

weather is greater than 50 percent of the normal production of the farm, as determined by the Secretary.”

Subsec. (a)(6). Pub. L. 110-398, §2(a)(1)(G), added par. (6). Former par. (6) redesignated (8).

Subsec. (a)(7). Pub. L. 110-398, §2(a)(1)(E), redesignated par. (5) as (7). Former par. (7) redesignated (9).

Subsec. (a)(7)(A). Pub. L. 110-398, §2(a)(1)(D)(i), inserted “for sale or on-farm livestock feeding (including native grassland intended for haying)” after “harvest”.

Subsec. (a)(7)(C). Pub. L. 110-398, §2(a)(1)(D)(ii), inserted “for sale” after “crop”.

Subsec. (a)(8) to (14). Pub. L. 110-398, §2(a)(1)(E), redesignated pars. (6) to (12) as (8) to (14), respectively. Former pars. (13) and (14) redesignated (16) and (17), respectively.

Subsec. (a)(15). Pub. L. 110-398, §2(a)(1)(H), added par. (15). Former par. (15) redesignated (18).

Subsec. (a)(16) to (21). Pub. L. 110-398, §2(a)(1)(E), redesignated pars. (13) to (18) as (16) to (21), respectively.

Subsec. (b)(1). Pub. L. 110-398, §2(a)(2)(A), substituted “Payments” for “In general” in par. heading, designated existing provisions as subpar. (A) and inserted subpar. heading, and added subpar. (B).

Subsec. (b)(2)(C). Pub. L. 110-398, §2(a)(2)(B), added subpar. (C).

Subsec. (b)(3)(A)(ii)(III). Pub. L. 110-398, §2(a)(2)(C)(i), inserted “50 percent of” before “the higher of” in introductory provisions.

Subsec. (b)(3)(A)(ii)(III)(aa). Pub. L. 110-398, §2(a)(2)(C)(ii), struck out “guarantee” after “yield”.

Subsec. (b)(4)(A)(i). Pub. L. 110-398, §2(a)(2)(D)(i), added subcl. (I), redesignated subcl. (III) as (II), and struck out former subcls. (I) and (II) which read as follows:

“(I) the actual crop acreage harvested by an eligible producer on a farm;

“(II) the estimated actual yield of the crop production; and”.

Subsec. (b)(4)(B)(iii). Pub. L. 110-398, §2(a)(2)(D)(ii), (iii), added cl. (iii).

Subsec. (b)(5). Pub. L. 110-398, §2(a)(2)(E)(i), struck out “the sum obtained by adding” after “equal” in introductory provisions.

Subsec. (b)(5)(A). Pub. L. 110-398, §2(a)(2)(E)(ii)(I), substituted “for each insurable commodity, the product” for “the product” in introductory provisions.

Subsec. (b)(5)(A)(i). Pub. L. 110-398, §2(a)(2)(E)(ii)(II), substituted “greater” for “greatest”.

Subsec. (b)(5)(A)(iii). Pub. L. 110-398, §2(a)(2)(E)(ii)(III), substituted “of the price election for the commodity used to calculate an indemnity for an applicable policy of insurance if an indemnity is triggered; and” for “of the insurance price guarantee; and”.

Subsec. (b)(5)(B). Pub. L. 110-398, §2(a)(2)(E)(iii)(I), substituted “for each noninsurable crop, the product” for “the product” in introductory provisions.

Subsec. (b)(5)(B)(ii), (iii). Pub. L. 110-398, §2(a)(2)(E)(iii)(II)–(IV), added cl. (ii) and redesignated former cl. (ii) as (iii).

Subsec. (b)(6). Pub. L. 110-398, §2(a)(2)(F), added par. (6).

Subsec. (d)(5)(B)(ii). Pub. L. 110-398, §2(a)(3), substituted “subsection” for “section”.

Subsec. (f)(2)(A). Pub. L. 110-398, §2(a)(4), substituted “the Secretary shall use such sums as are necessary from the Trust Fund to provide” for “the Secretary shall provide”.

Subsec. (g)(1). Pub. L. 110-398, §2(a)(6)(A)(i), substituted “(other than subsections (c) and (d))” for “(other than subsection (c))” in introductory provisions.

Subsec. (g)(1)(A). Pub. L. 110-398, §2(a)(6)(A)(ii), inserted “, excluding grazing land” after “producers on the farm”.

Subsec. (g)(2). Pub. L. 110-398, §2(a)(6)(B), substituted “each crop planted” for “each crop grazed, planted,”.

Subsec. (g)(4). Pub. L. 110-398, §2(a)(6)(C), (D), substituted “Waivers for certain crop years” for “Waiver for 2008 crop year” in par. heading, designated existing

provisions as subpar. (A) and inserted subpar. heading, and added subpar. (B).

Subsec. (g)(6). Pub. L. 110-398, §2(a)(5), added par. (6).

Subsec. (h)(5). Pub. L. 110-398, §2(a)(7), added par. (5).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-240, title VII, §702(b), Jan. 2, 2013, 126 Stat. 2369, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on October 1, 2012.”

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

RULEMAKING PROCEDURES

Pub. L. 110-329, div. B, title I, §10102, Sept. 30, 2008, 122 Stat. 3588, provided that: “Section 1601(c)(2) of the Food, Conservation and Energy Act of 2008 (Public Law 110-246) [7 U.S.C. 8781(c)(2)] shall apply in implementing section 12033 of such Act [enacting this subchapter and amending sections 1501 to 1503, 1505 to 1510, 1514, 1515, 1517, 1518, and 1520 to 1523 of this title].”

TRANSITION

Pub. L. 110-234, title XII, §12033(b), May 22, 2008, 122 Stat. 1405, and Pub. L. 110-246, §4(a), title XII, §12033(b), June 18, 2008, 122 Stat. 1664, 2167, provided that: “For purposes of the 2008 crop year, the Secretary [of Agriculture] shall carry out subsections (f)(4) and (h) of section 531 of the Federal Crop Insurance Act [7 U.S.C. 1531(f)(4), (h)] (as added by subsection (a)) in accordance with the terms and conditions of sections 1001 through 1001D of the Food Security Act of 1985 (16 U.S.C. 1308 et seq.), as in effect on September 30, 2007.”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of this title.]

CHAPTER 37—SEEDS

Sec.	
1551.	Short title.
	SUBCHAPTER I—DEFINITIONS
1561.	Definition of terms.
1562.	False representations as certified seed; required provisions.
	SUBCHAPTER II—INTERSTATE COMMERCE
1571.	Prohibitions relating to interstate commerce in certain seeds.
1572.	Records.
1573.	Exemptions.
1574.	Disclaimers, limited warranties and non-warranties.
1575.	False advertising.
	SUBCHAPTER III—FOREIGN COMMERCE
1581.	Prohibitions relating to importations.
1582.	Procedure relating to importations; disposal of refuse; exceptions.
1583, 1584.	Repealed.
1585.	Certain seeds not adapted for general agricultural use.
1586.	Certain acts prohibited.
	SUBCHAPTER IV—GENERAL PROVISIONS
1591.	Delegation of duties.
1592.	Rules and regulations.
1593.	Standards, tests, tolerances.
1593a.	Seed variety information and survey.
1594.	Prohibition against alterations.

Sec.	
1595.	Seizure.
1596.	Penalties.
1597.	Agent's acts as binding principal.
1598.	Notice of intention to prosecute.
1599.	Cease and desist proceedings.
1600.	Appeal to court of appeals.
1601.	Enforcement of order.
1602.	Separability.
1603.	Procedural powers; witness fees and mileage.
1604.	Publication.
1605.	Authorization of appropriations.
1606.	Authorization of expenditures.
1607.	Cooperation with other governmental agencies.
1608.	Separability.
1609.	Repeals.
1610.	Effective date.

SUBCHAPTER V—SALE OF UNCERTIFIED SEED OF PROTECTED VARIETY

1611. Illegal sales of uncertified seed.

§ 1551. Short title

This chapter may be cited as the "Federal Seed Act."

(Aug. 9, 1939, ch. 615, § 1, 53 Stat. 1275.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

See section 1610 of this title.

SHORT TITLE OF 1983 AMENDMENT

Pub. L. 97-439, § 1, Jan. 8, 1983, 96 Stat. 2287, provided that: "This Act [amending sections 1561, 1571, 1581, 1582, 1585, and 1586 of this title and repealing sections 1583 and 1584 of this title] may be cited as the 'Federal Seed Act Amendments of 1982'."

SUBCHAPTER I—DEFINITIONS

§ 1561. Definition of terms

(a) When used in this chapter—

(1) The term "United States" means the several States, District of Columbia, and Puerto Rico.

(2) The term "person" includes a partnership, corporation, company, society, or association.

(3) The term "interstate commerce" means—

(A) commerce between any State, Territory, possession, or the District of Columbia, and any other State, Territory, possession, or the District of Columbia; or

(B) commerce between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or

(C) commerce within the District of Columbia.

(4) For the purposes of this chapter with respect to labeling for treatment, variety and origin (but not in anywise limiting the foregoing definition), seeds shall be considered to be in interstate commerce, or delivered for transportation in interstate commerce, if such seeds are part of, or delivered for transportation in, that current of commerce usual in the transportation and/or merchandising of seeds, whereby such seeds are sent from one State with the expectation that they will end

their transit in another, including, in addition to cases within the above general description, all cases where seeds are transported or delivered for transportation to another State, or for processing or cleaning for seeding purposes within the State and shipment outside the State of the processed or cleaned seeds. Seeds normally in such current of commerce shall not be considered out of such current through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this chapter.

(5) The term "foreign commerce" means commerce between the United States, its possessions, or any Territory of the United States, and any foreign country.

(6)(a) The term "district court of the United States" means any court exercising the powers of a district court of the United States.

(b) Omitted

(7) The term—

(A) "Agricultural seeds" shall mean grass, forage, and field crop seeds which the Secretary of Agriculture finds are used for seeding purposes in the United States and which he lists in the rules and regulations prescribed under section 1592 of this title.

