

**New York State  
Department of  
Agriculture and Markets  
Division of Plant Industry  
Albany, New York 12235**

**CIRCULAR 826**

Article 9 of the  
Agriculture and Markets Law  
Chapter 631  
Relating to  
**INSPECTION AND SALE OF SEEDS**  
with  
Rules and Regulations  
Revised 2017

**NEW YORK STATE  
DEPARTMENT OF AGRICULTURE AND MARKETS  
ARTICLE 9  
INSPECTION AND SALE OF SEEDS**

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**Section 136. Definitions.**

As used in this article unless otherwise expressly stated, or unless the context or subject matter otherwise requires:

1. The term “person” shall include any individual, partnership, corporation, company, society, or association.
2. The term “seed” means botanical structures used for planting purposes and commonly referred to as “seed” within this state. This includes tubers of the Irish potato when such tubers are represented as being suitable for planting purposes.
3. The term “agricultural seeds” and “crop seeds” includes the seeds of grass, forage, cereal, field beans, and fiber crops or any other kinds of seeds commonly recognized within this state as agricultural seeds, lawn seeds, and mixtures of such seeds.
4. The term “vegetable seeds” includes seeds of those food crops which are grown in gardens and on truck farms and are generally known and sold under the name of vegetable or herb seeds in this state.
5. The term “flower seeds” includes seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts and commonly known and sold under the name of flower seeds in this state.
6. The term “tree and shrub seeds” includes seeds of woody plants commonly known and sold as tree or shrub seeds in this state.
7. The term “noxious weed seeds” includes seeds of bindweed (*Convolvulus arvensis*), quackgrass (*Elytrigia repens*), Canada thistle (*Cirsium arvense*), bedstraw (*Galium* spp.), dodder (*Cuscuta* spp.), horse nettle (*Solanum carolinense*), wild onion (*Allium canadense* and *A. vineale*), corn cockle (*Agrostemma githago*), and Russian knapweed (*Acroptilon repens*).
8. The term “labeling” refers to statements written or imprinted on the seed container itself or on a tag or label securely attached to it as specified in the label requirements of this law.

9. The term “advertising” means all representations, other than the required label statements made in any manner or by any means relating to seed within the scope of this act.

10. The term “stop-sale” means an administrative order provided by law, restraining the sale, use, disposition, and movement of a definite amount of seed.

11. The term “seizure” means a legal process carried out by court order against a definite amount of seed.

12. The term “kind” means one or more related species or subspecies which singly or collectively is known by one common name, for example, corn, oats, alfalfa, and timothy.

13. The term “variety” means a subdivision of a kind characterized by growth, yield, disease resistance, plant, flower, fruit, seed, or other characteristics by which it may be differentiated under certain conditions from other plants of the same kind.

14. The term “lot” means a definite quantity of seed which is identified by a lot number or other mark, and which has been so handled that each portion or container is representative of the whole quantity.

15. The term “hybrid” means the first generation of a cross produced under controlled pollination. The parents must be sufficiently uniform to permit repeated production of the hybrid without change in performance. Hybrid designations shall be treated as variety names.

16. “Pure seed” means agricultural, vegetable, flower, tree, or shrub seeds exclusive of inert matter, weed seeds, and all other seeds distinguishable from the kinds, or kinds and varieties being considered.

17. The term “percentage of germination” means the percentage of seeds, other than hard seeds, which are capable of producing normal seedlings under favorable conditions.

18. The term “percentage of hard seed” means the percentage of seeds which are incapable of sprouting promptly because their outer structures are impermeable to water.

19. The term “treated” means that the seed has received an effective application of an approved substance or method designed to control or repel plant disease organisms, insects, or other pests; or has received some other treatment to improve its planting value.

20. “Certified”, “registered”, “foundation”, “phyto-inspected” or any other terms conveying similar meaning, when referring to seed, means seed which has been produced or collected, processed, and labeled in accordance with the procedures and in compliance with the rules and regulations of an officially recognized certification agency or agencies.

21. “Officially recognized” means recognized and designated by the laws or regulations of any state, the United States, any province of Canada, or the government of any foreign country wherein said seeds were produced, except that if said seeds are produced in New York state, section one hundred forty-one shall govern.

**Section 137. Label requirements of all seeds, including lawn-seeding mixtures.**

Each container of seed which is sold, offered or exposed for sale, or transported in this state for planting purposes, shall bear thereon or have attached thereto in a conspicuous place, a plainly written or printed label or tag in the English language, giving the following information:

- A. All seeds except seed potatoes:
  - 1. The name and address of the person who labeled said seed, or who sells, offers or exposes said seed for sale within this state.
  - 2. If seed has been treated as defined in this article, the commonly accepted or trade name and/or the purpose of the treatment.
  - 3. If seed has received an application of a substance harmful to humans or other vertebrates in the quantities used, a warning adequate to protect the public.
- B. All seeds, except tree or shrub seeds and seed potatoes where percentage of germination, exclusive of hard seed and/or percentage of hard seed are required to be indicated, the terms "total" or "total germination and hard seed" may be used, but the term "total germination" alone may not be used.
- C. Agricultural seeds, including lawn-seeding mixtures:
  - 1. In order of their predominance, the name of the kind or kind and variety, of each agricultural seed component in excess of five per cent of the whole, and the percentage by weight of each, except that where more than ten per cent of the whole consists of an aggregate of agricultural seed components each present in an amount not exceeding five per cent of the whole, each component in excess of one per cent of the whole shall be named together with the percentage by weight of each.
  - 2. Where more than one agricultural seed component is named, the word mixture or the word mixed shall be shown conspicuously on the label.
  - 3. Lot number or other lot identification.
  - 4. Percentage by weight of all weed seeds.
  - 5. The name and number of seeds per pound of each kind of noxious weed seed present.
  - 6. Percentage by weight of agricultural seeds or crop seeds other than those labeled as components and in addition the commissioner may by regulation designate certain crop seeds as undesirable lawn seeds and when present in lawn seed or lawn seeding mixtures, the manner in which they must be identified on the labeling.
  - 7. The name and number of seeds per pound of rye and hairy vetch (*vicia villosa*) seeds when present in seeds of wheat, oats, and barley.
  - 8. Percentage by weight of inert matter.
  - 9. For each agricultural seed component:
    - (a) Percentage of germination, exclusive of hard seed.
    - (b) Percentage of hard seed, if present.
    - (c) Calendar month and year test was completed to determine such percentages.

