

4. Instruments describing or relating to the separate property or community interest of married women;

5. Patents to lands and receiver's receipts, whether for mineral, timber, homestead or pre-emption claims or cash entries;

6. Certificates of sales for county or municipal taxes;

7. All such other papers or writings as are required by law to be recorded and such as are required by law to be filed if requested so to do by the party filing the same.

Passed the House, February 18, 1919.

Passed the Senate, March 11, 1919.

Approved by the Governor March 19, 1919.

CHAPTER 183.

[H. B. 296.]

AGRICULTURAL AND VEGETABLE SEEDS.

AN ACT to regulate the selling, offering or exposing for sale or exchange of agricultural and vegetable seeds; to provide certain grades and standards for such seeds; to prescribe penalties for the violation of this act; vesting the execution and enforcement of this act in the commissioner of agriculture and repealing sections 3055, 3056, 3056-1, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, and 3068 inclusive of Remington and Ballinger's Annotated Codes and Statutes of Washington.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That the term "agricultural seed" as used in this act shall include the seeds of all domesticated grasses, cereals, legumes such as alfalfa, alsike clover, crimson clover, red clover, sweet clover, white clover, field peas, horse beans, and vetches, and the seeds of all other crops that are,

Classifica-
tion.

or may be commercially grown on a field scale in the State of Washington; while the term "vegetable seeds" shall include the seeds of those crops which are successfully grown in Washington on a garden scale and are generally known or sold under the name of "vegetable seeds".

Sale below
legal
standard.

SEC. 2. Any person, firm or corporation who shall sell or offer for sale within this state any vegetable seed the germinable viability of which shall be less than two-thirds of the percentage standard of germination for such seed as herein provided shall be guilty of a misdemeanor.

False
labeling.

SEC. 3. Any person or persons who shall, with intention to deceive, wrongly mark or label any package or bag containing garden or vegetable seed, shall be guilty of a misdemeanor.

Germination
standards.

SEC. 4. The percentage standard of germination of vegetable seed for this state shall be as follows: Beans, peas, beets, turnips, rutabaga, cabbage, cauliflower, onion, leek, tomato, lettuce, raddish and cucumber, melon, squash and other cucurbits, ninety percent; celery, carrot, parsley, parsnip and all other vegetable seeds, seventy-five percent.

Packages,
how marked.

SEC. 5. No person shall sell, offer or expose for sale or distribution for the purposes of seeding, in packages of one pound or more, any seeds of clovers (*trifolium*), alfalfa (*medicago sativa*), wheat (*tritium*), barley (*hordeum*), rye (*secale cereale*), oats (*avena sativa*), Brome grass (*Bromus inermis*), Meadow Fescue (*festuca pratensis*), Tall Oat grass (*arrhenatherum avenae*), Orchard grass (*dactylis glomerata*), Perennial Rye grass (*lolium perenne*), Italian Rye grass (*lolium italicum*), Timothy (*phleum pratense*), Red Top (*agrostis alba*), in or from any receptacle unless such receptacle, package, sack or bag, or a label securely attached

thereto, be marked in plain legible type or script with:

- (a) The commonly accepted name of the seed.
- (b) The approximate percentage by weight of purity and the germination and date of test.
- (c) The general locality in which the seed is grown, if known.
- (d) The name and address of seedsman.

SEC. 6. Every lot of agricultural seed which does not consist of vegetable seed, or which is not intended to be sold, offered or exposed for sale as a mixture of the seeds of two or more species of grasses or of clovers or of both, or which is offered or exposed for sale or had in possession with the intent to sell within this state in lots of one pound or more, shall have affixed thereto in a conspicuous place on the exterior of the container of such agricultural seeds a written or printed label in the English language in plain legible type or script a statement specifying:

Labeling
required
for agricul-
tural seed.

- (a) The commonly accepted name of such agricultural seed.
- (b) The percentage by weight of purity.
- (c) The percentage of germination of such agricultural seed as named together with the month and year when such germination test was made.
- (d) The full name and address in legible type or script of the seedsman, importer, dealer, agent or other person or persons, firm or corporation selling, offering or exposing for sale the said agricultural seed within the state.