(B) "Vegetable seeds" shall include the seeds of those crops that are or may be grown in gardens or on truck farms and are or may be generally known and sold under the name of vegetable seeds.

(8) For the purpose of subchapter II, the term "weed seeds" means the seeds or bulblets of plants recognized as weeds either by the law or rules and regulations of—

(A) The State into which the seed is offered for transportation, or transported; or

(B) Puerto Rico, Guam, or District of Columbia into which transported, or District of Columbia in which sold.

(9)(A) For the purpose of subchapter II, the term "noxious-weed seeds" means the seeds or bulblets of plants recognized as noxious—

(i) by the law or rules and regulations of the State into which the seed is offered for transportation, or transported;

(ii) by the law or rules and regulations of Puerto Rico, Guam, or the District of Columbia, into which transported, or District of Columbia in which sold; or

(iii) by the rules and regulations of the Secretary of Agriculture under this chapter, when after investigation he shall determine that a weed is noxious in the United States or in any specifically designated area thereof.

(B) For the purpose of subchapter III, the term "noxious-weed seeds" means the seeds of *Lepidium draba* L., *Lepidium repens* (Schrenk) Boiss., *Hymenophysa pubescens* C. A., Mey., white top; *Cirsium arvense* (L.) Scop., Canada thistle; *Cuscuta* spp., dodder; *Agropyron repens* (L.) Beauv., quackgrass; *Sorghum halepense* (L.) Pers., Johnson grass; *Convolvulus arvensis* L., bindweed; *Centaurea picris* Pall., Russian knapweed; *Sonchus arvensis* L., perennial sowthistle; *Euphorbia esula* L., leafy spurge; and seeds or bulblets of any other kinds which after investigation the

Secretary of Agriculture finds should be included.

(10) The term "origin" means the State, District of Columbia, Puerto Rico, or possession of the United States, or the foreign country, or designated portion thereof, where the seed was grown.

(11) The term "kind" means one or more related species or subspecies which singly or collectively is known by one common name, for example, soybean, flax, carrot, radish, cabbage, cauliflower, and so forth.

(12) 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 soybeans, Oxheart carrot, and so forth.

(13) 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, the manner of and the circumstances connected with the use of the designation to be governed by rules and regulations prescribed under section 1592 of this title.

(14) The term "germination" means the percentage of seeds capable of producing normal seedlings under ordinarily favorable conditions (not including seeds which produce weak, malformed, or obviously abnormal sprouts), determined by methods prescribed under section 1593 of this title.

(15) The term "hard seeds" means the percentage of 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, determined by methods prescribed under section 1593 of this title.

(16) The term "inert matter" means all matter not seeds, and includes among others broken seeds, sterile florets, chaff, fungus bodies, and stones, determined by methods prescribed under section 1593 of this title.

(17) The term "label" means the display or displays of written, printed, or graphic matter upon or attached to the container of seed.

(18) The term "labeling" includes all labels, and other written, printed, and graphic representations, in any form whatsoever, accompanying and pertaining to any seed whether in bulk or in containers, and includes invoices.

(19) The term "advertisement" means all representations, other than those on the label, disseminated in any manner or by any means, relating to seed within the scope of this chapter.

(20) Subject to such tolerances as the Secretary of Agriculture is authorized to prescribe under the provisions of this chapter—

(A) the term "false labeling" means any labeling which is false or misleading in any particular;

(B) the term "false advertisement" means any advertisement which is false or misleading in any particular.

(21) The term "screenings" shall include chaff, sterile florets, immature seed, weed seed, inert matter, and any other materials removed in any way from any seeds in any kind of cleaning or processing and which contain less than 25 per centum of live agricultural or vegetable seeds.

(22) The term "in bulk" refers to seed when loose either in vehicles of transportation or in storage, and not to seed in bags or other containers.

(23) The term "treated" means given an application of a substance or subjected to a process designed to reduce, control, or repel disease organisms, insects or other pests which attack seeds or seedlings growing therefrom.

(24) The term "seed certifying agency" means (A) an agency authorized under the laws of a State, Territory, or possession, to officially certify seed and which has standards and procedures approved by the Secretary (after due notice, hearings, and full consideration of the views of farmer users of certified seed and other interested parties) to assure the genetic purity and identity of the seed certified, or (B) an agency of a foreign country determined by the Secretary of Agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies under (A).

(Aug. 9, 1939, ch. 615, title I, §101, 53 Stat. 1275; June 25, 1948, ch. 646, §1, 62 Stat. 870; Aug. 1, 1956, ch. 852, §1, 70 Stat. 908; Pub. L. 85-581, §§1-3, Aug. 1, 1958, 72 Stat. 476; Pub. L. 89-686, §§1-3, 19, Oct. 15, 1966, 80 Stat. 975, 979; Pub. L. 91-89, §1, Oct. 17, 1969, 83 Stat. 134; Pub. L. 97-439, §5(a), Jan. 8, 1983, 96 Stat. 2288.)

Editorial Notes

CODIFICATION

Section was enacted without a subsec. (b).

Former subsec. (a)(6)(b), which extended the former term "circuit court of appeals," in case the principal place of business or residence of the person against whom a cease and desist order was issued was in the District of Columbia, to the United States Court of Appeals for the District of Columbia, for purposes of this chapter, has been omitted from the Code as obsolete due to the enactment of act June 25, 1948. The District of Columbia is now a judicial circuit under sections 41 and 43 of Title 28, Judiciary and Judicial Procedure. See, also, Change of Name notes under sections 1599, 1600, and 1601 of this title.

AMENDMENTS

1983—Subsec. (a)(8). Pub. L. 97-439, §5(a)(1)(B), struck out "(A)" before "For the purpose of subchapter II of this chapter".

Subsec. (a)(8)(A). Pub. L. 97-439, §5(a)(1)(C), substituted "(A)" for "(i)" before "The State into which".

Subsec. (a)(8)(B). Pub. L. 97-439, §5(a)(1)(A), (D), substituted "(B)" for "(ii)" before "Puerto Rico, Guam, or District of Columbia" and struck out a former subpar. (B) which had, for purposes of subchapter III, defined "weed seeds" to mean seeds or bulblets of plants found by Secretary to be detrimental to agricultural interests of the United States or any part thereof.

Subsec. (a)(17). Pub. L. 97-439, §5(a)(2), redesignated par. (18) as (17). Former par. (17), which, for purposes of subchapter III, had defined "pure live seed" as the portion of any lot of seed subject to this chapter consisting of live agricultural or vegetable seed deter-

mined by methods prescribed under section 1593 of this title, was struck out.

Subsec. (a)(18) to (25). Pub. L. 97-439, § 5(a)(2), redesignated pars. (18) through (25) as (17) through (24), respectively.

1969—Subsec. (a)(25). Pub. L. 91-89 inserted provision authorizing Secretary (after due notice, hearing, and full consideration of the views of interested parties) to approve of the standards and procedures of seed certifying agencies authorized under the laws of a State, Territory, or possession.

1966—Subsec. (a)(1). Pub. L. 89-686, § 1, struck out references to “Alaska,” and “Hawaii,” before and after “District of Columbia.”

Subsec. (a)(4). Pub. L. 89-686, § 19, inserted “treatment” before “variety”.

Subsec. (a)(7)(A). Pub. L. 89-686, § 2, redefined “agricultural seeds” to be such as are listed in rules and regulations rather than in statutory text as added to or taken therefrom pursuant to rules and regulations.

Subsec. (a)(8)(A)(ii), (9)(A)(ii). Pub. L. 89-686, § 1, struck out reference to “Alaska, Hawaii,” before “Puerto Rico”.

Subsec. (a)(10). Pub. L. 89-686, § 1, struck out references to “Alaska,” and “Hawaii,” before and after “District of Columbia.”

Subsec. (a)(11). Pub. L. 89-686, § 3, substituted “soybean, flax, carrot, radish” for “wheat, oat, vetch, sweetclover”.

1958—Subsec. (a)(7)(A). Pub. L. 85-581, § 1, included sugar beets in list of seeds subject to this chapter by striking out “excluding sugar beet” after “Beta vulgaris L.—Field beet”.

Subsec. (a)(24). Pub. L. 85-581, § 2, added par. (24).

Subsec. (a)(25). Pub. L. 85-581, § 3, added par. (25).

1956—Subsec. (a)(8)(A)(ii). Act Aug. 1, 1956, § 1(a), inserted “Guam” after “Puerto Rico”.

Subsec. (a)(9)(A)(ii). Act Aug. 1, 1956, § 1(b), inserted “Guam” after “Puerto Rico”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1958 AMENDMENT

Pub. L. 85-581, § 16, provided that: “This Act, and the amendments [amending sections 1561, 1562, 1571 to 1574, 1581, 1582, and 1586 of this title] made hereby, shall take effect upon the date of enactment [Aug. 1, 1958].”

EFFECTIVE DATE

See section 1610 of this title.

Executive Documents

ADMISSION OF ALASKA AND HAWAII TO STATEHOOD

Alaska was admitted into the Union on Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, and Hawaii was admitted into the Union on Aug. 21, 1959, on issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74. For Alaska Statehood Law, see Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions. For Hawaii Statehood Law, see Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as a note preceding section 491 of Title 48.

§ 1562. False representations as certified seed; required provisions

Any labeling, advertisement, or other representation subject to this chapter which represents that any seed is certified seed or any class thereof shall be deemed to be false in this respect unless (a) it has been determined by a seed certifying agency that such seed conformed to standards of genetic purity and identity as to kind or variety, and is in compliance with the rules and regulations of such agency pertaining to such seed; and (b) the seed bears an official

label issued for such seed by a seed certifying agency certifying that the seed is of a specified class and a specified kind or variety. Seed of a variety for which a certificate of plant variety protection under the Plant Variety Protection Act [7 U.S.C. 2321 et seq.] specifies sale only as a class of certified seed shall be certified only when

(1) the basic seed from which the variety was produced furnished by authority of the owner of the variety if the certification is made during the term of protection, and

(2) it conforms to the number of generations designated by the certificate, if the certificate contains such a designation.