10. For cool season lawn and turf grasses including Kentucky bluegrass, red fescue, chewings fescue, hard fescue, tall fescue, perennial ryegrass, intermediate ryegrass, annual ryegrass, colonial bentgrass, creeping bentgrass and mixtures thereof:
    - (a) Calendar month and year the test was completed to determine such percentages. Oldest test date shall be used.
    - (b) The statement “Sell by            “which may be no more than fifteen months from the date of test exclusive of the month of test.
  11. For agricultural seeds that are coated:
    - (a) Percentage by weight of pure seeds with coating material removed.
    - (b) Percentage by weight of coating material.
    - (c) Percentage by weight of inert material exclusive of coating material.
    - (d) Percentage by germination is to be determined on four hundred pellets with or without seeds.
- D. Vegetable seeds:
1. For peas, beans, and sweet corn in containers of one pound or less, and other kinds of vegetable seeds in containers of one-quarter pound or less
    - (a) Name of kind and variety of seed;
    - (b) For seeds which germinate less than the standard last established by the commissioner under this article;
      - (1) Percentage of germination, exclusive of hard seed;
      - (2) Percentage of hard seed, if present;
      - (3) The calendar month and year the test was completed and the statement “Sell by            “, which may be nor more than twelve months from the date of test exclusive of the month of test or the percentage germination and the calendar month and year the test was completed to determine such percentage, provided that the germination test must have been completed within twelve months exclusive of the month of test.
      - (4) The words “below standard” in not less than eight-point type.
  2. For peas, beans, and sweet corn in containers of more than one pound and other kinds of vegetable seeds in containers of more than one-quarter pounds.
    - (a) Name of kind and variety.
    - (b) Lot number or other lot identification.
    - (c) Percentage germination exclusive of hard seeds.
    - (d) Percentage of hard seed if present.
    - (e) The calendar month and year test was completed to determine such percentage; or the year for which the seed was packaged or tested.
- E. Flower seeds:
1. For flower seeds in packets prepared for use in home flower gardens:
    - (a) For those kinds of flower seeds where there are annual and/or biennial and/or perennial sorts, a statement in a conspicuous location on the seed container to indicate whether the seed is of the annual, biennial, or perennial sort.
    - (b) Name of the kind and variety or a statement of type and performance characteristics as prescribed by the commissioner.

- (c) For those kinds of seeds for which standard testing procedures shall have been adopted, and for which the commissioner shall have promulgated minimum germination standards as hereinafter specified, and which germinate less than the standard last established by the commissioner:
        - (1) Percentage germination exclusive of hard seed.
        - (2) The calendar month and year the test was completed to determine such percentage, or the year for which the seed was packaged or tested.
        - (3) The words “below standard” in not less than eight-point type.
  - 2. For flower seeds in containers other than packets prepared for use in home flower gardens.
    - (a) Name of kind and variety or a statement of type and performance characteristics as prescribed by the commissioner.
    - (b) Lot number or other lot identification.
    - (c) For kinds of seeds for which standard testing procedures shall have been adopted:
      - (1) Percentage germination exclusive of hard seed.
      - (2) Percentage of hard seed if present.
      - (3) The calendar month and year that test was completed and the statement “Sell by \_\_\_\_\_,” which may be no more than twelve months from the date of test exclusive of the month of test or the percentage germination and the calendar month and year the test was completed to determine such percentage, provided that the germination test must have been completed within twelve months exclusive of the month of test.
- F. Tree and shrub seeds:
- 1. The kind of seed and the variety.
  - 2. The percentage by weight of pure seed.
  - 3. The percentage of germination.
  - 4. The year of collection of such seed.
  - 5. The specific locality (state and county in the United States or nearest equivalent political unit in the case of foreign countries) in which the seed was collected.
- G. Seed potatoes:
- 1. Name of variety.
  - 2. U.S. grade or New York state grade of contents.
  - 3. Name and address (or in case of certified seed, the code of designation) of the person who labeled said seed or who sells, offers, or exposes said seed for sale within this state.
- H. For combination mulch, seed and fertilizer products.
- The word “combination” followed by words “mulch-seed-fertilizer (if appropriate)” must appear on the upper thirty percent of the principal display panel. The word “combination” must 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 one-half the size of the word “combination” and in close proximity to the word “combination”. These products shall contain a minimum of seventy percent mulch.

**Section 137-a. Responsibility for labeling.**

The immediate vendor of any lot of seed which is sold, offered or exposed for sale shall be responsible for the presence of the labels required to be attached to said lot of seed. The immediate vendor shall be responsible for all labels attached to broken lots of seed whether he is offering for sale or selling seed which bears labels of a previous vendor with or without endorsement, or bears his own label.

The immediate vendor of any unbroken lot of seed shall be responsible for all labels attached to said lot of seed, at the time he sells or offers for sale such lot of seed.

**Section 138. Prohibitions.**

- A. It shall be unlawful for any person to sell, offer for sale, expose for sale, or to transport for planting purposes any seed within this state:
  - 1. Unless the test to determine the percentage of germination as required by section one hundred thirty-seven of this article, shall have been made for the calendar year in which the seed is sold, offered, or exposed for sale.
  - 2. Not labeled in accordance with the provisions of this article or having false or misleading labeling.
  - 3. Pertaining to which there has been false or misleading advertising.
  - 4. Containing more than one per cent by weight of all weed seeds except as hereafter specified by the commissioner.
  - 5. So weak or so low in germination as to be unfit for seeding purposes.
  - 6. Represented to be “certified seed”, “registered seed”, “foundation seed”, “phyto-inspected seed”, or designated by any other term conveying similar meaning, unless such seed has been produced or collected, processed and labeled in accordance with the procedures and in compliance with the rules and regulations of an officially recognized certification agency or agencies and bears an official tag or label of such an agency.
  - 7. Represented to be hybrid seed unless such seed conforms to the definition of hybrid presented in section one hundred thirty-six of this article; provided that this prohibition shall not apply to variety names in common trade usage at the time this law becomes effective.
  - 8. If lawn seeds, containing more than twenty per cent inert matter which is neither a micro-organism, a nutrient, a pest control substance, a material to modify the size, and shape and weight of the seed, nor other beneficial inert matter applied as a coating to such seeds for purposes of improving seed placement, or the yield or vigor of resulting seedlings.
- B. It is unlawful for any person within this state:
  - 1. To detach, alter, deface, or destroy any label provided for in this article or the rules and regulations promulgated thereunder, or to alter or substitute seed, in a manner that may defeat the purpose of this article.

2. To disseminate any false or misleading advertising concerning seed in any manner or by any means.
3. To hinder or obstruct in any way, any authorized person in the performance of his duties under this article.
4. To fail to comply with a “stop-sale” order.
5. To use the word “type” in any labeling in connection with the name of any seed.
6. To move or otherwise handle or dispose of any lot of seed held under a “stop-sale” order or tags attached thereto, except with the written permission of the enforcing officer, and for the purpose specified therein.
7. To sell, offer or expose for sale any color mixture of a single kind of flower seed representing four or more colors or shades, in which any one color or shade occurs in sixty per cent or more of the plants which the mixture is capable of producing, unless colors or shades and approximate percentage of each are indicated on the label.
8. To sell, offer, or expose for sale a mixture of flower seed kinds in which any one kind is present in excess, of twenty-five per cent by seed count unless the kinds present and the approximate percentage of each are indicated on the label.
9. To use relabeling stickers without having both the calendar month and year the germination test was completed, the sell by date and the lot number that matches the existing, original lot number. A relabeling may not occur more than one time.

### **Section 139. Exemptions.**

The provisions of this article do not apply:

1. To seed not intended for planting purposes.
2. To seed sold by the grower thereof on his own premises and delivered to the vendee or his agent or representative personally on such premises unless such seed has been advertised as being for sale.
3. To seed in storage in, or consigned to, a seed cleaning or processing establishment for cleaning or processing: Provided, that any labeling or other representation which may be made with respect to the uncleaned and unprocessed seed shall be subject to this article.
4. To any carrier in respect to any seed transported or delivered for transportation in the ordinary course of its business as a carrier, provided, that such carrier is not engaged in producing, processing, or marketing seed subject to the provisions of this article.

### **Section 139-a. Tolerances.**

On account of the unavoidable variations which occur between two analyses or tests and likewise between label statements and the results of subsequent analyses and tests, recognized tolerances shall be employed in the enforcement of the provisions of this article.