SEC. 7. Every lot of agricultural seeds which is a mixture of the seed of two or more species of grasses, or of clovers, or of both and which is sold, offered or exposed for sale, or had in possession with intent to sell within this state as a mixture of the seeds of two or more species of grasses, or of

Seed mix-
tures, how
labeled.

clovers, or of both, shall have affixed thereto in a conspicuous place on the exterior of the container of such mixtures of seeds, a written or printed label in the English language in a plain legible type or script containing a statement specifying:

(a) That the agricultural seed contained therein is a mixture.

(b) The commonly accepted names of such species of grasses and clovers as are distinguishable by their appearance, *provided* they are present in such mixture in quantities equalling or exceeding four percent of the total weight of such mixture.

(c) The percentage by weight of "foreign seeds" contained in such mixtures: *Provided*, that the term "foreign seeds" shall not include within its meaning the seeds of species of grasses and clovers enumerated in Section 1 of this act and which are present in quantities not equalling or exceeding four percent of the total weight of such mixture.

(d) The percentage by weight of inert matter in such mixture: *Provided*, that the term "inert matter" shall include within its meaning all materials which are not of plant origin, all portions of plant tissue which do not enclose seed or seeds, and all fragments of seeds which do not contain the essential elements of the embryo or germ of such seed.

(e) The full name and address of the seedsman, importer, dealer, or agent, or other person or persons, firm or corporation, selling, offering or exposing the said mixture for sale within the state.

Application
of act.

SEC. 8. The provisions 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 re-cleaning and which is not possessed, sold or offered for sale for seed purposes: *Provided*, that such seeds shall be labelled "not for sale".

4. Seed marked "Not clean" and held or sold for export outside the state only.

SEC. 9. No person shall sell, offer or expose for sale or distribution for the purpose of seeding, any agricultural seeds as herein defined, unless such agricultural seeds contain less than one (1) to twenty thousand (20,000) of the following weeds:

Adulteration
with weed
seeds.

- Quack grass (*Agropyron repens*)
- Canada thistle (*Cnicus arvensis*)
- Clover and alfalfa dodder (*Cuscuta epithimum*)
- Field dodder (*Cuscuta arvensis*)
- Corn cocle (*Lychnis githago*)
- Fanweed (*Thlaspi arvense*).

SEC. 10. (a) No person shall sell, offer or expose for sale or distribution for the purpose of seeding any agricultural seeds as herein defined which shall contain more than one (1) to twenty-five hundred (2,500) of the seeds under examination of the following weeds:

- Russian thistle (*Salsola pestifer*)
- Charlock (*Brassica arvensis*)
- Jim Hill mustard (*Symbrium albissimum*)
- Plantain buckhorn (*Plantago lanceolata*)
- Bindweed (*Convolvulus sepium*)

or more than one (1) to one thousand (1,000) under examination of the seeds of Wild oats (*Avena fatua*).

(b) Weed seeds of any other kind than those mentioned in section 9 and section 10, paragraph (a), when found in any sample of agricultural seed shall be classed as impurities therein and when

present in quantities exceeding two percent of the sample, either singly or in combination, the approximate percentage of each shall be stated on the label attached to the container or stamped on the container itself.

Dirt and foreign substances.

SEC. 11. Sand, dirt, chaff and foreign substances, broken seed and seed not capable of germinating, shall be considered impurities when present in agricultural seeds sold, offered or exposed for sale for the purpose of seeding, and when such impurities or any of them are present in quantity exceeding the standards of purity and germination authorized by this act, the name and approximate percentage of each shall be plainly indicated in the statement.

Percentage of germination.

SEC. 12. Seeds, except the seeds of medicinal herbs, and except the seeds of plants grown for flowers only, shall have a germination of not less than sixty percent.

Misbranding, what constitutes.

SEC. 13. For the purposes of this act, seed shall be deemed to be misbranded:

1. When meadow fescue (*festuca elatior pratensis*), English rye grass (*lolium perenne*) or Italian rye grass (*lolium italicum*) is labeled or sold under the name of orchard grass (*dactylis glomerata*) seed.

