

#### **250.041 Labeling requirements.**

- (1) Every lot of agricultural seed, when in bulk or a container of one (1) pound or more, or in the case of tobacco seed of one-twelfth (1/12) ounce or more; each packet or other container of vegetable or flower seed; each preplanted container, mat, tape, or other planting device containing vegetable or flower seed; and each container of a combination mulch, seed, and fertilizer product distributed in Kentucky for planting purposes shall bear or have attached in a conspicuous place a plainly written or printed label in the English language providing the information stipulated in subsection (10) of this section.
- (2) Labels shall be obtained as described in KRS 250.051.
- (3) The label specified in this section shall be delivered to the purchaser with every distribution of agricultural seed, if the distribution amounts to one (1) pound or more, whether the distribution is in bulk or in package.
- (4) Seed remaining in the inventory of a retail agricultural seed dealer or a permit holder after the germination test has expired shall be removed from sale or relabeled. New tags are preferred for relabeling, but new percentages of germination, hard seeds, or dormant seed and the new date of germination test may be entered on the tags or labels previously attached to the container if inserted in a way to be clearly legible and the old percentages of germination, hard seeds, or dormant seed and date of test are completely obliterated. The person upon whose premises the seed is located shall be held responsible for obtaining the new germination test and for subsequent relabeling of the seed.
- (5) Labeling of seed supplied to or owned by a permit holder may be a single tag or laboratory report accompanying the invoice, if each bag or other container is clearly identified by a lot number stenciled or taped on the container. Each bag or container that is not so identified shall carry complete labeling.
- (6) All soybean seed, except black soybean (hay bean) seed shall be labeled by variety name.
- (7) All tobacco seed or winter rape (Canola) seed shall be certified by the Kentucky Seed Improvement Association (KSIA) or by the agency responsible for certification in the state, province, or country where the seed originated, but only if the standards there are not lower than KSIA standards.
- (8) The label for treated seed shall provide the following as additional information:
  - (a) A word or statement indicating that the seed has been treated.
  - (b) The commonly accepted coined, chemical, or abbreviated chemical (generic) name of the applied substance or description of the process used.
  - (c) A caution statement such as "Do not use for food, feed, or oil purposes" if the substance in the amount present with the seed is harmful to human or other vertebrate animals. The caution for mercurials and similarly toxic substances shall be a poison statement or symbol.
  - (d) The expiration date if the treatment is an innoculant.

- (9) The label for agricultural seed which have been pelleted shall provide the following as additional information:
- (a) Percentage by weight of pure seed with pelleting material removed.
  - (b) Percentage by weight of pelleting material.
  - (c) Percentage by weight of inert material exclusive of pelleting material.
  - (d) Percentage of germination, which is to be determined on four hundred (400) pellets.
- (10) Labels giving the following information, which statement shall not be modified or denied in the labeling or on another label attached to the container, shall be used:
- (a) For agricultural seed when in bulk or a container of one (1) pound or more or in the case of tobacco seed of one-twelfth (1/12) ounce or more:
    1. The name and address of the person who labeled the seed;
    2. The name of the kind and variety for each agricultural seed component present in excess of five percent (5%). If the variety of those kinds generally labeled as to variety as designated in the administrative regulations is not known, the label shall show the kind and the words, "Variety Unknown." Hybrid designations, when applicable, shall be used in place of variety names. If more than one (1) component is present in excess of five percent (5%), the word "mixed" or "mixture" shall be stated with the name of the mixture, and each component shall be listed in columnar form in order of its prominence.
    3. Lot number or other lot identification;
    4. Percentage by weight of all weed seed;
    5. The name and rate of occurrence per pound of each kind of restricted noxious weed seed present;
    6. Percentage by weight of crop seed;
    7. Percentage by weight of inert matter; and
    8. For each named agricultural seed:
      - a. Percentage of germination, exclusive of hard or dormant seed;
      - b. Percentage of hard or dormant seed, if present;
      - c. Origin (state or foreign country); and
      - d. The calendar month and year in which the germination test was completed.
  - (b) For vegetable seed in packets as prepared for use in home gardens or household plantings or vegetable seed in preplanted containers, mats, tapes, or other planting devices:
    1. The name and address of the person who labeled the seed;
    2. Name of kind and variety of seed;
    3. Lot identification, such as by lot number or other means;