**Section 140. Samples; publication of results of tests.**

1. The commissioner or his or her duly authorized representatives shall take samples of seeds for examination, analysis, and testing by the department. The commissioner may contract with a qualified laboratory to perform such examination, analysis, and testing. When the analysis of an official sample indicates that seed is mislabeled, the results of such analysis shall be provided to the person responsible for the labeling of the seed and, upon that person's request, made within fifteen days of his or her receipt of said results, the commissioner or his or her authorized agent shall furnish such person with a portion of the sample taken.

2. From time to time the department of agriculture and markets, shall make public the results of examinations, analyses, trials, and tests of any sample or samples so procured, together with such additional information as circumstances advise. These published results shall be the property of the state of New York and shall not be used for advertising or regulatory purposes by any person or agency, governmental or otherwise without requested and granted permission of the commissioner.

**Section 140-a. Provision for seed tests.**

Any citizen of this state shall have the privilege of submitting to the department samples of seeds for testing and analysis subject to payment of a fee to the commissioner that shall, at a minimum, cover the full costs of the services provided. All monies received by the commissioner pursuant to this section shall be deposited in an account within the miscellaneous special receive fund and shall be used to defray the expenses incidental to carrying out the services authorized by this section.

**Section 141. Certification.**

1. Certification in this state shall be by the state college of agriculture, or by the department of agriculture and markets, or by such other agency as the commissioner of agriculture and markets may designate. This designated agency may cooperate with other officially recognized certification agencies in the certification of seeds.

2. The commissioner, after consultation with the dean of the state college of agriculture, or in the case of tree seeds with the president of the state university of New York college of environmental science and forestry, shall adopt and promulgate appropriate standards for the certification of seed.

**Section 142. Implementation.**

The commissioner may adopt and promulgate such rules and regulations to supplement and give full effect to the provisions of this article as he may deem necessary. The commissioner or his authorized agents may remove from further sale or prohibit from sale any unlabeled seed or any seeds which are found to be so unclean as to be unfit for seeding purposes until they have been properly recleaned and may prohibit further sale or may destroy seeds which are found to be so weak or low in germination as to be unfit for seeding purposes.

The commissioner may, through promulgation of regulations, add to, or subtract from, the list of noxious weed seeds set forth in definition seven, section one hundred thirty-six of this article, whenever he finds, after public hearing, that such addition or subtraction is in the best interests of the agriculture of this state.

In promulgating the initial germination standard for each kind of flower, tree and shrub seed, the commissioner shall publish the proposed standard at least three years previous to its effective date and shall arrange a public hearing for consideration of the proposed standard prior to its final adoption. The commissioner may, at his discretion, temporarily suspend any flower seed germination standard thus promulgated.

## **RULES AND REGULATIONS RELATIVE TO INSPECTION AND SALE OF SEEDS**

### **Section 95.1. Labeling.**

(a) Cereal grains and other seed offered for sale from elevators, feed stores, and similar places of business as from car doors, when the vendor either orally, in writing, or in advertising implies that such goods are “suitable for seed”, “fit for seed”, or similar terms shall be deemed to be offered for sale for planting purposes.

(b) The printing of the required labeled statement will not be considered to be conspicuous as required in the act when it is:

1. on bottom of container.
2. super-imposed on other printing.
3. wholly or partially inside of container.
4. in such a position on container wherein it may become wholly or partially illegible.

(c) In labeling the “kind” of agricultural and vegetable seeds as required in section 137 of the Agriculture and Markets Law, the names used shall be those specified below for the kinds indicated:

(1) Agricultural Seeds

Alfalfa - *Medicago sativa* L.

Alfileria - *Erodium cicutarium* L.L’her.

Alyceclvoer - *Alsycarpus vaginalis* L.DC.

Bahia Grass - *Paspalum notatum* Fluegge.

Barley - *Hordeum vulgare* L.

Bean, adzuki - *Phaseolus angularis* Willd.

Bean, field - *Phaseolus vulgaris* L.

Bean, mung - *Phaseolus aureus* Roxb.

Bean - (see Velvetbean).

Beet, field excluding sugar beet - *Beta vulgaris* L.

Beggarweed - *Desmodium tortuosum* (Sev.) DC

Bentgrass or Bentgrass, colonial - *Agrostis tenuis* Sibth.  
 Bentgrass, creeping - *Agrostis palustris* Huds.  
 Bentgrass, velvet - *Agrostis canina* L.  
 Bermuda-grass - *Cynodon dactylon* L. Pers.  
 Bluegrass, annual - *Poa annua* L.  
 Bluegrass, bulbous - *Poa bulbosa* L.  
 Bluegrass, Canada - *Poa compressa* L.  
 Bluegrass, Kentucky - *Poa pratensis* L.  
 Bluegrass, Nevada - *Poa nevadensis* Vasey  
 Bluegrass, rough - *Poa trivialis* L.  
 Bluegrass, Texas - *Poa arachnifera* Torr.  
 Bluegrass, wood - *Poa nemoralis* L.  
 Bluestem, big - *Andropogon furcatus* Muhl.  
 Bluestem, little - *Andropogon scoparius* Michx.  
 Bluestem, sand - *Andropogon halii* Hack.  
 Bluestem, yellow - *Andropogon ischaemum*.  
 Brome, field - *Bromus arvensis*.  
 Brome, mountain - *Bromus marginatus* Nees.  
 Brome, smooth - *Bromus inermis* Leyss.  
 Broomcorn - *Sorghum vulgare* var. *technicum* (Koem.) Jav.  
 Buckwheat - *Fagopyrum esculentum* Moench (F. Vulgare Hill.)  
 Buffalo Grass - *Buchloe dactyloides* (Nutt.) Engl.  
 Bufflegrass - *Pennisetum ciliare* L. Link.  
 Bur-clover, California - *Medicago hispida* Gaertn.  
 Bur-clover, spotted - *Medicago arabica* L. DC.  
 Bumet. little - *Sanguisorba minor* Scop.  
 Buttonclover - *Medicago orbicularis* L. All.

Canary Grass - *Phalaris canariensis* L.  
 Canarygrass, reed - *Phalaris arundinacea* L.  
 Carpet Grass - *Axonopus affinis* Chase.  
 Castorbean - *Ricinus communis* L.  
 Chickpea - *Cicer arietinum* L.  
 Clover, alsike - *Trifolium hybridum* L.  
 Clover, berseem - *Trifolium alexandrinum* L.  
 Clover, cluster - *Trifolium glomeratum* L.  
 Clover, crimson - *Trifolium incarnatum* L.  
 Clover, large hop - *Trifolium procumbens* L.  
 Clover, small hop (suckling) - *Trifolium dubium* Sibth.  
 Clover, ladino - *Trifolium repens* L.  
 Clover, lappa - *Trifolium lappaceum* L.  
 Clover, Persian - *Trifolium resupinatum* L.  
 Clover, red or Red Clover, mammoth - *Trifolium pratense* L.  
     Red Clover, medium - *Trifolium pratense* L.  
 Clover, rose - *Trifolium hirtum* All.

Clover, strawberry - *Trifolium fragiferum* L.  
Clover, sub (subterranean) - *Trifolium subterraneum* L.  
Clover, white - *Trifolium repens* L.  
Corn, field - *Zea mays* L.  
Corn, pop - *Zea mays* var. *evarta* (Sturt.) Bailey.  
Cotton - *Gossypium* spp.  
Cowpea - *Vigna sinensis* (Turner) Savi.  
Crested dogtail - *Cynosurus cristatus* L.  
Crotalaria, lance - *Crotalaria lanceolata* E. Mey.  
Crotalaria, showy - *Crotalaria spectabilis* Roth.  
Crotalaria, slenderleaf - *Crotalaria interinedia* Kotschv.  
Crotalaria, striped - *Crotalaria striata* DC.  
Crotalaria, Sunn - *Crotalaria juncea* L.

