

Chapter Ag 20

AGRICULTURAL AND VEGETABLE SEEDS

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Ag 20.01 Definitions. (1) The term "origin" means the state, Alaska, District of Columbia, Hawaii, Puerto Rico, or possession of the United States, or the foreign country or designated portion thereof, where the seed was grown.

(2) The term "kind" means one or more related species or subspecies which singly or collectively is known by one common name, for example, wheat, oat, vetch, sweet clover, cabbage, cauliflower, and so forth.

(3) The term "variety" means a subdivision of a kind which is characterized by growth, plant, fruit, seed, or other characters by which it can be differentiated from other sorts of the same kind, for example, Marquis wheat, Flat Dutch cabbage, Manchu soy beans, Oxheart carrot, and so forth.

(4) The term "type" means either (a) a group of varieties so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions, or (b) when used with a variety name means seed of the variety named which may be mixed with seed of other varieties of the same kind and of similar character. If the type designation does not include a variety name, it shall include a name descriptive of a group of varieties of similar character and the pure seed shall be at least 90% of one or more varieties all of which conform to the type designation.

(5) The term "germination" means seeds capable of producing normal seedlings under ordinarily favorable conditions (not including seeds which produce weak, malformed, or obviously abnormal sprouts).

(6) The term "hard seeds" means seeds which because of hardness or impermeability do not absorb moisture or germinate under prescribed tests but remain hard during the period prescribed for germination of the kind of seed concerned.

(7) The term "inert matter" means broken seeds when one-half or less; seeds of legumes or crucifers with the seed coats removed; undeveloped and badly injured weed seeds such as sterile dodder which, upon visual examination, are clearly incapable of growth; empty glumes of grasses; attached sterile glumes of grasses (which must be removed from the fertile glumes except in Rhodes grass); (dirt, stones, chaff, fungus bodies such as ergot and other sclerotia and smut balls); and any other matter other than seeds shall be considered inert matter.

Ag 20.02 Origin. The origin of alfalfa seed, seed grains and seed corn is considered important and shall be stated on labels. If origin is unknown, that fact shall be stated.

Ag 20.03 Germination. Germination of seed containing hard seed shall be recorded on the label by one of the following methods:

- (1) Germination . . . % including . . . % Hard Seeds
or
(2) Germination including Hard Seeds ----- . . . %
Hard Seeds ----- . . . %
or
(3) Germination ----- . . . %
Hard Seeds ----- . . . %
Germination and Hard Seeds ----- . . . %

Ag 20.04 Certifying agencies. (1) **APPROVAL.** The department approves the Wisconsin Crop Improvement Association and the official seed certification agencies of other states and Canadian provinces as satisfactory for the performance of varietal seed certification.

(2) **HYBRID FIELD SEED CORN.** In certifying hybrid field seed corn as to variety each certifying agency, as a condition to continuance of its approval, shall conform to the following requirements:

(a) *General procedure.* Varietal certification procedure shall be based upon represented parental seed stocks as evidenced by actual or coded pedigrees supplied to the certifying agency. Sufficient inspections of production practices shall be made to assure varietal purity. Procedures used, including tagging and sealing, shall be uniform as to all applicants.

(b) *Official tag or label.* Each agency shall issue, for use on containers of seed corn sold in Wisconsin, a tag or label bearing the name and address of the certifying agency and the phrase "Certified for Variety". The tag or label may include purity and germination information, and additional factual information, of an affirmative and non-discriminatory nature, relating to the varietal certification procedures of the certifying agency. The tag or label of the Wisconsin Crop Improvement Association shall be blue in color except for seed corn which fails to have at least 99% purity and 90% germination. It may bear a distinctive mark, such as a red "W", which will identify varieties developed by the University of Wisconsin.

(c) *Seal.* Any seals issued and used for sealing containers shall have a distinctive mark or design, so that the identity of the certifying agency is determinable.

(d) *Fees; reports.* In furnishing varietal certification services in this state the Wisconsin Crop Improvement Association may collect fees sufficient to cover the cost of such services, including the maintenance of a reasonable and necessary reserve. Its fee schedule, tags, labels and seals used in conjunction with varietal certification shall be submitted to and approved by the department prior to use. An annual operating statement and report of varietal certification activities shall be filed with the department.

Note: This section does not prohibit the issuance of a separate tag or label by the Wisconsin Crop Improvement Association to any applicant who, in addition to varietal certification, desires performance certification of his hybrid field seed corn with respect to such qualities as yield and maturity, and resistance to disease, lodging and stalk breakage.