(Aug. 9, 1939, ch. 615, title I, § 102, as added Pub. L. 85-581, § 4, Aug. 1, 1958, 72 Stat. 476; amended Pub. L. 91-89, § 2, Oct. 17, 1969, 83 Stat. 134; Pub. L. 91-577, title III, § 142(b), Dec. 24, 1970, 84 Stat. 1558.)

Editorial Notes

REFERENCES IN TEXT

The Plant Variety Protection Act, referred to in text, is Pub. L. 91-577, Dec. 24, 1970, 84 Stat. 1542, which is classified principally to chapter 57 (§ 2321 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2321 of this title and Tables.

AMENDMENTS

1970—Pub. L. 91-577 inserted provisions setting out conditions for certification of seed of any variety for which a certificate of plant variety protection under the Plant Variety Protection Act specifies sale only as a class of certified seed.

1969—Pub. L. 91-89 struck out references to registered seed, and required labels, advertisement, or other representations to certify that the seed contained therein was determined by a seed certifying agency to be of a specified class and a specified kind of variety in conformity with the standards of genetic purity and identity as to kind or variety.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-577 effective Dec. 24, 1970, see section 141 of Pub. L. 91-577, set out as an Effective Date note under section 2321 of this title.

SUBCHAPTER II—INTERSTATE COMMERCE

§ 1571. Prohibitions relating to interstate commerce in certain seeds

It shall be unlawful for any person to transport or deliver for transportation in interstate commerce—

(a) Any agricultural seeds or any mixture of agricultural seeds for seeding purposes, unless each container bears a label giving the following information, in accordance with rules and regulations prescribed under section 1592 of this title.

(1) The name of the kind or kind and variety for each agricultural seed component present in excess of 5 per centum of the whole and the percentage by weight of each: *Provided*, That (A), except with respect to seed mixtures intended for lawn and turf purposes, if any such component is one which the Secretary of Agriculture has determined, in rules and regula-

tions prescribed under section 1592 of this title, is generally labeled as to variety, the label shall bear, in addition to the name of the kind, either the name of such variety or the statement "Variety Not Stated", (B) in the case of any such component which is a hybrid seed it shall, in addition to the above requirements, be designated as hybrid on the label, and (C) seed mixtures intended for lawn and turf purposes shall be designated as a mixture on the label and each seed component shall be listed on the label in the order of predominance;

(2) Lot number or other identification;

(3) Origin, stated in accordance with paragraph (a)(1) of this section, of each agricultural seed present which has been designated by the Secretary of Agriculture as one on which a knowledge of the origin is important from the standpoint of crop production, if the origin is known, and if each such seed is present in excess of 5 per centum. If the origin of such agricultural seed or seeds is unknown, that fact shall be stated;

(4) Percentage by weight of weed seeds, including noxious-weed seeds;

(5) Kinds of noxious-weed seeds and the rate of occurrence of each, which rate shall be expressed in accordance with and shall not exceed the rate allowed for shipment, movement, or sale of such noxious-weed seeds by the law and regulations of the State into which the seed is offered for transportation or transported or in accordance with the rules and regulations of the Secretary of Agriculture, when under the provisions of section 1561(a)(9)(A)(iii) of this title he shall determine that weeds other than those designated by State requirements are noxious;

(6) Percentage by weight of agricultural seeds other than those included under paragraph (a)(1) of this section;

(7) Percentage by weight of inert matter;

(8) For each agricultural seed, in excess of 5 per centum of the whole, stated in accordance with paragraph (a)(1) of this section, and each kind or variety or type of agricultural seed shown in the labeling to be present in a proportion of 5 per centum or less of the whole, (A) percentage of germination, exclusive of hard seed, (B) percentage of hard seed, if present, and (C) the calendar month and year the test was completed to determine such percentages, except that, in the case of a seed mixture, it is only necessary to state the calendar month and year of such test for the kind or variety or type of agricultural seed contained in such mixture which has the oldest calendar month and year test date among the tests conducted on all the kinds or varieties or types of agricultural seed contained in such mixture;

(9) Name and address of (A) the person who transports, or delivers for transportation, said seed in interstate commerce, or (B) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 1592 of this title, indicating the person who transports or delivers for transportation said seed in interstate commerce;

(10) The year and month beyond which an inoculant, if shown in the labeling, is no longer claimed to be effective.

(b) Any vegetable seeds, for seeding purposes, in containers, unless each container bears a label giving the following information in accordance with rules and regulations prescribed under section 1592 of this title:

(1) For containers of one pound or less of seed that germinates equal to or above the standard last established by the Secretary of Agriculture, as provided under section 1593(c) of this title—

(A) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each, and further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label; and

(B) Name and address of—

(i) the person who transports, or delivers for transportation, said seed in interstate commerce; or

(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 1592 of this title, indicating the person who transports or delivers for transportation said seed in interstate commerce;

(2) For containers of one pound or less of seed that germinates less than the standard last established by the Secretary of Agriculture, as provided under section 1593(c) of this title—

(A) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each, and further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label; and

(B) For each named kind and variety of seed—

(i) the percentage of germination, exclusive of hard seed;

(ii) the percentage of hard seed, if present;

(iii) the calendar month and year the test was completed to determine such percentages;

(iv) the words "Below Standard"; and

(C) Name and address of—

(i) the person who transports, or delivers for transportation, said seed in interstate commerce; or

(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 1592 of this title, indicating the person who transports or delivers for transportation said seed in interstate commerce.

(3) For containers of more than one pound of seed—

(A) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each and, fur-

ther, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label;

(B) Lot number or other lot identification;

(C) For each named kind and variety of seed—

(i) the percentage of germination, exclusive of hard seed;

(ii) the percentage of hard seed, if present;

(iii) the calendar month and year the test was completed to determine such percentages; and

(D) Name and address of—

(i) the person who transports, or delivers for transportation, said seed in interstate commerce; or

(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 1592 of this title, indicating the person who transports or delivers for transportation said seed in interstate commerce.

(c) Any agricultural or vegetable seed unless the test to determine the percentage of germination required by this section shall have been completed within a five-month period, exclusive of the calendar month in which the test was completed, immediately prior to transportation or delivery for transportation in interstate commerce: *Provided, however*, That the Secretary of Agriculture may by rules and regulations designate: (1) a shorter period for kinds of agricultural or vegetable seed which he finds under ordinary conditions of handling will not maintain, during the aforesaid five-month period, a germination within the established limits of tolerance; or (2) a longer period for any kind of agricultural or vegetable seed which (A) is packaged in such container materials and under such other conditions prescribed by the Secretary of Agriculture as he finds will, during such longer period, maintain the viability of said seed under ordinary conditions of handling; or (B) the Secretary finds will maintain a percentage of germination within the limits of tolerance established under this chapter under ordinary conditions of handling.

(d) Any agricultural seeds or vegetable seeds having a false labeling, or pertaining to which there has been a false advertisement, or to sell or offer for sale such seed for interstate shipment by himself or others.

(e) Seed which is required to be stained under the provisions of this chapter and the regulations made and promulgated thereunder, and is not so stained.

(f) Seed which has been stained to resemble seed stained in accordance with the provisions of this chapter and the regulations made and promulgated thereunder.

(g) Seed which is a mixture of seeds which are required to be stained or which are stained with different colors under the provisions of this chapter and of the regulations made and promulgated thereunder, or which is a mixture of any seed required to be stained under the provisions of this chapter and of the regulations

made and promulgated thereunder, with seed of the same kind produced in the United States.

(h) Screenings of any seed subject to this chapter, unless they are not intended for seeding purposes; and it is stated on the label, if in containers, or on the invoice if in bulk, that they are intended for cleaning, processing, or manufacturing purposes, and not for seeding purposes.

(i) Any agricultural seeds or any mixture thereof or any vegetable seeds or any mixture thereof, for seeding purposes, that have been treated, unless each container thereof bears a label giving the following information and statements in accordance with rules and regulations prescribed under section 1592 of this title:

(1) A word or statement indicating that the seeds have been treated;

(2) The commonly accepted coined, chemical (generic), or abbreviated chemical name of any substance used in such treatment;

(3) If the substance used in such treatment in the amount remaining with the seeds is harmful to humans or other vertebrate animals, an appropriate caution statement approved by the Secretary of Agriculture as adequate for the protection of the public, such as "Do not use for food or feed or oil purposes": *Provided*, That the caution statement for mercurials and similarly toxic substances, as defined in said rules and regulations, shall be a representation of a skull and crossbones and a statement such as "This seed has been treated with POISON", in red letters on a background of distinctly contrasting color; and

(4) A description, approved by the Secretary of Agriculture as adequate for the protection of the public, of any process used in such treatment.

(Aug. 9, 1939, ch. 615, title II, § 201, 53 Stat. 1279; Pub. L. 85-581, §§ 5-8, Aug. 1, 1958, 72 Stat. 476; Pub. L. 89-686, §§ 4-10, Oct. 15, 1966, 80 Stat. 975-977; Pub. L. 97-439, §§ 2-4, Jan. 8, 1983, 96 Stat. 2287.)

Editorial Notes

AMENDMENTS

1983—Subsec. (a). Pub. L. 97-439, § 2(a), struck out "except as provided in paragraph (j) of this section for seed mixtures intended for lawn and turf purposes," after "following information" in provisions preceding par. (1).

Subsec. (a)(1)(A). Pub. L. 97-439, § 2(b)(1), inserted "(A), except with respect to seed mixtures intended for lawn and turf purposes," after "Provided, That".

Subsec. (a)(1)(B). Pub. L. 97-439, § 2(b)(2), substituted " (B) " for " : And provided further, That ".

Subsec. (a)(1)(C). Pub. L. 97-439, § 2(b)(3), added cl. (C).