Dallis Grass - *Paspalum dilatatum* Poir.  
Dichondra repens Forst.  
Dropseed, sand - *Sporobolus cryptandrus* (Torr.) A. Gray.

Emmer - *Triticum dicoccum* Schrank.

Fescue, chewings - *Festuca rubra* var. *commutata* Gaud.  
Fescue, hair - *Festuca capillata* Lam.  
Fescue, meadow - *Festuca elatior* L.  
Fescue, red - *Festuca rubra* L.  
Fescue, sheep - *Festuca ovina* L.  
Fescue, tall - *Festuca arundinacea* Schreb.  
Flax - *Linum usitatissimum* L.

Grama, blue - *Bouteloua gracilis* (H.B.K.) Lag.  
Grama, side oats - *Bouteloua curtipendula* (Michx.) Torr.  
Guinea Grass - *Panicum maximum* Jacq.

Harding Grass - *Phalaris tuberosa* var. *stenoptera* (Hack.) Hitchc.  
Hemp - *Cannabis sativa* L.

Indian Grass, yellow - *Sorghastrum nutans* (L.) Nash.  
Indigo, hairy - *Indigofera hirsuta* (L.)  
Japanese Lawn Grass - *Zoysia japonica* Steud.  
Johnson Grass - *Sorghum halepense* (L.) Pers.

Kudzu - *Pueraria thunbergiana* (Sieb. and Zucc.) Benth.

Lespedeza, Korean - *Lespedeza stipulacea* Maxim.  
Lespedeza, sericea or Chinese - *Lespedeza cuneta* Dumont D. Don.  
(*L. sericea* (Thunb.) Miq.)

Lespedeza, Siberian - *Lespedeza hedysaroides* (Pallas) Ricker.  
Lespedeza, striate - *Lespedeza striata* (Thunb.) Hook. & Arn.  
Lovegrass, sand - *Eragrostis trichodes* (Nutt.) Wood.  
Lovegrass ,weeping - *Eragrostis curvula* (Schrad.) Nees.  
Lupine, blue - *Lupinus angustifolius* L.  
Lupine, white - *Lupinus albus* L.  
Lupine, yellow - *Lupinus luteus* L.

Manila Grass - *Zoysia matrella* (L.) Merr.  
Meadow foxtail - *Alopecurus pratensis* L.  
Medick, black - *Medicago lupulina* L.  
Millet, browntop - *Panicum Fasciatum*,Swartz L.  
Millet, foxtail - *Setaria italica* (L.)Beauv.  
Millet, Japanese - *Echinochloa crusyalli* var. *frumentacea* (Roxb.)  
Wight.  
Millet, pearl - *Pennisetum glaucum* (L.) R.Br.  
Millet, proso - *Panicum milaceum* L.  
Molasses Grass - *Melinis minutiflora* Beauv.  
Mustard, black - *Brassica nigra* Koch.  
Mustard ,white - *Brassica hirta* Moench.

Napier Grass - *Pennisetum purpureum* . Schumach.

Oat - *Avena* spp.  
Oatgrass, tall - *Arrhenatherum elatius* (L.)Mert. and Koch.  
Orchard Grass - *Dactylis glomerata* L.

Panic Grass,blue - *Panicum antidotale* Retz.  
Peanut - *Arachis hypogaea* L.  
Pea, field - *Pisum sativum* var.*arvense* (L.) Poir.  
*Poa trivialis* - (see Bluegrass,rough.)

Rape, annual - *Brassica napus* var.*annua* Koch.  
Rape, bird - *Brassica campestris* L.  
Rape, turnip - *Brassica campestris* vars.L.  
Rape, winter - *Brassica napus* var.*biennis* (Schubl.and Mart.)Reichb.  
Redtop - *Agrostis Alba* L.  
Rescue Grass - *Bromus catharticus* Vahl.  
Rhodes Grass - *Chloris Gayana* Nunth.  
Rice - *Oryza sativa* L.  
Rice Grass,Indian - *Oryzopsis hymenoides* (Roem.& Schult.)Ricker.  
Rough Pea - *Lathyrus hirsutus* L.  
Rye - *Secale cereale* L.  
Ryegrass or  
Ryegrass, Italian - *Lolium multiflorum* Lam.  
Ryegrass,perennial - *Lolium perenne* L.

Safflower - *Carthamus tinctorius* L.  
Sainfoin - *Onobrychis viciaefolia* Scop.  
Sesame - *Sesamum indicum* L.  
Sesbania - *Sesbania exaltata* (Raf.) Torr.  
Smilo - *Oryzopsis miliacea* (L.) Benth. and Hook.  
Sorghum - *Sorghum vulgare* Pers.  
Sourclover - *Melilotus indica* (L.) All.  
Soybean - *Glycine max* (L.) Merrill (*Soja max* (L.) Piper).  
Spelt - *Triticum spelta* L.  
Sudan Grass - *Sorghum vulgare* var. *sudanense* (Piper) Hitchc.  
Sunflower - *Helianthus annuus* L.  
Sweetclover or  
Sweetclover, white - *Melilotus alba* Desr.  
Sweetclover, yellow - *Melilotus officinalis* (L.) Lam.  
Sweet vernalgrass - *Anthoxanthum odoratum* L.  
Switchgrass - *Panicum virgatum* L.

Timothy - *Phleum pratense* L.  
Trefoil, big - *Lotus uliginosus* Schkuhr.  
Trefoil, birdsfoot - *Lotus corniculatus* L.

Vasey Grass - *Paspalum urvillei* Steud.  
Veldtgrass - *Ehrharta calycina* J.E. Smith.  
Velvetban - *Stizolobium deeringianum* Bort.  
Velvet Grass - *Holcus lanatus* L. Vetch or  
Vetch, common - *Vicia sativa* L.  
Vetch, hairy - *Vicia villosa* Roth.  
Vetch, Hungarian - *Vicia pannonica* Grantz.  
Vetch, monantha - *Vicia arficulata* Homem. (v. *monantha* Desf.)  
Vetch, narrowleaf - *Vicia angustifolia* (L.) Reich.  
Vetch, purple - *Vicia atropurpurea* Desf.  
Vetch, woolypod - *Vicia dasycarpa* Ten.

Wheat or  
Wheat, common - *Triticum aestivum* L. (*T. vulgare* Vill.)  
Wheat, club - *Triticum compactum* Host.  
Wheat, durum - *Triticum durum* L.  
Wheat, Polish - *Triticum polonicum* L.  
Wheat, poulard - *Triticum turgidum* L.  
Wheatgrass, crested or fairway crested - *Agropyron cristatum* (L.

Gaertn.

Wheatgrass, crested or standard crested - *Agropyron desertorum* (Fisch.)

Schult.

Wheatgrass, intermediate - *Agropyron intermedium* (Host) Beauv.  
Wheatgrass, pubescent - *Agropyron trichophorum* (Link) Richt.  
Wheatgrass, slender- *Agropyron pauciflorum* (Schwein.) Hitchc. (*A. trachycaulum* Steud.)  
Wheatgrass, tall - *Agropyron elongatum* (Host) Beauv.  
Wheatgrass, western - *Agropyron smithii* Rydb.  
Wild-rye, Canada - *Elymus canadensis* L.  
Wild-rye, Russian - *Elymus junceus* Fisch.