2. When Canadian blue grass (*poa compressa*) seed, red top (*agrostis alba*) seed, or any other seed not blue grass seed is sold under the name of Kentucky blue grass or blue grass (*poa pratensis*) seed.

3. When yellow trefoil (*medicago lupulina*), burr clover (*medicago denticulata*), or sweet clover (*melilotus alba*) is sold under the name of clover, June clover, red clover (*trifolium pratense*), medium red clover, small red clover, mammoth red clover, sappling clover, peavine clover (*T. pratense* var) or alfalfa (*medicago sativa*) seed.

4. When seeds distinguishable by their appearance are not true to the name under which they are sold.

SEC. 14. (a) All analyses or tests for purity and germination of such seed samples as shall be collected by the commissioner of agriculture, his inspectors or assistants, shall be conducted by the Washington State Experiment Station in its seed testing laboratory under the supervision of such official of said station as may be designated by the director thereof and at the expense of such funds as are created by the provisions of this act.

Analyses
and tests.

(b) Any citizen of the State of Washington may, in accordance with regulations prescribed by the director of the Washington State Experiment Station, by prepaying the transportation charges, send sample or samples of seed to the Washington State Experiment Station for examination, analysis for purity and germination, and such sample or samples shall be examined, analyzed or tested and reported upon free of charge.

SEC. 15. The duty of enforcing this act and carrying out its provisions and requirements shall be vested in the commissioner of agriculture of the State of Washington. The said commissioner of agriculture through publication in bulletins of the department of agriculture, shall be empowered to adopt such "rules and regulations" as may be deemed necessary in order to secure the efficient enforcement of this act: *Provided*, that said commissioner shall appoint such inspectors and assistants as may be necessary for the proper enforcement and carrying out of the provisions of this act.

Duties of
commis-
sioner of
agriculture.

SEC. 16. It shall be the duty of the said commissioner of agriculture, either by himself or his inspectors or assistants, to inspect, examine and take samples of any agricultural seeds stored, sold, of-

Inspection.

ferred or exposed for sale or distribution within this state for seeding purposes, at such time, and place, and to such extent as he may determine.

Powers and duties.

The commissioner, inspectors, or assistants shall have free access at all reasonable hours upon and into any vessels, ferries, premises or structures, to make examination of any agricultural seeds whether such seeds are upon the premises of the owner or consignee of such seeds or on the premises or in possession of any warehouse, elevator, railway or steamship company; and he is hereby given authority in person or by his inspectors or assistants upon notice to the dealer, his agent or representative of any warehouse, elevator, railway or steamship company, if present, to take for analysis a sample of such agricultural seeds from a parcel, package, lot or other container or number of parcels, packages, lots, or other containers; said sample shall be thoroughly mixed and divided into two samples of at least two ounces each and securely sealed. One of said samples shall be left with, or on the premises of the vendor or party in interest, and the other sent by said commissioner, inspector or assistant to the Washington State Experiment Station for analysis, and a report upon this analysis shall be returned to the commissioner of agriculture and to the vendor or party in interest.

The said commissioner, inspectors, and assistants shall be 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.

Prosecutions.

Prosecution for violation of this act shall be brought in the proper court by the prosecuting attorney of the county in which said violation occurred, upon complaint of the commissioner, inspec-

tors, or assistants. All fines shall be turned over to the general fund of the state treasury.

The commissioner, or inspectors, 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 this act.

Whoever violates any of the provisions named in this act, or who shall attempt to interfere with the inspectors or assistants in the discharge of the duties named therein, shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars (\$25.00) and costs for the first offense and not less than one hundred dollars (\$100.00) and costs for the second or any subsequent offense.

Penalty for violation of act.

SEC. 17. The enforcement of the seed law shall be based upon analyses made in accordance with the rules and regulations adopted by the Association of Official Analysts of North America.

Basis adopted.

SEC. 18. That sections 3055, 3056, 3056-1, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, and 3068 of Rem. & Bal. Code be, and the same are hereby repealed.

Repealing clause.

Passed the House, March 6, 1919.

Passed the Senate, March 12, 1919.

Approved by the Governor March 19, 1919.