Subsec. (a)(8). Pub. L. 97-439, § 3, inserted exception relating to the case of a seed mixture.

Subsec. (c)(1). Pub. L. 97-439, § 4(1), substituted "(1)" for "(a)".

Subsec. (c)(2). Pub. L. 97-439, § 4(2), substituted "(2)" for "(b)".

Subsec. (c)(2)(A). Pub. L. 97-439, § 4(3), inserted "(A)" after "vegetable seed which".

Subsec. (c)(2)(B). Pub. L. 97-439, § 4(4), added cl. (B).

Subsec. (j). Pub. L. 97-439, § 2(c), struck out subsec. (j) which directed that seed mixtures intended for lawn and turf purposes be transported or delivered for transport in interstate commerce in containers of fifty pounds or less, and specified the information to be placed on the label.

1966—Subsec. (a). Pub. L. 89-686, §4, inserted in introductory text, “, except as provided in subsection (j) of this section for seed mixtures intended for lawn and turf purposes.”.

Subsec. (a)(1). Pub. L. 89-686, §5, amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The name of (A) kind, or (B) kind and variety, or (C) kind and type, for each agricultural seed component present in excess of 5 per centum of the whole and the percentage by weight of each: *Provided*, That such components are expressed in accordance with the category designated under (A), (B), or (C);”.

Subsec. (a)(10). Pub. L. 89-686, §6, added par. (10).

Subsec. (b). Pub. L. 89-686, §7, substituted provisions respecting labeling requirements for containers of one pound or less of seed that germinates equal to or above the standard last established by the Secretary of Agriculture in par. (1), containers of one pound or less of seed that germinates less than the standard last established by the Secretary in par. (2), and containers of more than one pound of seed in par. (3), for former labeling requirements which prescribed in par. (1) name of each kind and variety of seed and if two or more kinds or varieties are present, the percentage of each, in par. (2) for each variety of vegetable seed which germinates less than the standard last established by the Secretary of Agriculture, as provided under section 1593(c) of this title, the percentage of germination, exclusive of hard seed; (ii) percentage of hard seed, if present; (iii) the calendar month and year the test was completed to determine such percentages; (iv) the words “Below Standard”; and in par. (3), name and address of—

(A) the person who transports, or delivers for transportation, said seed in interstate commerce; or

(B) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 1592 of this title, indicating the person who transports or delivers for transportation said seed in interstate commerce.

Subsec. (c). Pub. L. 89-686, §8, substituted in cl. (b) “a longer period for any kind of agricultural or vegetable seed which is packaged in such container materials and under such other conditions prescribed by the Secretary of Agriculture as he finds will, during such longer period, maintain the viability of said seed under ordinary conditions of handling” for “a longer period not to exceed nine months, exclusive of the calendar month in which the test was completed, for kinds of agricultural or vegetable seed which he finds under ordinary conditions of handling will maintain during such longer period a germination within the established limits of tolerance”.

Subsec. (i)(4). Pub. L. 89-686, §9, transposed “of any process used in such treatment” which followed “description” to end of sentence, inserting a comma preceding such phrase.

Subsec. (j). Pub. L. 89-686, §10, added subsec. (j).

1958—Subsec. (a)(8). Pub. L. 85-581, §5, inserted “and each kind or variety or type of agricultural seed shown in the labeling to be present in a proportion of 5 per centum or less of the whole”.

Subsec. (b)(1). Pub. L. 85-581, §6, required label on container to show percentage where two or more varieties of seed are present.

Subsec. (b)(2). Pub. L. 85-581, §7, substituted “For each variety of vegetable seed” for “For seeds”.

Subsec. (i). Pub. L. 85-581, §8, added subsec. (i).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

See section 1610 of this title.

§ 1572. Records

All persons transporting, or delivering for transportation, in interstate commerce, agricul-

tural seeds shall keep for a period of three years a complete record of origin, treatment, germination, and purity of each lot of such agricultural seeds, and all persons transporting, or delivering for transportation, in interstate commerce, vegetable seeds shall keep for a period of three years a complete record of treatment, germination and variety of such vegetable seeds. The Secretary of Agriculture, or his duly authorized agents, shall have the right to inspect such records for the purpose of the effective administration of this chapter.

(Aug. 9, 1939, ch. 615, title II, §202, 53 Stat. 1281; Pub. L. 85-581, §9, Aug. 1, 1958, 72 Stat. 477; Pub. L. 89-686, §11, Oct. 15, 1966, 80 Stat. 978.)

Editorial Notes

AMENDMENTS

1966—Pub. L. 89-686 required record of treatment of agricultural and vegetable seeds.

1958—Pub. L. 85-581 required keeping of records of vegetable seeds.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

See section 1610 of this title.

§ 1573. Exemptions

(a) Carrier transporting seeds

The provisions of sections 1571 and 1572 of this title shall not apply 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 processing or merchandising seed subject to the provisions of this chapter; and such provisions shall not apply to seeds produced by any farmer on his own premises and sold by him directly to the consumer, provided such farmer is not engaged in the business of selling seeds not produced by him: *And provided further*, That such seeds produced or sold by him when transported or offered for transportation to any State, Territory, or District, shall not be exempted from the provisions of sections 1571 and 1572 of this title unless said seeds shall be in compliance with the operation and effect of the laws of such State, Territory, or District, enacted in the exercise of its police power, to the same extent and in the same manner as though such seed had been produced, sold, offered or exposed for sale in such State, Territory, or District, and shall not be exempted therefrom by reason of being introduced therein in original packages or otherwise: *And provided further*, That such seeds produced or sold by him are in compliance with the seed laws of the State into which the seed is transported.

(b) Seeds not for seeding purposes

The provisions of section 1571(a), (b), or (i) of this title shall not apply—

(1) to seed or grain not intended for seeding purposes when transported or offered for transportation in ordinary channels of commerce usual for such seed or grain intended for manufacture or for feeding; or

(2) to seed intended for seeding purposes when transported or offered for transportation in interstate commerce—

(A) if in bulk, in which case, however, the invoice or other records accompanying and pertaining to such seed shall bear the various statements required for the respective seeds under section 1571(a), (b), and (i) of this title; or

(B) if in containers and in quantities of twenty thousand pounds or more: *Provided*, That (i) the omission from each container of the information required under section 1571(a), (b), and (i) of this title is with the knowledge and consent of the consignee prior to the transportation or delivery for transportation of such seed in interstate commerce, (ii) each container shall have stenciled upon it or bear a label containing a lot designation, and (iii) the invoice or other records accompanying and pertaining to such seed shall bear the various statements required for the respective seeds under section 1571(a), (b), and (i) of this title; or

(C) if consigned to a seed cleaning or processing establishment, to be cleaned or processed for seeding purposes: *Provided*, That (i) this fact is so stated in the invoice or other records accompanying and pertaining to such seed if the seed is in bulk or if the seed is in containers and in quantities of twenty thousand pounds or more, (ii) this fact is so stated on attached labels if the seed is in containers and in quantities less than twenty thousand pounds, and (iii) any such seed later to be labeled as to origin and/or variety shall be labeled as to origin and/or variety in accordance with rules and regulations prescribed under section 1592 of this title.

(c) Emergency preventing presentation of information

When the Secretary of Agriculture finds that, because of the time interval between seed harvesting and sowing, or because of an emergency beyond human control, the information required by this chapter as to the germination, and hard seed of certain kinds of seeds, cannot be given prior to transportation or delivery for transportation in interstate commerce, he may promulgate, with or without a hearing, rules and regulations providing that the provisions of section 1571(a) and (b) of this title as to the required labeling for germination and hard seed shall not apply for such period and to such kinds of seed as he may specify in his said rules and regulations.

(d) Intermixture of unidentified seeds; percentages of kind or kind and variety of seeds

The provisions of sections¹ 1571(a) and (b) of this title relative to the labeling of agricultural and vegetable seeds with the percentages of the kind or kind and variety of seeds shall not be deemed violated if there are seeds in the container or bulk which could not be, or were not, identified because of their indistinguishability in appearance from the seeds intended to be transported or delivered for transportation in interstate commerce: *Provided*, That the records of the person charged with the duty under said section of labeling or invoicing the seeds, kept

in accordance with the rules and regulations of the Secretary of Agriculture, together with other pertinent facts, disclose that said person has taken reasonable precautions to insure the identity of the seeds to be that stated.

(e) Name of substance used in treatment of seeds

The provisions of section 1571(i) of this title relative to the labeling of agricultural and vegetable seeds with the name of any substance used in the treatment of seeds shall not be deemed violated if the substance or substances used in such treatment could not be or were not identified because of their indistinguishability from the substance or substances intended to be used in the treatment of the seeds: *Provided*, That the records of the person charged with the duty under said section of labeling or invoicing the seeds, kept in accordance with the rules and regulations of the Secretary of Agriculture, together with other pertinent facts, disclosed that said person has taken reasonable precautions to insure the identity of the substance or substances to be as stated.

(Aug. 9, 1939, ch. 615, title II, §203, 53 Stat. 1281; Pub. L. 85-581, §10, Aug. 1, 1958, 72 Stat. 477; Pub. L. 89-686, §12, Oct. 15, 1966, 80 Stat. 978.)

Editorial Notes

AMENDMENTS

1966—Subsec. (d). Pub. L. 89-686, §12(a), substituted “the kind or kind and variety of seeds”, “if there are seeds”, “: *Provided*, That”, and “reasonable precautions to insure the identity of the seed to be that stated” for “the kind or variety or type of seeds”, “if there be other seeds”, “, provided that”, and “proper precautions to insure the identity to be that stated”, respectively.

Subsec. (e). Pub. L. 89-686, §12(b), added subsec. (e).

1958—Subsec. (b). Pub. L. 85-581 inserted references to section 1571(i) of this title and eased labeling requirements with respect to shipment of seed in containers and in quantities of twenty thousand pounds or more.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

See section 1610 of this title.