*Zoysia japonica* - (see Japanese lawngrass).  
*Zoysia matrella* - (see Manila grass).

(2) Vegetable seed

Anise - *Pimpinella anisum*.  
Artichoke - *Cynara scolymus* L.  
Asparagus - *Asparagus officinalis* L.  
Asparagus Bean - *Vigna sesquipedalis* (L.) Fruwirth.

Basil, sweet - *Ocimum basilicum*.  
Bean - *Phaseolus vulgaris* L.  
Bean, lima - *Phaseolus lunatus* var. *macrocarpus* Van Eseltine.  
Bean, runner - *Phaseolus coccineus* L.  
Beet - *Beta vulgaris* L.  
Borage - *Borago officinalis*.  
Broadbean - *Vicia faba* L.  
Broccoli - *Brassica oleracea* var. *botrytis* L.  
Brussels sprouts - *Brassica oleracea* var. *gemmifera* Zenker.

Cabbage - *Brassica oleracea* var. *capitata* L.  
Cantaloupe (see muskmelon).  
Caraway - *Carum carvi*.  
Cardoon - *Cynara cardunculus* L.  
Carrot - *Daucus carota* L. (cultivated).  
Cauliflower - *Brassica oleracea* var. *botrytis* L.  
Celeriac - *Apium graveolens* var. *rapaceum* DC.  
Celery - *Apium graveolens* var. *dulce* (Mill.) Pers.  
Chard, Swiss - *Beta vulgaris* var. *ciela* L.  
Chervil, salad - *Anthriscus cerefolium*  
Chicory - *Cichorium intybus* L.  
Chinese cabbage - *Brassica pekinensi* (Lour.) Rupr.  
Chives - *Allium schoenoprasum*.  
Citron-Melon - *Mitrullus vulgaris* Schrad.  
Collards - *Brassica oleracea* var. *acephala* DC.  
Coriander - *Coriandrum sativum*.

Corn, sweet - *Zea mays* L.  
 Cornsalad-Fetticus - *Valerianella locusta* var. *olitoria* Pall.  
 Cowpea - *Vigna sinensis* (Tomer) Savi.  
 Cress, garden - *Lepidium sativum* L.  
 Cress, upland - *Barbarea verna*.  
 Cress, water - *Rorippa nasturtium-aquaticum* (L.) Britt. and Rendle.  
 Cucumber - *Cucumis sativus* L.

Dandelion - *Taraxacum officinale* Weber.

Eggplant - *Solanum melongena* var. *esculentum* Nees.  
 Endive - *Cichorium endivia* L.

Fennel - *Foeniculum vulgare*.

Kale - *Brassica oleracea* var. *acephala* DC.  
 Kale, Chinese - *Brassica oleracea* var. *alboglabra* (Bailey) Musil.  
 Kohlrabi - *Brassica oleracea* var. *gongylodes* L.

Leek - *Allium porrum* L.  
 Lettuce - *Lactuca sativa* L.

Marjoram, sweet - *Marjorana hortensis*.  
 Muskmelon - *Cucumis melo* L.  
 Mustard - *Brassica juncea* L. Coss.  
 Mustard, spinach - *Brassica perviridis* Bailey.

Okra - *Hibiscus esculentus* L.  
 Onion - *Allium cepa* L.  
 Onion, Welsh - *Allium fistulosum* L.

Pak-choi - *Brassica chinensis* L.  
 Parsley - *Petroselinum hortense* Hoffm.  
 Parsnip - *Pastinaca sativa* L. (cultivated).  
 Pea-garden - *Pisum sativum* L.  
 Pepper - *Capsicum* spp.  
 Pumpkin - *Cucurbita pepo* L., *C. moschota* Duchesne and *C. Maxima* Duchesne.

Radish - *Raphanus sativus* L.  
 Roquette - *Eruca sativa*  
 Rhubarb - *Rheum rhaponticum* L.  
 Rutabaga - *Brassica napus* var. *napobrassica* L. Reichb.

Sage - *Saivia officinalis*.  
Salsify - *Tragopogon porrifolius* L.  
Savory, summer - *Satureja hortensis*.  
Sorrel - *Rumex acetosa* L. (cultivated).  
Soybean - *Glycine max* L. Merrill (*Soja max* L. Piper).  
Spinach - *Spinacia oleracea* L.  
Spinach, New Zealand - *Tetragonia expansa* Thunb.  
Squash - *Cucurbita pepo* L. *C. moschata* Duchesne and *C. maxima* Duchesne.

Thyme - *Thymus vulgaris*  
Tomato - *Lycopersicon esculentum* Mill.  
Tomato, husk - *Physalis pubescens* L.  
Tumip - *Brassica rapa* L.

Watermelon - *Citrullus vulgaris* Schrad.

- (d) When variety or strain names are stated, they shall be used in connection with the full kind name as herein specified, for example: "Alta Tall Fescue", "Merion Kentucky Bluegrass", and "Michihli Chinese Cabbage".
- (e) The provision that flower seeds be labeled to show, "The name of the kind and variety or a statement of type and performance characteristics", shall be met in one of the following ways:
- (1) For seeds of plants grown primarily or their blooms -
    - (I) If the seeds are of a single name variety, the kind and variety names shall be stated, for example - "Marigold, Buterall".
    - (II) If the seeds are of a single type and color for which there is no specific variety name, the type of plant (if significant), and the type and color of bloom shall be indicated, for example "Scabiosa, Tall, Large Flowered, Double, Pink".
    - (III) If the seeds consist of an assortment or mixture of colors or varieties of a single kind, the kind name, the type of plant (if significant) and the type or types of bloom shall be indicated. In addition, it shall be clearly indicated that the seed is mixed or assorted. An example of labeling such a mixture or assortment is - "Marigold, Dwarf Double French, Mixed Colors".
    - (IV) If the seeds consist of an assortment or mixture of kinds, it shall be clearly indicated that the seed is assorted or mixed and the specific use of the assortment or mixture shall be indicated, for example - "Cut Flower Mixture", or "Rock Garden Mixture". Such statements as "Wild Flower Mixture", "General Purpose Mixture", "Wonder Mixture" or any other statement which fails to indicate the specific use of the seed shall not be considered as meeting the

requirements of this provision unless the specific use of the mixture is also stated.

- (2) For seeds of plants grown for ornamental purposes other than their blooms, the kind and variety shall be stated or the kind shall be stated together with a descriptive statement concerning the ornamental part of the plant, for example - "Ornamental Gourds, Small Fruited Mixed".
- (f) For lawn seeding mixtures the requirement of Section 137 of the Agriculture and Markets Law that the name of the kind or kind and variety of seed components to be named in order of their predominance may be met by naming the kind or kind and variety of seed components in the order of their predominance under the separate headings "Fine Textured Grasses" and "Coarse Kinds". The following may be named as "Fine Textured Grasses: colonial bentgrass (*Agrostis tenuis*), creeping bentgrass (*Agrostis palustris*), velvet bentgrass (*Agrostis canina*), Kentucky bluegrass (*Poa pratensis*), rough buegrass (*Poa trivialis*), wood bluegrass (*Poa nemoralis*), Canada bluegrass (*Poa compressa*), red fescue (*Festuca rubra*), chewing fescue (*Festuca rubra* var. *commutata*), sheep fescue (*Festuca ovina*), and the manhattan, NK 100, norlea and palo varieties of perennial ryegrass *Lolium perenne*). All other kinds or kinds and varieties not listed as Fine Textured must be listed under the heading "Coarse Kinds".