4. The year for which the seed was packed for distribution as "Packed for -- ----" or the percentage germination and the calendar month and year the test was completed to determine such percentage;
  5. For seed which germinate less than the standard last established by the director under KRS 250.021 to 250.111:
    - a. Percentage of germination, exclusive of hard seed;
    - b. Percentage of hard seed, if present; and
    - c. The words "Below Standard" in not less than eight (8) point type.
  6. For vegetable seed placed in a germination medium, mat, tape, or other device in a way to make it difficult to determine the quantity of seed without removing the seed from the medium, mat, tape, or device, a statement to indicate the minimum number of seed in the container.
- (c) For vegetable seed in containers other than packets prepared for use in home gardens or household plantings and other than preplanted containers, mats, tapes, or other planting devices:
1. The name and address of the person who labeled the seed;
  2. The name of each kind and variety present in excess of five percent (5%) and the percentage by weight of each in order of its predominance;
  3. Lot number or other lot identification; and
  4. For each named vegetable seed:
    - a. Percentage of germination, exclusive of hard seed;
    - b. Percentage of hard seed, if present; and
    - c. The calendar month and year the test was completed to determine the percentages.
  5. The labeling requirements for vegetable seed in containers of more than one (1) pound shall be deemed to have been met if the seed is weighed from a properly labeled container in the presence of the purchaser.
- (d) For flower seed in packets prepared for use in home gardens or household plantings, or flower seed in preplanted containers, mats, tapes, or other planting devices:
1. The name and address of the person who labeled the seed;
  2. The name of the kind and variety or a statement of type and performance characteristics as prescribed in administrative regulations promulgated under the provisions of KRS 250.021 to 250.111;
  3. The calendar month and year the seed was tested or the year for which the seed was packaged; and
  4. If seed are of those kinds for which standard testing procedures are prescribed and which germinate less than the germination standard last established under the provisions of KRS 250.021 to 250.111:
    - a. Percentage of germination, exclusive of hard seed; and
    - b. The words "Below Standard" in not less than eight (8) point type.

5. If seed are in a germination medium, mat, tape, or other device in a way to make it difficult to determine the quantity of seed without removing the seed from the medium, mat, tape, or device, a statement to indicate the minimum number of seed in the container.
- (e) For flower seed in containers other than packets prepared for use in home flower gardens or household plantings and other than preplanted containers, mats, tapes, or other planting devices:
1. The name and address of the person who labeled the seed;
  2. The name of the kind and variety or a statement of type and performance characteristics as prescribed in administrative regulations promulgated under the provisions of KRS 250.021 to 250.111;
  3. The lot number or other lot identification;
  4. The calendar month and year that the seed was tested or the year for which the seed was packaged;
  5. If seed are of a kind for which standard testing procedures are prescribed:
    - a. Percentage of germination, exclusive of hard seed; and
    - b. Percentage of hard seed, if present.
- (f) For combination mulch, seed, and fertilizer products:
1. The name and address of the person who labeled the seed.
  2. The word "combination" followed by the words "mulch - seed - fertilizer" (if appropriate) shall appear on the upper thirty percent (30%) of the principal display panel. The word "combination" shall be the largest and most conspicuous type on the container, equal to or larger than the product name. The words "mulch - seed - fertilizer" shall be no smaller than half the size of the word "combination" and in close proximity to the word "combination." These products shall contain a minimum of seventy percent (70%) mulch.
  3. Agricultural, lawn, and turf seed placed in a germination medium, mat, tape, or other device or mixed with mulch shall, in addition, be labeled as follows:
    - a. Product name;
    - b. Lot number;
    - c. Percentage by weight of pure seed of each kind and variety named which may be less than five percent (5%) of the whole.
    - d. Percentage by weight of crop seed;
    - e. Percentage by weight of inert matter which shall not be less than seventy percent (70%);
    - f. Percentage by weight of weed seed;
    - g. Name and number of noxious weed seed per pound, if present; and

- h. Percentage of germination and hard seed (if appropriate) of each kind or kind and variety named and date of test.

**Effective:** April 8, 1994

**History:** Created 1994 Ky. Acts ch. 370, sec. 3, effective April 8, 1994.

**Legislative Research Commission Note** (4/8/94). Although the section of 1994 Ky. Acts ch. 370 creating this statute directed its placement in KRS Chapter 350, it is clear from the subject matter of this statute and the structure of ch. 370 that placement in KRS Chapter 250 was intended, and this has been done in codification pursuant to KRS 7.136(1)(h).