§ 1574. Disclaimers, limited warranties and non-warranties

The use of a disclaimer, limited warranty, or nonwarranty clause in any invoice, advertising, labeling, or written, printed, or graphic matter, pertaining to any seed shall not constitute a defense, or be used as a defense in any way, in any prosecution or other proceeding brought under the provisions of this chapter, or the rules and regulations made and promulgated thereunder. Nothing in this section is intended to preclude the use of a disclaimer, limited warranty, or nonwarranty clause as a defense in any proceeding not brought under this chapter.

(Aug. 9, 1939, ch. 615, title II, §204, 53 Stat. 1282; July 9, 1956, ch. 520, §2, 70 Stat. 508; Pub. L. 85-581, §11, Aug. 1, 1958, 72 Stat. 478.)

Editorial Notes

AMENDMENTS

1958—Pub. L. 85-581 precluded use of limited warranty clause as defense in prosecution or other proceeding

¹ So in original. Probably should be “section”.

brought under provisions of this chapter and stated that use of enumerated clauses as defenses in proceedings not brought under this chapter is not barred.

1956—Act July 9, 1956, substituted “or other proceeding” for “, or in any proceeding for confiscation of seeds.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1956 AMENDMENT

Amendments made by act July 9, 1956, applicable only with respect to violations occurring after July 9, 1956, see note set out under section 1596 of this title.

EFFECTIVE DATE

See section 1610 of this title.

§ 1575. False advertising

It shall be unlawful for any person to disseminate, or cause to be disseminated, any false advertisement concerning seed, by the United States mails, or in interstate or foreign commerce, in any manner or by any means, including radio broadcasts: *Provided, however*, That no person, advertising agency, or medium for the dissemination of advertising, except the person who transported, delivered for transportation, sold, or offered for sale seed to which the false advertisement relates, shall be liable under this section by reason of disseminating or causing to be disseminated any false advertisement, unless he or it has refused, on the request of the Secretary of Agriculture, to furnish the Secretary the name and post-office address of the person, or advertising agency, residing in the United States, who caused, directly or indirectly, the dissemination of such advertisement.

(Aug. 9, 1939, ch. 615, title II, § 205, 53 Stat. 1282.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

See section 1610 of this title.

SUBCHAPTER III—FOREIGN COMMERCE

§ 1581. Prohibitions relating to importations

The importation into the United States is prohibited of—

(1) any agricultural or vegetable seeds if any such seed contains noxious-weed seeds or the labeling of which is false or misleading in any respect;

(2) screenings of any seeds subject to this subchapter (except that this shall not apply to screenings of wheat, oats, rye, barley, buckwheat, field corn, sorghum, broomcorn, flax, millet, proso, soybeans, cowpeas, field peas, or field beans, which are not imported for seeding purposes and are declared for cleaning, processing, or manufacturing purposes, and not for seeding purposes);

(3) any seed containing 10 per centum or more of any agricultural or vegetable seeds, unless the invoice pertaining to such seed and any other labeling of such seed bear a lot identification and the name of each kind and variety of vegetable seed present in any amount and each kind or kind and variety of agricultural seed present in excess of 5 per centum of the whole, and unless in the case of hybrid

seed present in excess of 5 per centum of the whole it is designated as hybrid.¹

(4) any agricultural seeds or any mixture thereof, or any vegetable seeds or any mixture thereof, for seeding purposes, that have been treated, unless each container thereof bears a label giving the following information and statements in accordance with rules and regulations prescribed under section 1592 of this title:

(A) A word or statement indicating that the seeds have been treated;

(B) The commonly accepted coined, chemical (generic), or abbreviated chemical name of any substance used in such treatment;

(C) If the substance used in such treatment in the amount remaining with the seeds is harmful to humans or other vertebrate animals, an appropriate caution statement approved by the Secretary of Agriculture as adequate for the protection of the public, such as “Do not use for food or feed or oil purposes”; *Provided*, That the caution statement for mercurials and similarly toxic substances, as defined in said rules and regulations, shall be a representation of a skull and crossbones and a statement such as “This seed has been treated with POISON”, in red letters on a background of distinctly contrasting color; and

(D) A description, approved by the Secretary of Agriculture as adequate for the protection of the public, of any process used in such treatment.

(Aug. 9, 1939, ch. 615, title III, § 301, 53 Stat. 1282; Pub. L. 85-581, § 12, Aug. 1, 1958, 72 Stat. 478; Pub. L. 89-686, §§ 13, 14, Oct. 15, 1966, 80 Stat. 978; Pub. L. 97-439, § 5(b)(1), Jan. 8, 1983, 96 Stat. 2288; Pub. L. 103-465, title IV, § 441(1), Dec. 8, 1994, 108 Stat. 4973.)

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-465 struck out “(a)” before “The importation” in introductory provisions, struck out “, or is required to be stained and is not so stained, under the terms of this subchapter,” after “noxious-weed seeds” in par. (1), redesignated pars. (4) and (5) as (3) and (4), respectively, and struck out former par. (3) which read as follows: “any seed containing 10 per centum or more of the seeds of alfalfa or red clover, which has been stained prior to being offered for entry in a manner that does not permit compliance with the provisions of this subchapter and the regulations made and promulgated thereunder.”

1983—Subsec. (a)(1). Pub. L. 97-439 substituted “any agricultural or vegetable seeds if any such seed contains noxious weed seeds” for “any seed containing 10 per centum or more of any agricultural or vegetable seeds if any such seed is adulterated or unfit for seeding purposes”.

1966—Subsec. (a)(4). Pub. L. 89-686, § 13, prohibited importation of any seed containing 10 per centum or more of any agricultural seeds and prescribed as additional prerequisites to importation a lot identification for the invoice and any other labeling, the kind and variety of seed present in any amount, each kind or kind and variety of seed present in excess of 5 per centum of the whole, and hybrid designation in case of hybrid seed present in excess of 5 per centum of the whole.

¹ So in original. The period probably should be a semicolon.

Subsec. (a)(5). Pub. L. 89-686, §14, added par. (5).
1958—Subsec. (a)(4). Pub. L. 85-581 added par. (4).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-465 effective on the date of entry into force of the WTO Agreement with respect to the United States (Jan. 1, 1995), except as otherwise provided, see section 451 of Pub. L. 103-465, set out as an Effective Date note under section 3601 of Title 19, Customs Duties.

EFFECTIVE DATE

See section 1610 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under this subchapter to the Secretary of Homeland Security, and for treatment of related references, see sections 231, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1582. Procedure relating to importations; disposal of refuse; exceptions

(a) The Secretary of the Treasury shall deliver to the Secretary of Agriculture, subject to joint rules and regulations prescribed under section 1592 of this title, samples of seed and screenings which are being imported into the United States, or offered for import, giving notice thereof to the owner or consignee, and if it appears from the examination of such samples that any seed or screenings offered to be imported into the United States are subject to the provisions of this subchapter and do not comply with the provisions of this subchapter, or if the labeling of such seed is false or misleading in any respect, such seed or screenings shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the owner or consignee, who may appear, however, before the Secretary of Agriculture and show cause why the seed or screenings should be admitted. Seed or screenings refused admission and not exported by the owner or consignee within twelve months from the date of notice of such refusal shall be destroyed in accordance with joint rules and regulations prescribed under section 1592 of this title: *Provided*, That the Secretary of the Treasury may authorize the delivery of seed or screenings which are being imported or offered for import to the owner or consignee thereof, pending decision as to the admission of such seed or screenings and for cleaning, labeling, or other reconditioning if required to bring such seed or screenings into compliance with the provisions of this chapter, upon the execution by such owner or consignee of a good and sufficient bond conditioned upon redelivery of the seed or screenings upon demand unless redelivery is waived because the seed is reconditioned to bring it into compliance with this chapter or is destroyed under Government supervision under this chapter, and providing for the payment of such liquidated damages in the event of default as may be required pursuant to regulations of the Secretary of the Treasury: *And provided further*, That all expenses incurred by the United

States (including travel, per diem or subsistence, and salaries of officers or employees of the United States) in connection with the supervision of cleaning, labeling, other reconditioning, or destruction, of seed or screenings under this subchapter shall be reimbursed to the United States by the owner or consignee of the seed or screenings, and such reimbursements shall be recredited to the appropriation from which the expenses were paid, the amount of such expenses to be determined in accordance with joint regulations under section 1592 of this title, and all expenses in connection with the storage, cartage, and labor on the seed or screenings which are refused admission or delivery, shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against future importations made by such owner or consignee.

(b) The refuse from any seeds or screenings which are allowed to be cleaned under bond shall be destroyed in accordance with joint rules and regulations prescribed under section 1592 of this title.

(c) The provisions of this subchapter shall not apply—

(1) when seed is shipped in bond through the United States, or

(2) when the Secretary of Agriculture finds that a substantial proportion of the importations of any kind of seed is used for other than seeding purposes, and he provides by rules and regulations that seed of such kind not imported for seeding purposes shall be exempted from the provisions of the chapter: *Provided*, That importations of such kinds of seed shall be accompanied by a declaration setting forth the use for which imported when and as required under joint rules and regulations prescribed under section 1592 of this title.

(d) The provisions of this subchapter prohibiting the importation of seed shall not apply—

(1) when seed grown in the United States is returned from a foreign country without having been admitted into the commerce of any foreign country: *Provided*, That there is satisfactory proof as provided for in the joint rules and regulations prescribed under section 1592 of this title, that the seed was grown in the United States and was not admitted into the commerce of a foreign country and was not commingled with other seed, or

(2) when seed is imported for sowing for experimental or breeding purposes and not for sale: *Provided*, That declarations are filed, and importations are limited in quantity, as provided for in the rules and regulations prescribed under section 1592 of this title, to assure that the importations are for experimental or breeding purposes.