### **Section 95.2. Duplicate samples.**

When seeds are offered or exposed for sale in small original containers such as sealed paper packets, sealed cartons, or small sewed bags and, therefore, not readily divided or opened in the usual manner and there are several apparently similar or identical containers one of these may be purchased by the inspector and reserved intact as a sample and the others left with the vendor as duplicate samples, one of which the vendor may choose to retain.

### **Section 95.3. Interpretation of terms used.**

In interpreting the terms used in this Act in regard to the sale of unlabeled, uncleaned, and unfit seed the definitions and explanations formulated by the Commissioner of Agriculture and Markets shall apply.

(a). "Unlabeled" seed shall be understood to mean lots or parcels of seeds or mixtures of seeds which lack any or all of the required items of label information for that particular kind of seed or mixture.

(b) Seed “so unclean as to be unfit for planting” shall be understood to mean that the seed has not been subjected to the usual commercial cleaning processes to remove harmful and troublesome weed seeds in such quantities that it might badly infest a field in which it was planted. Seeds of wheat, oats, rye, barley and other seeds of similar size or larger will be considered to be “so unclean as to be unfit for planting” if they contain 10 noxious weed seeds or more per pound. Seeds of grasses, small-seeded legumes, and all other seeds smaller in size than wheat will be considered to be unfit for planting if they contain noxious weed seeds at a rate of 100 seeds or more per pound except that lawn seed or lawn seeding mixtures containing annual bluegrass (*Poa annua*) will be considered fit for planting provided (1) that the name and number of annual bluegrass (*Poa annua*) seeds per pound is stated on the label as required by paragraph 5. of subdivision C. of section 137 of the Agriculture and Markets Law, or (2) that annual bluegrass (*Poa annua*) be listed on the label as a component crop seed of the lawn seed or lawn seeding mixture and that the percentage by weight and percentage of germination be shown.

(c) Agricultural seeds will be considered to be “so weak or low in germination as to be unfit for seeding purposes” if the percentage germination obtained in a standard laboratory test is less than two-thirds of the minimum germination percentage specified for certified seed of the kind in question in the latest minimum standards adopted by the International Crop Improvement Association. Vegetable and flower seeds will be considered to be unfit for planting if the germination percentage obtained in a standard laboratory test is less than two-thirds of the germination standard for the kind in question specified in these rules and regulations. Seeds of kinds not listed in the minimum certification standards of the International Crop Improvement Association nor in the vegetable and flower seed standards set forth in these rules and regulations will be considered to be unfit for planting if they show no germination or distinctly weak vitality, or produce so few seedlings as to make a satisfactory stand in the field impossible at normal planting rates.

(d) Seed shall not be considered to have been packaged or tested for the calendar year in which it is sold, offered or exposed for sale unless a test to determine the percentage germination shall have been made during the nine-month period immediately preceding the date on which the seed is sold, offered or exposed for sale.

(e) The term “standard testing procedures” as used in this article shall be understood to mean procedures adopted by the Association of Official Seed Analysts and published in the most recent edition of the “Rules for Testing Seed” of that Association.

#### **Section 95.4 Seed containing more than one per cent weed seeds.**

The provision prohibiting the sale of seed containing more than one per cent by weight of all weed seeds shall not apply to Japanese and Hungarian Millet, Smooth brome grass, Colonial bentgrass, Redtop, and Kentucky bluegrass. A total of two per cent of weed seeds shall be permitted in those kinds.

#### **Section 95.5 Germination standards for vegetable seeds.**

Germination standards for vegetable seeds including hard seed as specified in Section 137 of the Agriculture and Markets Law shall be those indicated below:

	%
Anise.....	50
Artichoke.....	60
Asparagus.....	70
Asparagusbean.....	75
Basil, sweet.....	60
Bean, garden.....	70
Bean, lima.....	70
Bean, runner.....	75
Beet.....	65
Borage.....	70
Broadbean.....	75
Broccoli.....	75
Brussels sprouts.....	70
Cabbage.....	75
Caraway.....	55
Cardoon.....	60
Carrot.....	55
Cauliflower.....	75
Celeriac.....	55
Celery.....	55
Chard,Swiss.....	65
Chervil.....	65
Chicory.....	65
Chinese cabbage.....	75
Chives.....	45
Citron.....	65
Collards.....	80
Coriander.....	70
Corn, Sweet.....	75
Cornsalad.....	70
Cowpea.....	75
Cress, garden.....	75
Cress, upland.....	70
Cress, water.....	40
Cucumber.....	80
Dandelion.....	60
Eggplant.....	60
Endive.....	70

	%
Fennel,Florence.....	60
Fennel,sweet.....	50
Kale.....	75
Kale, Chinese.....	75
Kohlrabi.....	75
Leek.....	60
Lettuce.....	80
Marjoram,sweet.....	50
Muskmelon.....	75
Mustard.....	75
Mustard, spinach.....	75
Okra.....	50
Onion.....	70
Onion,Welsh.....	70
Pak-choi.....	75
Parsley.....	60
Parsnip.....	60
Pea.....	80
Pepper.....	55
Pumpkin.....	75
Radish.....	75
Rhubarb.....	60
Roquette.....	60
Rutabaga.....	75
Sage.....	60
Salsify.....	75
Savory, summer.....	55
Sorrel.....	65
Soybean.....	75

Spinach.....	60	Tomato .....	75
Spinach,New Zealand .....	40	Tomato,husk.....	50
Squash.....	75	Turnip.....	80
		Watermelon.....	70
Thyme .....	50		

**Section 95.6 Germination standards for flower seed.**

(a) Germination standards for flower seed including hard seed, as specified in section 137 of the Agriculture and Markets Law shall be those indicated below:

<b><u>Kind</u></b> .....	<b><u>Percent</u></b>
Achillea (The Pearl)-(Achillea ptarmica) .....	50
African daisy.(Dimorphotheca aurantiaca).....	55
Ageratum-(Ageratum mexicanum).....	60
Agrostemma (rose campion)-(Agrostemma coronaria) .....	65
Alyssum-(Alyssum compactum, A. maritimum, A. procumbens, A. saxatile).....	60
Amaranthus-(Amaranthus spp.).....	65
Anagalis (pimpernel)-(Anagalis arvensis, Anagalis coerulea, Anagalis grandiflora).....	60
Anemone-(Anemone coronaria, A. pulsatilla).....	55
Angel's trumpet - (Datura arborea) .....	60
Arabis-(Arabis alpina) .....	60
Arctotis (African lilac daisy)-(Arctotis grandis).....	45
Armeria-(Armeria forinosa).....	55
Asparagus, fern-(Asparagus plumosus).....	50
Asparagus, sprenger-(Asparagus sprngeri).....	55
Aster, China-(Callistephus chinensis except for Pompon, Powderpuff, and Princess types) .....	55
Aster, China-(Callistephus chinensis, Pompon,Powderpuff, and Princess types) .....	50
Aubrietia-(Aubrietia deltoides).....	45
Balsam-(Impatiens Balsamina).....	70
Begonia-(Begonia fibrous rooted) .....	60
Begonia-(Begonia tuberous rooted).....	50
Bells of Ireland-(Molucella laevis) .....	60
Brachycome(swan river daisy)-(Brachycome iberidifolia).....	60
Browallia-(Browallia elata and B. speciosa) .....	65

