

No. 1124, A.]

[Published June 19, 1913.]

CHAPTER 493.

AN ACT to amend sections 1494x—1, 1494x—2, subsection 1 of section 1494x—3, 1494x—5, 1494x—8 and 1494x—10 to 1494x—13, inclusive, and to repeal sections 1494x—4, 1494x—6 and 1494x—7, and to create sections 1494x—4, 1494x—6 and 1494x—7 of the statutes, relating to the examination and inspection of seeds.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 1494x—1, 1494x—2, subsection 1 of section 1494x—3, 1494x—5, 1494x—8 and 1494x—10 to 1494x—13, inclusive, of the statutes are amended to read: Section 1494x—1. No person, firm or corporation shall, by himself, his agent, or as representative of any other person, firm or corporation, sell or offer for sale or distribution within the state for seeding purposes any lot or package of agricultural seeds exceeding one pound in weight unless the same, when put up in either open or closed packages, shall have attached thereto a label on which is plainly printed or written, in the English language, the following:

- (1) Name and kind of seed.
- (2) Full name and address of seedsman, importer, agent or dealer.
- (3) Statement of purity of the seed contained therein. (Impurities defined in sections 1494x—3, 1494x—4 and 1494x—5 hereof.)
- (4) Germinating power of seed.
- (5) *State or locality where seed was grown; provided, however, that this requirement applies to cereal grains, corn and alfalfa seed only.* * * *

Section 1494x—2. For the purposes of sections 1494x—1 to 1494x—16, inclusive, the term "agricultural seeds" shall include seed of the red clover (either medium or mammoth), white clover, alsike clover, alfalfa, timothy, orchard grass, Kentucky blue grass, red top, bromis inermis, oat grass, rye grass, the fescues, the millets, other grass and forage plant seeds, flax, rape, *buckwheat*, and cereals.

(Section 1494x—3) 1. No agricultural seeds, as defined in section 1494x—2 of the statutes, shall be sold or offered for sale or distribution within the state, which contain in greater numbers than one to one thousand of the seed under examination the seeds of the following named noxious weeds: Canada thistle (*carduus arvensis* * * * *Robs.*), * * * couch, quack or

quitch grass (*agropyron repens* * * * *Beauv.*) clover dodder (*cuscuta epithimum* * * * *Murr.*), field dodder (*cuscuta arvensis* * * * *Beyrich*), *alfalfa dodder* (*cuscuta indecora choisy*), English charlock or wild mustard (*brassica arvensis* * * * *B. S. P.*), *Indian mustard* (*brassica juncea*, *Cosson*), wild oats (*avena fatua* L.), corn cockle (* * * *agrostemma githago*), ox-eye daisy (*chrysanthemum leucanthemum* L.), *snapdragon* or butter and eggs (*linaria linaria Karst.*), sow thistle (*sonchus arvensis*), *buckhorn*, ribwort, or * * * *narrow-leaved plantain* (*plantago lanceolata* L.) * * *.

Section 1494x—5. Sand, dirt, sticks, broken seeds, * * * and other foreign matter shall be considered as impurities when * * * found in agricultural seeds sold, offered or exposed for sale * * * within the state for seeding purposes, and when * * * present in * * * quantity exceeding two per cent thereof, the * * * total percentage of such impurities shall be stated * * *. on the label * * * attached to the container.

Section 1494x—8. The provisions of sections 1494x—1 to 1494x—16, inclusive, shall not be construed as applying to:

(1) Any person growing, possessing for sale, or selling seeds for food purposes only.

(2) Persons selling * * * or offering for sale to a seed dealer uncleaned seeds to be recleaned and tested by him before * * * being exposed for sale upon the general market.

(3) Seed that is in store for the purpose of recleaning, and which is not possessed, sold or offered for sale for seed purposes.

* * *
* * * (4) Mixture of seeds for lawn, pasture, or meadow purposes except that the sale of such mixtures is subject to the restrictions of sections 1494x—3 and 1494x—4 of the statutes.

Section 1494x—10. The enforcement of sections 1494x—1 to 1494x—16, inclusive, is hereby placed in the agricultural experiment station under the supervision of the director and he is hereby empowered to appoint such inspectors and assistants as may be necessary to execute its provision.