(Aug. 9, 1939, ch. 615, title III, §302, 53 Stat. 1283; Pub. L. 85-581, §§13, 14, Aug. 1, 1958, 72 Stat. 478, 479; Pub. L. 89-686, §§15-17, Oct. 15, 1966, 80 Stat. 979; Pub. L. 97-439, §5(b)(2), (3), Jan. 8, 1983, 96 Stat. 2288; Pub. L. 100-449, title III, §301(e), Sept. 28, 1988, 102 Stat. 1868; Pub. L. 103-182, title III, §361(a), Dec. 8, 1993, 107 Stat. 2122; Pub. L. 103-465, title IV, §441(2), Dec. 8, 1994, 108 Stat. 4973.)

AMENDMENT OF SECTION

For termination of amendment by section 501(c) of Pub. L. 100-449, see Effective and Termination Dates of 1988 Amendment note below.

Editorial Notes

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-465, §441(2)(A), struck out “staining,” before “cleaning, labeling,” in two places.

Subsec. (e). Pub. L. 103-465, §441(2)(B), struck out subsec. (e) which read as follows: “The provisions of this subchapter requiring certain seeds to be stained shall not apply—

“(1) to alfalfa or clover seed originating in Canada or Mexico, or

“(2) when seeds otherwise required to be stained will not be sold within the United States and will be used for seed production only by or for the importer or consignee and the importer of record or consignee files a statement in accordance with the rules and regulations prescribed under section 1592 of this title certifying that such seeds will be used only for seed production by or for the importer or consignee.”

1993—Subsec. (e)(1). Pub. L. 103-182 inserted “or Mexico” after “Canada”.

1988—Pub. L. 100-449 temporarily amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: “The provisions of this subchapter requiring certain seeds to be stained shall not apply when such seed will not be sold within the United States and will be used for seed production only by or for the importer or consignee: *Provided*, That the importer of record or consignee files a statement in accordance with the rules and regulations prescribed under section 1592 of this title certifying that such seed will be used only for seed production by or for the importer or consignee.” See Effective and Termination Dates of 1988 Amendment note below.

1983—Subsec. (a). Pub. L. 97-439, §5(b)(2), struck out provision that Secretary may apply statistical sampling and inspection techniques to samples and screenings to determine whether pure-live seed requirement of any kind of seed was being met, in event of which he was to advise importer of each lot of seed not examined for pure-live seed percentage.

Subsec. (d). Pub. L. 97-439, §5(b)(3)(A), struck out “that is adulterated or unfit for seeding purposes” after “importation of seed” in provisions preceding par. (1).

Subsec. (d)(3). Pub. L. 97-439, §5(b)(3)(B), struck out cl. (3) which described the situation when seed not meeting the pure-live seed requirements of section 1584 of this title would not be sold within the United States and would be used for seed production only by or for the importer or consignee, providing that the importer of record or consignee filed a statement in accordance with the rules and regulations prescribed under section 1592 of this title certifying that such seed would be used only for seed production by or for the importer or consignee.

1966—Subsec. (a). Pub. L. 89-686, §15, authorized Secretary of Agriculture to apply statistical sampling and inspection techniques to samples and screenings to determine whether the pure-live seed requirement of any kind of seed is being met and to advise importer of each lot of seed not examined for pure-live seed percentage.

Subsec. (d)(3). Pub. L. 89-686, §16, added par. (3).

Subsec. (e). Pub. L. 89-686, §17, added subsec. (e).

1958—Subsec. (a). Pub. L. 85-851, §13, inserted “owner or” before “consignee” wherever appearing, except in the two provisos, changed first proviso to bring its wording in line with practices generally followed with other commodities illegally placed into consumption, and provided in second proviso for reimbursement of all costs to the Federal Government incident to supervision required under this chapter.

Subsec. (d). Pub. L. 85-581, §14, added subsec. (d).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-465 effective on the date of entry into force of the WTO Agreement with respect to the United States (Jan. 1, 1995), except as otherwise provided, see section 451 of Pub. L. 103-465, set out as an Effective Date note under section 3601 of Title 19, Customs Duties.

EFFECTIVE AND TERMINATION DATES OF 1988 AMENDMENT

Amendment by Pub. L. 100-449 effective on the date the United States-Canada Free-Trade Agreement enters into force (Jan. 1, 1989), and to cease to have effect on the date the Agreement ceases to be in force, see section 501(a), (c), of Pub. L. 100-449, set out in a note under section 2112 of Title 19, Customs Duties.

EFFECTIVE DATE

See section 1610 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under this subchapter to the Secretary of Homeland Security, and for treatment of related references, see sections 231, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§§ 1583, 1584. Repealed. Pub. L. 97-439, §5(b)(4), Jan. 8, 1983, 96 Stat. 2288

Section 1583, act Aug. 9, 1939, ch. 615, title III, §303, 53 Stat. 1283, related to adulterated seed.

Section 1584, acts Aug. 9, 1939, ch. 615, title III, §304, 53 Stat. 1284; Oct. 15, 1966, Pub. L. 89-686, §18, 80 Stat. 979, related to seed unfit for seeding purposes.

§ 1585. Certain seeds not adapted for general agricultural use

Whenever the Secretary of Agriculture, after a public hearing, determines that seed of alfalfa or red clover from any foreign country is not adapted for general agricultural use in the United States, the Secretary shall publish the determination and the reasons for the determination.

(Aug. 9, 1939, ch. 615, title III, §303, as added Pub. L. 103-465, title IV, §441(3), Dec. 8, 1994, 108 Stat. 4973.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1585, act Aug. 9, 1939, ch. 615, title III, §303, formerly §305, 53 Stat. 1284; renumbered §303, Jan. 8, 1983, Pub. L. 97-439, §5(b)(4), 96 Stat. 2288, related to requirement that certain seeds containing alfalfa and/or red clover be stained, prior to repeal by Pub. L. 103-465, title IV, §441(3), Dec. 8, 1994, 108 Stat. 4973.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the date of entry into force of the WTO Agreement with respect to the United States (Jan. 1, 1995), except as otherwise provided, see section 451 of Pub. L. 103-465, set out as a note under section 3601 of Title 19, Customs Duties.

TRANSFER OF FUNCTIONS

For transfer of functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under this subchapter to the Secretary of Homeland Security, and for treatment of related references, see sections 231, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1586. Certain acts prohibited

It shall be unlawful for any person—

(a) To sell or offer for sale—

(1) any seed for seeding purposes if imported under this subchapter for other than seeding purposes;

(2) any screenings of any seeds for seeding purposes if imported under this subchapter for other than seeding purposes; or

(3) any seed which is prohibited entry under the provisions of this chapter.

(b) To make any false or misleading representation with respect to any seed subject to this subchapter being imported into the United States or offered for import: *Provided*, That this subsection shall not be deemed violated by any person if the false or misleading representation is the name of a variety indistinguishable in appearance from the seed being imported or offered for import and the records and other pertinent facts reveal that such person relied in good faith upon representations with respect to the name of the indistinguishable variety made by the shipper of the seed.

(Aug. 9, 1939, ch. 615, title III, §304, formerly §306, 53 Stat. 1285; Pub. L. 85-581, §15, Aug. 1, 1958, 72 Stat. 479; renumbered §304, Pub. L. 97-439, §5(b)(4), Jan. 8, 1983, 96 Stat. 2288; Pub. L. 103-465, title IV, §441(4), Dec. 8, 1994, 108 Stat. 4973.)

Editorial Notes

AMENDMENTS

1994—Subsec. (a)(4) to (7). Pub. L. 103-465, §441(4)(A), struck out pars. (4) to (7) which read as follows:

“(4) any seed which has been stained to resemble seed stained in accordance with the provisions of this chapter and the rules and regulations made and promulgated thereunder;

“(5) any seed stained under the provisions of this chapter and the rules and regulations made and promulgated thereunder, when mixed with seed of the same kind produced in the United States;

“(6) any seed stained with different colors;

“(7) any seed stained under the provisions of this chapter, the labeling of which states that such seed is adapted.”

Subsecs. (b), (c). Pub. L. 103-465, §441(4)(B), (C), redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: “To change the proportion of seeds stained under the provisions of this chapter and the rules and regulations made and promulgated thereunder or to alter, modify, conceal, or remove in any manner or by any means the color of such stained seeds.”

1958—Subsec. (c). Pub. L. 85-581 added subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-465 effective on the date of entry into force of the WTO Agreement with respect to

the United States (Jan. 1, 1995), except as otherwise provided, see section 451 of Pub. L. 103-465, set out as an Effective Date note under section 3601 of Title 19, Customs Duties.

EFFECTIVE DATE

See section 1610 of this title.

SUBCHAPTER IV—GENERAL PROVISIONS**§ 1591. Delegation of duties**

Any duties devolving upon the Secretary of Agriculture by virtue of the provisions of this chapter may with like force and effect be executed by such officer or officers, agent or agents, of the Department of Agriculture as the Secretary may designate for the purpose.

(Aug. 9, 1939, ch. 615, title IV, §401, 53 Stat. 1285.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

See section 1610 of this title.

§ 1592. Rules and regulations

(a) The Secretary of Agriculture shall make such rules and regulations as he may deem necessary for the effective enforcement of this chapter, except as otherwise provided in this section.

(b) The Secretary of the Treasury and the Secretary of Agriculture shall make, jointly or severally, such rules and regulations as they may deem necessary for the effective enforcement of subchapter III of this chapter.

(c) Prior to the promulgation of any rule or regulation under this chapter, due notice shall be given by publication in the Federal Register of intention to promulgate and the time and place of a public hearing to be held with reference thereto, and no rule or regulation may be promulgated until after such hearing. Any rule or regulation shall become effective on the date fixed in the promulgation, which date shall be not less than thirty days after publication in the Federal Register and may be amended or revoked in the manner provided for its promulgation.

(Aug. 9, 1939, ch. 615, title IV, §402, 53 Stat. 1285.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

See section 1610 of this title.

§ 1593. Standards, tests, tolerances

(a) The samplings, analyses, tests, or examinations of seeds made in connection with the administration of this chapter shall be made by methods set forth by rules and regulations prescribed under section 1592 of this title.