Bupthalmum (sunwheel)-(Bupthalmum salicifolium).....	60
Calceolaria-(Calceolaria spp.).....	60
Calendula-(Calendula officinalis).....	65
Califomia poppy-(Eschscholtzia californica).....	60
Calliopsis-(Coreopsis bicolor,C. drummondi, C. elegans).....	65
Campanula-	
Canterbury bells-(Campanula medium).....	60
Cup and Saucer bellflower-(Campanula medium calycanthema).....	60
Carpathian bellflower -(Campanula carpatica).....	50
Peach bellflower-(Campanula persicifolia).....	50
Candytuft, annual-(Iberis amara,I.umbellata).....	65
Candytuft, perennial-(Iberis gibraltarica,I. sempervirens).....	55
Castor bean-(Ricinus communis).....	60
Cathedral bells - (Cobaea scandens).....	65
Celosia - (Celosia argentea).....	65
Centaurea, basket flower - (Centaurea americana,	
Cornflower-C. cyanus, Dusty Miller-C. candidissima,	
Royal centaurea-C. imperialis, Sweet sultan-C.	
moschata, Velvet centaurea-C. gymnocarpa).....	60
Cerastium (snow-in-summer)-(Cerastium biebersteini and	
C. tonentosum).....	65
Chinese forget-me-not-(Cynoglossum amabile).....	55
Chrysanthemum, annual-(Chrysanthemum carinatum,	
C. coronarium,C. segetum.....	40
Cineraria-(Senecio cruentus).....	65
Cleome-(Cleome gigantea).....	65
Coleus-(Coleus blumei).....	65
Columbine-(Aquilegia spp.).....	50
Coral bells-(Heuchera sanguinea).....	55
Coreopsis, perennial-(Coreopsis lanceolata).....	40
Cosmos:Sensation, Mammoth and Crested types-(Cosmos	
bipinnatus,Klondyke type-C. sulphureus).....	65
Crossandra-(Crossandra infundibuliformis).....	50
Dahlia-(Dahlia spp.).....	55
Delphinium ,perennial: Belladonna and Bellamosum types:	
Cardinal larkspus-Delphinium cardinale-, Chinensis	
types;Pacific Giant, Gold Medal and other hybrids D. Elatum).....	55
Dianthus:	
Carnation-(Dianthus caryophyllus).....,	60
China pinks-(Dianthus chinensis, Heddweigi, Heddensis.....	70
Grass pink-(Dianthus plumarius).....	60

Maiden pinks-( <i>Dianthus deltoides</i> ) .....	60
Sweet William-( <i>Dianthus barbatus</i> ).....	70
Sweet Wivelsfield-( <i>Dianthus allwoodi</i> ).....	60
Didiscus(blue lace flower)-(Didiscus <i>coerulea</i> ) .....	65
Doronicum (leopard's bane)-(Doronicum <i>caucasicum</i> ).....	60
Dracena-( <i>Dracena indivisa</i> ) .....	55
English daisy-( <i>Bellis perennis</i> ).....	55
Flax-(Golden flax- <i>Linum flavum</i> ;Flowering flax-L. grandiflorum;Perennial flax-L. <i>perenne</i> ).....	60
Foxglove-( <i>Digitalis spp.</i> ).....	60
Gaillardia,annual-( <i>Gaillardia pulchella</i> , <i>G. picta</i> ;perennial- <i>G. grandiflora</i> .....	45
Gerbera (transvaal daisy)-(Gerbera <i>jamesoni</i> ).....	60
Geum-( <i>Geum spp</i> ) .....	55
Gilia-( <i>Gilia spp.</i> ).....	65
Gloriosa daisy (rudbeckia)-(Echinacea <i>purpurea</i> and Rudbeckia <i>Hirta</i> ) .....	60
Gloxinia-( <i>Sinningia speciosa</i> ) .....	40
Godetia-( <i>Godetia amoena</i> , <i>G. grandiflora</i> ).....	65
Gourds:(yellow flowered- <i>Cucurbita pepo</i> ; white flowered- <i>Lagenaria</i> <i>sisceraria</i> ; Dishcloth- <i>Luffa cylindrical</i> .....	70
Gypsophila:(annual baby's breath- <i>Gypsophila elegans</i> ; perennial baby's breath- <i>G.paniculata</i> , <i>G.pacifica</i> , <i>G. repens</i> ).....	70
Helenium-( <i>Helenium autumnale</i> ).....	40
Helichrysum-( <i>Helichrysum monstrosum</i> ) .....	60
Heliopsis-( <i>Heliopsis scabra</i> ).....	55
Helipterum ( <i>Acroclinium</i> )-(Helipterum <i>roseum</i> ) .....	60
Hesperis(sweet rocket)-(Hesperis <i>matronalis</i> ).....	65
Hollyhock-( <i>Althea rosea</i> ) .....	65
Hunnemania (mexican tulip poppy) - <i>Hunnemania fumariaefolia</i> ).....	60
Hyacinth bean - ( <i>Dolichos lablab</i> ).....	70
Impatiens-( <i>Impatiens holstii</i> , <i>I. sultani</i> ) .....	55
Ipomea(Cypress vine- <i>Ipomea quamoclit</i> ; Moonflower- , <i>I. noctiflora</i> ; Moming glories, Cardinal climber, .Hearts and Honey vine- <i>Ipomea spp.</i> ).....	75
Jerusalem cross(maltese cross)-(Lychnis <i>chalcedoni</i> .....	70
Job's tears-( <i>Coix lacrymajobi</i> ) .....	70
Kochia-( <i>Kochia childsii</i> ).....	55

Larkspur, annual-( <i>Delphinium ajacis</i> ) .....	60
Lantana-( <i>Lantana camara</i> , <i>L. Hybrida</i> ).....	35
Lilium (regal lily)-( <i>Lilium regale</i> ) .....	50
Linaria-( <i>Linaria</i> spp.).....	65
Lobelia, annual-( <i>Lobelia erinus</i> ).....	65
Lunaria, annual-( <i>Lunaria annua</i> ) .....	65
Lupine-( <i>Lupinus</i> spp.) .....	65
Marigold-( <i>Tagetes</i> spp.).....	65
Marvel of Peru-( <i>Mirabilis jalapa</i> ).....	60
Matricaria (feverfew)-( <i>Matricaria</i> spp.).....	60
Mignonette-( <i>Reseda odorata</i> ) .....	55
Myosotis-( <i>Myosotis alpestris</i> , <i>M. oblongata</i> , <i>M. palustris</i> .....	50
Nasturtium-( <i>Tropaeolum</i> spp.) .....	60
Nemesia-( <i>Nemesia</i> spp.).....	65
Nemophila-( <i>Nemophila insignis</i> ) .....	70
Nemophila, spotted-( <i>Nemophila maculata</i> ).....	60
Nicotiana-( <i>Nicotiana affinis</i> , <i>N. sandeae</i> , <i>N. sylvestris</i> ).....	65
Nierembergia-( <i>Nierembergia</i> spp.).....	55
Nigella-( <i>Nigella damascena</i> ) .....	55
Pansy-( <i>Viola tricolor</i> ) .....	60
Penstemon-( <i>Penstemon barbatus</i> , <i>P. grandiflorus</i> , <i>P. laevigatus</i> , <i>P. pupescens</i> ).....	60
Petunia-( <i>Petunia</i> spp.).....	45
Phacelia-( <i>Phacelia campanularia</i> , <i>P. minor</i> , <i>P. tanacetifolia</i> ).....	65
Phlox, annual-( <i>phlox drummondi</i> all types and varieties) .....	55
Physalis-( <i>Physalis</i> spp.) .....	60
Platycodon(balloon flower)-( <i>Platycodon grandiflorum</i> ) .....	60
Plumbago, cape-( <i>Plumbago capensis</i> ) .....	50
Poppy:( <i>Shirley-Papaver rhoeas</i> ; <i>Iceland-P. nudicaule</i> ; <i>Oriental-P. orientale</i> ; <i>Tulip-P.glaucum</i> ) .....	60
Portulaca-( <i>Portulaca grandiflora</i> ) .....	55
Primula(piimrose)-( <i>Primula</i> spp.).....	50
Pyrethrum(painted daisy)-( <i>Pyrethrum coccineum</i> ).....	60
Salpiglossis-( <i>Salpiglossis gloxinaeflora</i> , <i>S. sinuata</i> ) .....	60
Salvia:( <i>Scarlet Sage-Salvia splendens</i> ; <i>Mealycup</i> <i>Sage-Salvia farinacea</i> ) .....	50
Saponaria-( <i>Saponaria ocymoides</i> , <i>S. vaccaria</i> ).....	60
Scabiosa,annual-( <i>Scabiosa atropurpurea</i> ).....	50
Scabiosa,perennial-( <i>Scabiosa caucasica</i> ).....	40
Schizanthus-( <i>Schizanthus</i> spp.).....	60
Sensitive plant (mimosa)-( <i>Mimosa pudica</i> ) .....	65

