents.

If the place of origin is not known, this fact must be stated on the shipment label.

### WHY SEED TAGS ARE IMPORTANT

If a formal seed complaint is filed, it is important to be able to show proof of purchase. Growers should save at least one tag/label from each seed lot they purchased. This practice can easily be achieved by taking a good quality picture or just saving the tag(s) in a shoebox. Be sure the receipt or invoice shows how much seed from each seed lot was purchased and the date delivered. This document is essential for any subsequent investigation.



Seed intended for farm use must also be labeled with a Notice of Arbitration/Conciliation/Mediation per CCR Section 3915.1. If there are more than five containers of seed purchased, the seed containers may

### LABELING SEEDS FOR SALE

Consumers should also be aware that labeling requirements for agricultural seeds are more detailed than labeling requirements for vegetable seeds.

Labeling of vegetable seed is accomplished by attaching a label to the bag or container stating the following:

- kind and variety of vegetable seed in the container
- name and address of the person labeling the seed, or of the person selling the seed
- the lot number and calendar month with the year that the germination test was completed when the container has more than one-half pound of seed.



Labeling of agricultural seed is accomplished by attaching a label to the bag or container stating the following:

- the kind of each agricultural seed in excess of 5% of the whole with the % by weight of each kind present
- the lot number or other unique lot identification
- the percentage by weight of all weed seeds
- the name and approximate number per pound of each kind of restricted weed seed
- the percentage by weight of other agricultural seeds present when present at less than 5% of the whole and not previously listed
- the percentage of inert matter
- the percentage of germination of each kind of seed with the calendar month and the year the germination test was completed
- the name and address of the person labeling the seed, or of the person selling the seed in California



An example of an agricultural seed tag is shown below and an explanation of each item on the tag follows:

CUF 101 Alfalfa			
Lot 1234			
Alfalfa	99.40%	Hard Seed	0.00%
Inert Matters	.55%	Germination:	94.00%
Crop Seed	.03%	Date of Test:	April 2015
Weed Seed	.02%		
<b>Name and Number of Noxious Weed Seeds per Pound</b>			NONE
<b>SEEDSMAN</b>	A. Seed Merchant		
<b>ADDRESS</b>	Anywhere, California		

## KNOW WHAT YOU SOW

### It's On The Tag Attached To The Bag

The [name and address](#) (city) of the person labeling the seed, or of the person authorized to sell the seed must be on the label. This information is important for purposes of contacting the seller if there is a problem with the quality of the seeds.

Except under certain circumstances, all labels for containers of agricultural seed must bear upon them the commonly accepted [name of the kind](#), kind and variety, or kind and type of each agricultural seed component in excess of five percent of the whole. When several kinds of seed are present in amounts less than five percent, but combine to an aggregate total greater than ten percent of the whole, then each component present at a level greater than one percent must be identified by kind with its percentage by weight.



The [lot number](#) is very important to agricultural officials. The lot number is frequently used to trace seed shipments and to investigate the quality of seeds or how they were labeled.

Consumers of seeds should always document the number of containers from each seed lot that they purchased and exactly where they planted the seeds from different seed lots.

A [high percentage of pure seed](#) is desirable but may not contribute to the success of crop production when the percentage of germination is low. For this reason it is also very important to consider the [percent germination](#) and the date the germination test was completed. Germination percentages stated on the label are generally considered to be in compliance if the tests were conducted:

- within 5 months for most kinds of seed in interstate transport
- within 8 months for seeds offered for sale at wholesale
- within 15 months for seeds offered for sale at retail

In most cases, labels bearing [germination test dates](#) beyond the allowed period are in violation of the seed law. There is an exception for seeds intended for non-farm use, such as packet seed and grass seed that has exceeded the "sell by" or "packed for" dates.

The California Seed Law prohibits inclusion of hard seed in the germination percentage. Percentages of germination and hard seed must be reflected separately on the analysis tag.

It is unlawful to sell any agricultural or vegetable seed that contains more than 1 ½ percent by weight of all [weed seeds](#) or contains a prohibited noxious weed seed as listed in section 3854 of the California Code of Regulations (CCR). If restricted noxious weed seeds are present, they must be identified and the number of restricted weed seeds per pound must be specifically noted on the agricultural seed label.

Some containers of agricultural seed may contain a significant amount of [inert material](#). Inert material can be incidental, such as broken seeds and stems, or can be purposeful, such as seed coatings or mulch material. The percentage by weight of inert material, including coating, must be stated accurately on the label. When calibrating planters by weight of seeds, growers