(b) The Secretary of Agriculture is authorized and directed to make and promulgate by rules and regulations, reasonable tolerances as to the percentages and rates of occurrence required to be stated or required by this chapter.

(c) For the purpose of section 1571(b) of this title, the Secretary of Agriculture is authorized and directed to investigate, determine, establish, and promulgate from time to time such

reasonable standards of germination for each kind of vegetable seed as will in his judgment best protect crop production.

(Aug. 9, 1939, ch. 615, title IV, § 403, 53 Stat. 1285.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

See section 1610 of this title.

§ 1593a. Seed variety information and survey

(a) Information

(1) In general

Grain submitted for public testing shall be evaluated for selected specific agronomic performance characteristics and intrinsic end-use performance characteristics, as determined by the Secretary, with the results of the evaluations made available to the Secretary.

(2) Dissemination of information

The Secretary shall disseminate varietal performance information obtained under paragraph (1) to plant breeders, producers, and end users.

(b) Survey

The Secretary shall periodically conduct, compile, and publish a survey of grain varieties commercially produced in the United States.

(c) Analysis of variety survey data

The Secretary shall analyze the variety surveys conducted under subsection (b) in conjunction with available applied research information on intrinsic quality characteristics of the varieties, to evaluate general intrinsic crop quality characteristics and trends in production related to intrinsic quality characteristics. This information shall be disseminated as required by subsection (a)(2).

(Pub. L. 101-624, title XX, § 2013, Nov. 28, 1990, 104 Stat. 3933.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Grain Quality Incentives Act of 1990, and also as part of the Food, Agriculture, Conservation, and Trade Act of 1990, and not as part of the Federal Seed Act which comprises this chapter.

§ 1594. Prohibition against alterations

No person shall detach, alter, deface, or destroy any label provided for in this chapter or the rules and regulations made and promulgated thereunder by the Secretary of Agriculture, or alter or substitute seed in a manner that may defeat the purpose of this chapter.

(Aug. 9, 1939, ch. 615, title IV, § 404, 53 Stat. 1286.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

See section 1610 of this title.

§ 1595. Seizure

(a) Any seed sold, delivered for transportation in interstate commerce, or transported in inter-

state or foreign commerce in violation of any of the provisions of this chapter shall, at the time of such violation or at any time thereafter, be liable to be proceeded against on libel of information and condemned in any district court of the United States within the jurisdiction of which the seed is found.

(b) If seed is condemned by a decree of the court as being in violation of the provisions of this chapter, it may be disposed of by the court by—

(1) sale; or

(2) delivery to the owner thereof after he has appeared as claimant and paid the court costs and fees and storage and other proper expenses and executed and delivered a bond with good and sufficient sureties that such seed will not be sold or disposed of in any jurisdiction contrary to the provisions of this chapter and the rules and regulations made and promulgated thereunder, or the laws of such jurisdiction; or

(3) destruction.

(c) If such seed is disposed of by sale, the proceeds of the sale, less the court costs and fees and storage and other proper expenses, shall be paid into the Treasury as miscellaneous receipts, but such seed shall not be sold or disposed of in any jurisdiction contrary to the provisions of this chapter and the rules and regulations made and promulgated thereunder, or the laws of such jurisdiction.

(d) The proceedings in such libel cases shall conform, as nearly as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case; and such proceedings shall be at the suit of and in the name of the United States.

(Aug. 9, 1939, ch. 615, title IV, § 405, 53 Stat. 1286.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

See section 1610 of this title

§ 1596. Penalties

(a) Any person who knowingly, or as a result either of gross negligence or of a failure to make a reasonable effort to inform himself of the pertinent facts, violates any provision of this chapter or the rules and regulations made and promulgated thereunder shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall pay a fine of not more than \$1,000, for the first offense, and upon conviction for each subsequent offense not more than \$2,000.

(b) Any person who violates any provision of this chapter or the rules and regulations made and promulgated thereunder shall forfeit to the United States a sum, not less than \$25 or more than \$500, for each such violation, which forfeiture shall be recoverable in a civil suit brought in the name of the United States.

(Aug. 9, 1939, ch. 615, title IV, § 406, 53 Stat. 1286; July 9, 1956, ch. 520, § 1, 70 Stat. 508.)

Editorial Notes

AMENDMENTS

1956—Act July 9, 1956, designated existing provisions as subsec. (a), inserted “knowingly or as a result either

of gross negligence or of a failure to make a reasonable effort to inform himself of the pertinent facts," and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1956 AMENDMENT

Act July 9, 1956, ch. 520, § 4, 70 Stat. 508, provided that: "The amendments made by this Act [amending sections 1574, 1596, and 1602 of this title] shall be applicable only with respect to violations occurring after the enactment of this Act [July 9, 1956]."

EFFECTIVE DATE

See section 1610 of this title.

§ 1597. Agent's acts as binding principal

When construing and enforcing the provisions of this chapter, the act, omission, or failure of any officer, agent, or other person acting for or employed by any person, partnership, corporation, company, society, or association, shall in every case be also deemed to be the act, omission, or failure of such person, partnership, corporation, company, society, or association, as well as that of the person employed.

(Aug. 9, 1939, ch. 615, title IV, § 407, 53 Stat. 1286.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

See section 1610 of this title.

§ 1598. Notice of intention to prosecute

Before any violation of this chapter is reported by the Secretary of Agriculture to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to prevent¹ his views, either orally or in writing, with regard to such contemplated proceeding.

(Aug. 9, 1939, ch. 615, title IV, § 408, 53 Stat. 1286.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

See section 1610 of this title.

§ 1599. Cease and desist proceedings

(a) Hearing

Whenever the Secretary of Agriculture has reason to believe that any person has violated or is violating any of the provisions of this chapter or the rules and regulations made and promulgated thereunder, he shall cause a complaint in writing to be served upon the person, stating his charges in that respect, and requiring the person to attend and testify at a hearing at a time and place designated therein, at least thirty days after the service of such complaint; and at such time and place there shall be afforded the person a reasonable opportunity to be informed as to the evidence introduced against him (including the right of cross-examination), and to be heard in person or by counsel and through witnesses, under such rules and regulations as the Secretary of Agriculture may prescribe. At any

time prior to the close of the hearing the Secretary of Agriculture may amend the complaint; but in case of any amendment adding new provisions the hearing shall, on the request of the person, be adjourned for a period not exceeding fifteen days.

(b) Report of Secretary of Agriculture

If, after such hearing, the Secretary of Agriculture finds that the person has violated or is violating any provisions of the chapter or rules and regulations covered by the charges, he shall make a report in writing in which he shall state his findings as to the facts, and shall issue and cause to be served on the person an order requiring such person to cease and desist from continuing such violation. The testimony taken at the hearing shall be reduced to writing and filed in the records of the Department of Agriculture.

(c) Amendment of report

Until the record in such hearing has been filed in a court of appeals as provided in section 1600 of this title, the Secretary of Agriculture at any time, upon such notice and in such manner as he deems proper, but only after reasonable opportunity to the person to be heard, may amend or set aside the report or order, in whole or in part.

(d) Service

Complaints, orders, and other processes of the Secretary of Agriculture under this section may be served by anyone duly authorized by the Secretary of Agriculture, either (1) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (2) by leaving a copy thereof at the principal office or place of business of such person, partnership, or corporation; or (3) by mailing a copy thereof by registered mail or by certified mail addressed to such person, partnership, or corporation at his or its last known principal office or place of business. The verified return by the person so serving said complaint, order, or other process setting forth the manner of said order shall be proof of the same, and the return postoffice receipt for said complaint, order, or other process mailed by registered mail or by certified mail as aforesaid shall be proof of the service of the same.

(Aug. 9, 1939, ch. 615, title IV, § 409, 53 Stat. 1287; June 25, 1948, ch. 646, § 32(a), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107; Pub. L. 85-791, § 24(a), Aug. 28, 1958, 72 Stat. 949; Pub. L. 86-507, § 1(7), June 11, 1960, 74 Stat. 200.)

Editorial Notes

AMENDMENTS

1960—Subsec. (d). Pub. L. 86-507 substituted "mailing a copy thereof by registered mail or by certified mail" for "registering and mailing a copy thereof" and "mailed by registered mail or by certified mail" for "registered and mailed".

1958—Subsec. (c). Pub. L. 85-791 struck out "a transcript of" before "the record".

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Act June 25, 1948, as amended by act May 24, 1949, substituted "court of appeals" for "circuit court of appeals" which appeared in subsec. (c) of this section.

¹ So in original. Probably should be "present".

EFFECTIVE DATE

See section 1610 of this title.

§ 1600. Appeal to court of appeals

An order made under section 1599 of this title shall be final and conclusive unless within thirty days after the service the person appeals to the court of appeals for the circuit in which such person resides or has his principal place of business by filing with the clerk of such court a written petition praying that the Secretary's order be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such person will pay the costs of the proceedings if the court so directs.

The clerk of the court shall immediately cause a copy of the petition to be delivered to the Secretary, and the Secretary shall thereupon file in the court the record in such proceedings, as provided in section 2112 of title 28. If before such record is filed, the Secretary amends or sets aside his report or order, in whole or in part, the petitioner may amend the petition within such time as the court may determine, on notice to the Secretary.

At any time after such petition is filed the court, on application of the Secretary, may issue a temporary injunction restraining, to the extent it deems proper, the person and his officers, directors, agents, and employees from violating any of the provisions of the order pending the final determination of the appeal.

The evidence so taken or admitted and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case.

The court may affirm, modify, or set aside the order of the Secretary.

If the court determines that the just and proper disposition of the case requires the taking of additional evidence, the court shall order the hearing to be reopened for the taking of such evidence, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings and his recommendations, if any, for the modification or setting aside of his order, with the return of such additional evidence.

If the court of appeals affirms or modifies the order of the Secretary, its decree shall operate as an injunction to restrain the person and his officers, directors, agents, and employees from violating the provisions of such order or such order as modified.