Shasta Daisy-( <i>Chrysanthemum maximum</i> , <i>C. leucanthemum</i> ) .....	65
Snapdragon-( <i>Antirrhinum</i> spp.) .....	55
Solanum-( <i>Solanum</i> spp.).....	60
Statice-( <i>Statice sinuata</i> , <i>S. suworonii</i> ) .....	50
Stocks:(Common- <i>Mathiola incana</i> ; Evening Scented- <i>Mathiola bicom</i> .....	65
Sunflower-( <i>Helianthus</i> spp.) .....	65
Sweet pea, annual and perennial other than dwarf bush-( <i>Lathyrus odoratus</i> , <i>L. latifolius</i> ).....	75
Sweet pea, dwarf bush-( <i>Lathyrus odoratus</i> ) .....	65
Tahoka daisy-( <i>Machaeantha tanacetifolia</i> ) .....	60
Thunbergia-( <i>Thunbergia alata</i> ) .....	60
Torch flower-( <i>Tithonia speciosa</i> ) .....	70
Torenia (wishbone flower)-(Torenia <i>fornieri</i> ) .....	70
Tritoma-( <i>Kniphofla</i> spp.).....	65
Verbena.annual-( <i>Verbena hybrida</i> ) .....	35
Vinca-( <i>Vinca rosea</i> ).....	60
Viola-( <i>Viola cornuta</i> ) .....	55
Virginian stocks-( <i>Malcolmia maritima</i> ) .....	65
Wallflower-( <i>Cheiranthus allioni</i> ) .....	65
Yucca (Adam's needle)-(Yucca <i>filamentosa</i> ) .....	50
Zinnia (except <i>linearis</i> and creeping)- ( <i>Zinnia augustifolia</i> , <i>Z. Elegans</i> , <i>Z. grandi flora</i> , <i>Z. gracillima</i> , <i>Z. haegeana</i> , <i>Z. multiflora</i> , <i>Z. pumilla</i> ) .....	65
Zinnia, <i>linearis</i> and creeping - ( <i>Zinnia linearis</i> , <i>Sanvitalia procumbens</i> ) .....	50

(b) A mixture of kinds of flower seeds will be considered to be below standard if the germination of any kind or combination of kinds constituting 25 per cent or more of the mixture by number is below standard for the kind or kinds involved.

**Section 95.7 Warning on treated seed.**

The following provisions shall apply to the labeling of treated seed to provide “a warning adequate to protect the public” as required in Section 137 of the Agriculture and Markets Law:

(a) Seed treated with a mercurial or similarly toxic substance, if any amount remains with the seed, shall be labeled to show a representation of a skull and crossbones at least twice the size of the type used for other information pertaining to treatment on the label, and shall also include in red letters on a background of distinctly contrasting color a statement worded substantially as follows: “This seed has been treated with Poison”, “Treated with Poison”, “Poison treated”, or “Poison”. The word “Poison” shall appear in type no less than 8 point.

Examples of mercurials and similarly toxic substances are the following

Aldrin, technical  
Demeton  
Dieldrin  
Endrin  
Heptachlor  
o,o-diethyl S-(ethylthiomethyl)phosphorodithiolate  
o,o-diethyl S-2(ethylthio) ethyl proosphorodithiolate  
Phenyl amino cadmium dilactate  
Mercurials (all types):  
Ethyl mercury acetate  
N-ethylmercuri-1,2,3,6-tetrahydro-3,6,-endomethano  
3,4,5,6,7,7-hexachlorophthalimide  
Ethyl mercury chloride  
Ethyl mercury 2,3-dihydroxy propyl mercaptide  
Ethyl mercury perthiocyanate  
Ethyl mercury p-toluene sulfonanilide  
Ethyl propyl mercury bromide  
Hydroxymercuric cresol  
Hydroxy mercurichlorophenol  
Hydroxy mercurinitrophenol  
Mercuric chloride; corrosive sublimate  
Mercurous chloride; calomel  
Mercuric oxide  
Methyl mercury dicyan diamide  
Methyl mercury hydroxide  
Methyl mercury nitril  
2-methoxy ethyl mercury acetate  
Mercury-Zinc-chromate  
Phenyl mercury acetate  
Phenyl mercury ammonium acetate  
Phenyl mercury chloride

Phenyl mercury ethylene diamine acetate  
Phenyl mercury formamide  
Phenyl mercury salicylate  
Phenyl mercury urea  
Sodium ethyl mercury salicylate

(b) If a substance other than one which would be classified as a mercurial or similarly toxic substance is used in the treatment of seed, and the amount remaining with the seed is harmful to humans or other vertebrate animals, the seed shall be labeled with an appropriate caution statement in type no smaller-than 8 point worded substantially as follows: “Do not use for food”, “Do not use for feed”, “Do not use for oil purposes”, or “Do not use for food, feed, or oil purposes”.

Any amount of any substance which is not a mercurial or similarly toxic substance, used in the treatment of seed, which remains with the seed is considered harmful within the meaning of this section when the seed is in containers of more than four ounces except that the following substances shall not be deemed harmful when present at a rate less than the number of parts per million indicated:

Allethrin - 2 p.p.m.

Malathion - 8 p.p.m.

Methoxychlor - 2 p.p.m.

Piperonyl butoxide - 8 p.p.m.

Pyrethrine - 1 p.p.m.

#### **Section 95.8. Seeds in preplanted containers, mats, tapes and other devices.**

(a) Seeds sold, offered, or exposed for sale in containers in which they are preplanted in a germination medium, or in mats, tapes, or similar devices are subject to all of the provisions of article 9 of the Agriculture and Markets Law pertaining to the kind of seed involved and to the rules and regulations promulgated under the provisions of this article.

(b) If the seed is placed in the germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quantity of seed without removing it from the medium, mat, tape, or device, the label must bear a statement to indicate the minimum number of seeds in the container, except for agricultural seeds for which the minimum number of seeds per square foot shall be indicated.

#### **Section 95.9 Noxious weed seeds.**

The term *noxious weed seeds* includes, in addition to those seeds set forth in definition 7 of section 136 of the Agriculture and Markets Law, the seeds of the following:

Leafy spurge (*Euphorbia esula*).

Annual bluegrass (*Poa annua*) when present in lawn seed or lawn-seeding mixtures.