(See c. 758.)

(Section 1494x—11) 1. It shall be the duty of the inspectors and assistants to collect samples of agricultural seeds in the open market and analyze the same in conformity with the * * * rules and regulations established by the seed inspector. They are vested with all necessary powers for the proper execution of their duties, * * * including all actions or procedure needful to secure evidence of fraud and dishonest dealing in or the fraudulent advertising of seed; also, including entrance upon or

into all premises or grounds where seeds are being sold or exposed for sale, and by tendering payment at the current rates, shall have power to take samples of all such seed. Provided, also, that sealed duplicates of such samples shall be left with the dealer. All samples of seed sent to the inspector for testing, or collected by him or his assistants, shall be accompanied by a statement of the quantity of seed like the sample held for sale by the dealer.

2. *Prosecutions for violation of this act shall be brought in the proper court by the district attorney of the county in which said violation occurred, upon complaint of the seed inspector or his assistants.*

3. *The seed inspector shall have power whenever he shall deem it necessary to call upon the attorney-general for aid in the prosecution of all cases arising under the provisions of sections 1494x—1 to 1494x—16, inclusive.*

Section 1494x—12. *Samples of seed collected in the open market by the inspector and his assistants shall be tested as herein provided and the results of all such tests * * * shall be published in bulletins of the experiment station, together with the names and post-office * * * addresses of the persons, firms or corporations from * * * which such samples * * * were obtained.*

(See c. 758.)

Section 1494x—13. *Guarantees of purity and viability shall be based upon tests made by the experiment station or by seed dealers or their agents, subject to retest and ratification by the experiment station, when it shall deem necessary. Dealers who are testing their own seeds shall be required to submit samples thereof to the experiment station for retesting upon demand of the inspector. Should the guarantees shown on the dealer's label not be substantially equivalent to the actual value of the seed, as determined by the experiment station, the dealer shall be subject to prosecution and penalty, as defined in section 1494x—15.*

Printed standards of purity and germination of agricultural seeds and directions for making analyses of seeds shall be furnished by the experiment station upon request.

SECTION 2. Sections 1494x—4, 1494x—6 and 1494x—7 of the statutes are repealed.

SECTION 3. There are added to the statutes three new sections to read: Section 1494x—4. *Seeds of any other kind than those mentioned in section 1494x—3, when found in any sample of agricultural seeds shall be classed as impurities therein, and when present in quantity exceeding two per cent of the sample either singly or in combination, the approximate percentage of each*

shall be printed on the label attached to the container, as required by section 1494x—1.

Section 1494x—6. Agricultural seeds containing five per cent or more by weight of agricultural seed other than the named sample, shall be plainly labeled with the percentage of such seed.

Section 1494x—7. Agricultural seeds shall be considered as misbranded:

(1) When seeds low in value are submitted under the label for those of similar appearance but greater value;

(2) When other than Wisconsin-grown agricultural seeds are labeled as such;

(3) When southern-grown seeds are labeled as northern-grown;

(4) When seeds are in any other respect not true to the label under which they are sold or offered for sale;

(5) When seeds are sold under any label other than that of the dealer selling same;

(6) When labels or tags supplied by a wholesale dealer are attached to lots of seed not purchased from such wholesale dealer, or to lots of seed other than those for which they were intended to be used.

When so misbranded, agricultural seeds, as defined herein, shall not be sold or offered for sale within the state.

SECTION 4. This act shall take effect and be in force from and after July 1, 1913.

Approved June 18, 1913.

No. 1156, A.]

[Published June 19, 1913.

CHAPTER 494.

AN ACT to create sections 926—117o and 926—117p of the statutes, relating to the election of boards of education in cities of the second, third and fourth classes under special charter.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There are added to the statutes two new sections to read: Section 926—117o. 1. In any city of the second, third or fourth class organized and operating under a special charter, upon presentation, to the city clerk, of a petition signed by electors thereof, qualified to vote on school matters, equal in number to thirty per cent of the votes cast in any such city for all candidates for state superintendent of public instruction at the last preceding election of such officer, requesting that the board of education of such city shall be elected pursuant to sec-