

into the Union, or when such title is held to have otherwise attached, pursuant to the enabling act approved February 22, 1889, and acts amendatory thereof, for the development and mining of such deposits of mineral, oil, oil shale or gas, for such terms as the Legislature of the State of Washington may prescribe not exceeding twenty years, and said act shall have been approved or shall become a law.

Passed the House March 4, 1921.

Passed the Senate March 8, 1921.

Approved by the Governor March 19, 1921.

CHAPTER 153.

[H. B. 231.]

AGRICULTURAL AND VEGETABLE SEEDS.

AN ACT relating to agricultural and vegetable seeds, providing for the licensing of dealers therein, prescribing penalties, and amending sections 5, 7, 9, 10, 13, 14 and 16 of chapter 183 of the laws of 1919.

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

SECTION 1. That section 5 of chapter 183 of the laws of 1919 be amended to read as follows:

Section 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 (*triticum*), barley (*hordeum*), rye (*secale cereale*), oats (*avena sativa*), bromo 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

Packages,
how marked.

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) If grown in this state the words "grown in Washington." If imported into this state the name of such state or country in which it was grown.

(d) The name and address of seedsman.

Wheat (*triticum*), barley (*hordeum*), rye (*secale cereale*), oats (*avena sativa*) or other agricultural seeds, when designated by variety name, or as spring, fall or winter seeds, shall be construed as coming under the provisions of this act.

SEC. 2. That section 7 chapter 183 of the laws of 1919 be amended to read as follows:

Section 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 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 name and approximate percentage by weight of each kind of agricultural seed present in such mixture in excess of two (2) per cent by weight of total mixture.

(c) The approximate percentage by weight of weed seeds contained in such mixtures when in excess of one (1) per cent.

Seed mixtures, how labeled.

(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.

SEC. 3. That section 9 of chapter 183 of the laws of 1919 be amended to read as follows:

Section 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 repons*)

Canada thistle (*Cnieus arvensis*)

Dodder (*Cuscuta specuas*)

Corn cocle (*Lychnis githago*)

Fanweed (*Thlaspi arvenso*)

SEC. 4. That section 10 of chapter 183 of the laws of 1919 be amended to read as follows:

Section 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 (1) to twenty-five hundred (2,500) of the seeds under examination of the following weeds:

Russian thistle (*Salsola postifer*)

Charlock (*Brassica arvensis*)

Jim Hill mustard (*Sysmbrium albissimum*)

Plant in buckhorn (*Plantago Lancoolata*)

Bindwood (*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 presented in quantities exceeding two per cent 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.

The director of agriculture may make regulations determining the species of noxious weeds which shall be included with those mentioned in section 9 or section 10, paragraph (a).

SEC. 5. That section 13 of chapter 183 of the laws of 1919 be amended to read as follows:

Misbranding,
what consti-
tutes.

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

1. When meadow fescue (*festuca olatior 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 (*pop pratensis*) seed.

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

4. When seeds are not true to the name under which they are sold.

SEC. 6. That section 14 of chapter 183 of the laws of 1919 be amended to read as follows:

Section 14. (a) The director of agriculture shall maintain a laboratory with proper equipment for the analysis, grading and making of other tests under this act.

Analyses
and tests.

(b) Any citizen of this state shall have the privilege of submitting to the director of agriculture, samples of agricultural and vegetable seeds for test and analysis subject to such rules and regulations as may be adopted by said director of agriculture, provided that the director of agriculture may by such regulations fix the maximum number of samples that may be tested free of charge for any one citizen in any one period of time and fix charges for tests or samples submitted in excess of those tested free of charge.

SEC. 7. That section 16 of chapter 183 of the laws of 1919 be amended to read as follows:

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

Inspection.

The director, supervisor, 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

Powers and
duties.

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 retained by said director of agriculture or his agent for analysis.

The said director, supervisor, 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 director, supervisor, inspectors or assistants.

Disposition of fees, fines, etc. All moneys received from license fees, fines, costs imposed and recovered under the provisions of this act shall be paid to the director of agriculture, or his agents, and by him paid into the state treasury to the credit of the seed fund to be used to assist in defraying costs of inspection and analysis and grading of agricultural and vegetable seeds under the provisions of this act.

The director, supervisor, or inspectors shall have the 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.

Penalty for violation of 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.

SEC. 8. It shall be unlawful for any person firm or corporation to engage in, conduct, or carry on the business of selling, dealing in or importing into this state for sale or distribution any agricultural or vegetable seed, without first having obtained from the director of agriculture and having in force a license so to do. The license fee shall be ten (10) dollars for those engaged in a regular seed business offering or exposing for sale or distribution for the purposes of seeding agricultural or vegetable seeds. All licenses shall bear the date of issue and shall expire on the first day of July next following the date of issue. The director of agriculture may publish from time to time, in bulletins or reports, a list of those licensed under this act.

License
required.

SEC. 9. The director of agriculture shall have the power to adopt, promulgate, and enforce rules and regulations for the grading of alfalfa, alsike clover, red clover, white clover, timothy or other agricultural seeds sold for seeding purposes.

Rules and
regulations.

SEC. 10. The commissioner of agriculture shall have the power and it shall be his duty to exercise all the powers and perform all the duties by this act vested in and imposed upon the director of agriculture until such time as the director of agriculture shall be appointed and qualified and assume and exercise the duties of his office.

Exercise of
powers and
duties.

Passed the House February 26, 1921.

Passed the Senate March 9, 1921.

Approved by the Governor March 21, 1921.