History: 1-2-56; am. Register, April, 1957, No. 16, eff. 5-1-57; am. Register, May, 1962, No. 77, eff. 7-1-62.

Register, May, 1962, No. 77

Ag 20.045 False labeling or advertising. Seed labels or advertisements are false or misleading and unlawful under section 94.40 (5) and (6), Wis. Stats., by reason (among other reasons) of:

(1) Any use of the terms "certify" or "certified" when the seed has not been certified by an agency authorized by law to officially certify such seed.

(2) Any use of an official varietal certification tag, label or seal issued by such an agency, except in the manner and for the purposes prescribed by it.

(3) Any use of a tag, label or seal which purports to be an official tag, label or seal issued by such an agency when such is not the case.

History: Cr. Register, May, 1962, No. 77, eff. 7-1-62.

Ag 20.05 Permits. Applications for permits shall be made on forms prescribed by the department. No person issued a permit under authority of section 94.42, Wis. Stats., shall use or refer to it in any manner that would imply that the department recommends or approves the seeds sold, offered or exposed for sale.

Ag 20.06 Methods. The methods and procedures used in making purity analyses and germination tests shall be those adopted by the U. S. department of agriculture in the administration of the federal seed act.

Ag 20.07 Sampling. (1) METHOD. (a) In order to secure a representative sample, equal portions shall be taken from evenly distributed parts of the quantity of seed or screenings to be sampled.

(b) For free-flowing seed in bags or bulk, a probe or trier shall be used. For small free-flowing seed in bags a probe or trier long enough to sample all portions of the bag shall be used.

(c) Non-free flowing seed, such as a certain grass seed, uncleaned seed, or screenings, difficult to sample with a probe or trier, shall be sampled by thrusting the hand into the bulk and withdrawing representative portions.

(d) The portions shall be combined into a composite sample or samples.

(e) As the seed is sampled each portion shall be examined and, whenever there appears to be lack of uniformity, additional samples shall be taken to show such lack of uniformity as may exist.

(2) **BULK.** Bulk seeds shall be sampled by inserting a long probe or thrusting the hand into the bulk as circumstances require in at least 7 uniformly distributed parts of the quantity being sampled.

(3) **BAGS.** (a) In quantities of 5 bags or less, each bag shall be sampled.

(b) In quantities of more than 5 bags, at least every fifth bag but not less than 5 bags shall be sampled.

(4) **PACKETS.** In sampling seed in packets, entire unopened packets shall be taken.

Ag 20.08 Size of sample. The following are minimum weights of samples of seed to be submitted for analysis, test or examination:

- (1) Two ounces of the seed specified in section 94.39 (1) (i) 1, Wis. Stats.
- (2) Four ounces of the seed specified in section 94.39 (1) (i) 2, Wis. Stats.
- (3) Eight ounces of the seed specified in section 94.39 (1) (i) 3 and 4, Wis. Stats.
- (4) Two pounds of the seed specified in section 94.39 (1) (i) 5, Wis. Stats.

Ag 20.09 Tolerances. The following tolerances shall be recognized between the percentages of rates of occurrence found by analysis, test or examination and percentages of rates of occurrence required or stated.

(1) **PURITY PERCENTAGES.** In the determination of the tolerance for the percentage of the distinguishable kind, type or variety (pure seed), weed seeds, other crop seeds, and inert matter, the sample shall be first considered as made up of 2 parts: (a) The percentage of the component (pure seed, weed seed, crop seed, or inert matter as the case may be) being considered, and (b) the difference between that percentage and 100. The number represented by (a) is then multiplied by the number represented by (b) and the product is divided by 100. The resulting number is then multiplied by .02 and the resulting product added to 0.2 or 0.6 as indicated in the following formulae:

$$\text{Pure seed tolerance equals } 0.6 \text{ plus } \left(0.2 \times \frac{a \times b}{100} \right)$$

$$\text{Weed seeds, other crop seeds and inert matter tolerance equals } 0.2 \text{ plus } \left(0.2 \times \frac{a \times b}{100} \right)$$

(2) **GERMINATION.** The following tolerances are applicable to the percentage of germination.

Found by test:	Tolerance
96 or over -----	5
90 or over but less than 96 -----	6
80 or over but less than 90 -----	7
70 or over but less than 80 -----	8
60 or over but less than 70 -----	9
Less than 60 -----	10

(3) **TOLERANCES FOR NOXIOUS WEED SEEDS.** The determination of the number of noxious weed seeds present per unit weight shall be made on no less than the quantity of the seeds specified in section 94.39 (1) (i) 1 to 5, Wis. Stats. The following tolerances shall be recognized for rates of occurrences of noxious weed seeds. Representations showing the rates of occurrence indicated in columns 2 and 4 will be considered within the tolerance if no more than the accompanying number in columns 1 and 3 are found.

Number or Rate Found by Analysis (Found)	Number or Rate Stated on Label (Claimed)	Number or Rate Found by Analysis (Found)	Number or Rate Stated on Label (Claimed)
2	0	18	11
4	1	20	12
6	2	21	13
8	3	22	14
9	4	23	15
11	5	24	16
12	6	25	17
13	7	27	18
14	8	28	19
16	9	29	20
17	10	30	21

(4) SWEET CLOVER. White Blossom Sweet Clover seed containing 5% or more of mottled seed shall not be labeled as White Blossom Sweet Clover seed but shall be labeled Sweet Clover Seed.

Ag 20.10 Fees. The fees for testing seed samples submitted to the state seed laboratory are based on costs of time and materials and are as indicated below. There are 2 tests: the purity analysis, which includes a noxious weed seed examination, and the germination test.

	Purity (including noxious)	Germination	Both
(1) AGRICULTURAL SEED (other than grasses)			
(a) <i>Large</i> :----- Field corn, soybeans, popcorn	\$2.00	\$2.00	\$3.50
(b) <i>Medium</i> :----- Barley, buckwheat, flax, oat, rape, rye, sorghum, vetch, wheat	2.50	1.50	3.50
(c) <i>Small</i> :----- Alfalfa, alsike clover, birdsfoot trefoil, ladino clover, millets, (Japanese, proso, foxtail), red clover, sudangrass, sweet-clover, timothy, white clover	4.00	1.50	5.00
(2) GRASS SEED			
(a) <i>Large</i> :----- Smooth brome, chewings fescue, red fescue, meadow fescue, orchardgrass, reed canarygrass, ryegrass, tall fescue	5.50	2.50	7.50
(b) <i>Small</i> :----- Bentgrass, bluegrass, Poa trivialis, red-top	6.50	3.00	9.00
(3) SEED MIXTURES			
The charge for seed mixtures (in which more than one kind of crop seed is present to the extent of 5% or more) is the total of (a) the fee for the kind of crop seed in the mixture having the highest fee and (b) 50% of the fees applicable to the other kinds in the mixture.			
(4) VEGETABLE SEED			
(a) <i>Purity analysis</i> -----			\$2.50
(b) <i>Germination</i> :			
1. Brussels sprouts, cabbage, collards, cucumbers, kale, kohlrabi, leek, lettuce, muskmelon, okra, onions, radish, rutabaga-----			1.50
2. Artichoke, asparagus, beans, beets, carrots, celeriac, celery, chicory, citron, dill, eggplant, endive, mangel, New Zealand spinach, parsley, parsnip, peas, pepper, pumpkins, Swiss chard, rhubarb, salsify, squash, sweetcorn, tomato, watermelon-----			2.00

(5) UNUSUAL SAMPLES

The work of testing screenings, dirty samples and unusual seeds (including flowers, shrubs, weeds) will be performed on an actual cost basis to be estimated and quoted upon request after receipt of the sample.

History: 1-2-56; am. Register, November, 1965, No. 119, eff. 12-1-65.

Ag 20.11 Standards of germination. Standards of germination for vegetable seeds shall be the same as those adopted by the U. S. department of agriculture for the administration of the federal seed act.

Artichoke -----	60%	Leek -----	60%
Asparagus -----	70%	Lettuce -----	80%
Beans (except Lima) ----	80%	Muskmelon -----	75%
Beans (Lima) -----	70%	Mustard -----	75%
Beets -----	65%	Okra -----	50%
Broccoli -----	75%	Onion -----	70%
Brussels sprouts -----	70%	Parsley -----	60%
Cabbage -----	75%	Parsnip -----	60%
Carrot -----	55%	Peas -----	80%
Cauliflower -----	75%	Pepper -----	55%
Celery and celeriac ----	55%	Pumpkin -----	75%
Chicory -----	65%	Radish -----	75%
Citron -----	65%	Rhubarb -----	60%
Collards -----	80%	Rutabaga -----	75%
Corn -----	75%	Salsify -----	75%
Cress, garden -----	40%	Spinach -----	60%
Cress, water -----	25%	Spinach (New Zealand) --	40%
Cucumber -----	80%	Squash -----	75%
Egg Plant -----	60%	Swiss chard -----	65%
Endive -----	70%	Tomato -----	75%
Kale -----	75%	Turnip -----	80%
Kohlrabi -----	75%	Watermelon -----	70%