(Aug. 9, 1939, ch. 615, title IV, § 410, 53 Stat. 1287; June 25, 1948, ch. 646, § 32(a), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107; Pub. L. 85-791, § 24(b), Aug. 28, 1958, 72 Stat. 949; Pub. L. 98-620, title IV, § 402(7)(A), Nov. 8, 1984, 98 Stat. 3357.)

Editorial Notes

AMENDMENTS

1984—Pub. L. 98-620 in fourth par., struck out provisions requiring proceedings in such cases in the court of appeals to be made a preferred cause and expedited in every way.

1958—Pub. L. 85-791 substituted, in first sentence of second par., “thereupon file in the court the record in such proceedings as provided in section 2112 of title 28” for “forthwith prepare, certify, and file in the court a full and accurate transcript of the record in such proceedings, including the complaint, the evidence, and the report and order”, substituted, in second sentence of second par., “record” for “transcript”, substituted in third par., “petition” for “transcript”, and struck out, in fourth par., “, duly certified” after “admitted”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Act June 25, 1948, as amended by act May 24, 1949, substituted “court of appeals” for “circuit court of appeals” wherever appearing.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as an Effective Date note under section 1657 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE

See section 1610 of this title.

§ 1601. Enforcement of order

If any person against whom an order is issued under section 1599 of this title fails to obey the order, the Secretary of Agriculture, or the United States, by its Attorney General, may apply to the court of appeals of the United States, within the circuit where the person against whom the order was issued resides or has his principal place of business, for the enforcement of the order, and shall file the record in such proceedings, as provided in section 2112 of title 28. Upon such filing of the application the court shall cause notice thereof to be served upon the person against whom the order was issued. The evidence to be considered, the procedure to be followed, and the jurisdiction of the court shall be the same as provided in section 1600 of this title for applications to set aside or modify orders.

(Aug. 9, 1939, ch. 615, title IV, § 411, 53 Stat. 1288; June 25, 1948, ch. 646, § 32(a), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107; Pub. L. 85-791, § 24(c), Aug. 28, 1958, 72 Stat. 949; Pub. L. 98-620, title IV, § 402(7)(B), Nov. 8, 1984, 98 Stat. 3357.)

Editorial Notes

AMENDMENTS

1984—Pub. L. 98-620 struck out second par. which required proceedings in such cases to be made a preferred cause and expedited in every way.

1958—Pub. L. 85-791 substituted “file the record in such proceedings as provided in section 2112 of title 28” for “certify and file with its application a full and accurate transcript of the record in such proceedings, including the complaint, the evidence, the report, and the order” in first sentence, and struck out “and transcript” after “application” in second sentence.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Act June 25, 1948, as amended by act May 24, 1949, as amended by act May 24, 1949, substituted “court of appeals” for “circuit court of appeals” wherever appearing in this section.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620,

set out as an Effective Date note under section 1657 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE

See section 1610 of this title.

§ 1602. Separability

The institution of any one of the proceedings provided for in sections 1595, 1596, 1599 to 1601 of this title shall not bar institution of any of the others, except that action shall not be instituted under both subsections 1596(a) and (b) of this title for the same cause of action. Nothing in this chapter shall be construed as requiring the Secretary of Agriculture to recommend prosecution, or institution of civil penalty proceedings, libel proceedings, cease-and-desist proceedings, or proceedings for the enforcement of a cease-and-desist order, for minor violations of this chapter or the rules and regulations made and promulgated thereunder whenever he believes that the public interest will be adequately served by suitable written notice or warning.

(Aug. 9, 1939, ch. 615, title IV, § 412, 53 Stat. 1288; July 9, 1956, ch. 520, § 3, 70 Stat. 508.)

Editorial Notes

AMENDMENTS

1956—Act July 9, 1956, inserted references to civil penalties as well as criminal penalties under section 1596 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1956 AMENDMENT

Amendments made by act July 9, 1956, applicable only with respect to violations occurring after July 9, 1956, see section 4 of act July 9, 1956, set out as a note under section 1596 of this title.

EFFECTIVE DATE

See section 1610 of this title.

§ 1603. Procedural powers; witness fees and mileage

(a) In carrying on the work herein authorized, the Secretary of Agriculture, or any officer or employee designated by him for such purpose, shall have power to hold hearings, administer oaths, sign and issue subpoenas, examine witnesses, take depositions, and require the production of books, records, accounts, memoranda, and papers, and have access to office and warehouse premises. Upon refusal by any person to appear, testify, or produce pertinent books, records, accounts, memoranda, and papers in response to a subpoena, or to permit access to premises, the proper United States district court shall have power to compel obedience thereto.

(b) Witnesses summoned before the Secretary or any officer or employee designated by him shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like service in the courts of the United States.

(Aug. 9, 1939, ch. 615, title IV, § 413, 53 Stat. 1289.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

See section 1610 of this title.

§ 1604. Publication

After judgment by the court, or the issuance of a cease and desist order, in any case arising under this chapter, notice thereof shall be given by publication in such manner as may be prescribed in the rules and regulations made and promulgated under this chapter.

(Aug. 9, 1939, ch. 615, title IV, § 414, 53 Stat. 1289.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

See section 1610 of this title.

§ 1605. Authorization of appropriations

(a) There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for administering this chapter.

(b) Funds appropriated for carrying into effect the purpose of this chapter shall be available for allotment by the Secretary of Agriculture to the bureaus and offices of the Department of Agriculture and for transfer to other departments and agencies of the Government which the Secretary of Agriculture may call upon to assist or cooperate in carrying out such purposes or for services rendered or to be rendered in connection therewith.

Appropriations made under this authorization, within the limit prescribed in such appropriations, may be expended for the share of the United States in the expense of the International Seed Testing Congress in carrying out plans for correlating the work of the various adhering governments on problems relating to seed analyses or other subjects which the Congress may determine to be necessary in the interest of international seed trade.

(Aug. 9, 1939, ch. 615, title IV, § 415, 53 Stat. 1289; Sept. 21, 1944, ch. 412, title VII, § 701(b), 58 Stat. 741.)

Editorial Notes

AMENDMENTS

1944—Act Sept. 21, 1944, added last par.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

See section 1610 of this title.

§ 1606. Authorization of expenditures

The Secretary of Agriculture is authorized to make such expenditures for rent, outside of the District of Columbia, printing, binding, telegrams, telephones, books of reference, publications, furniture, stationery, office and laboratory equipment, travel, and other supplies, including reporting services, such research necessary to develop methods of processing, bulking, blending, sampling, testing, and merchandising seeds necessary to the administration of this chapter and other necessary expenses in the

District of Columbia and elsewhere, and as may be appropriated for by the Congress.

(Aug. 9, 1939, ch. 615, title IV, §416, 53 Stat. 1289.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

See section 1610 of this title.

§ 1607. Cooperation with other governmental agencies

The Secretary of Agriculture is authorized to cooperate with any other department or agency of the Federal Government; or with any State, Territory, District, or possession, or department, agency, or political subdivision thereof; or with any producing, trading, or consuming organization, whether operating in one or more jurisdictions, in carrying out the provisions of this chapter.

(Aug. 9, 1939, ch. 615, title IV, §417, 53 Stat. 1289.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

See section 1610 of this title.

§ 1608. Separability

If any provision of this chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the chapter, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

(Aug. 9, 1939, ch. 615, title IV, §418, 53 Stat. 1290.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

See section 1610 of this title.

§ 1609. Repeals

Sections 111 to 116 of this title are repealed on the one hundred and eightieth day after August 9, 1939: *Provided, however*, That the notices with respect to imported alfalfa and red clover seed promulgated by the Secretary of Agriculture under the authority of sections 111 to 116 of this title, and in effect on August 9, 1939, shall remain with the same full force and effect as if promulgated under this chapter.

(Aug. 9, 1939, ch. 615, title IV, §419, 53 Stat. 1290.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

See section 1610 of this title.

§ 1610. Effective date

This chapter shall take effect as follows: As to agricultural seeds, and the importation of vegetable seeds, on the one hundred and eightieth day after August 9, 1939; as to vegetable seeds in interstate commerce, one year after August 9, 1939; and as to sections 1591 to 1593 of this title, on August 9, 1939.

(Aug. 9, 1939, ch. 615, title IV, §420, 53 Stat. 1290.)

SUBCHAPTER V—SALE OF UNCERTIFIED SEED OF PROTECTED VARIETY

§ 1611. Illegal sales of uncertified seed

It shall be unlawful in the United States or in interstate or foreign commerce to sell or offer for sale or advertise, by variety name, seed not certified by an official seed certifying agency, when it is a variety for which a certificate of plant variety protection under the Plant Variety Protection Act [7 U.S.C. 2321 et seq.] specifies sale only as a class of certified seed: *Provided*, That seed from a certified lot may be labeled as to variety name when used in a mixture by, or with the approval of, the owners of the variety.

(Aug. 9, 1939, ch. 615, title V, §501, as added Pub. L. 91-577, title III, §142(a), Dec. 24, 1970, 84 Stat. 1558; amended Pub. L. 97-98, title XI, §1118, Dec. 22, 1981, 95 Stat. 1272.)

Editorial Notes

REFERENCES IN TEXT

The Plant Variety Protection Act, referred to in text, is Pub. L. 91-577, Dec. 24, 1970, 84 Stat. 1542, which is classified principally to chapter 57 (§2321 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2321 of this title and Tables.

AMENDMENTS

1981—Pub. L. 97-98 substituted “sell or offer for sale or advertise, by variety name, seed” for “sell by variety name seed”, “certifying agency, when” for “certifying agency when”, and “owners of the variety” for “owner of the variety”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

EFFECTIVE DATE

Section effective Dec. 24, 1970, see section 141 of Pub. L. 91-577, set out as a note under section 2321 of this title.

CHAPTER 38—DISTRIBUTION AND MARKETING OF AGRICULTURAL PRODUCTS

SUBCHAPTER I—GENERAL PROVISIONS

Sec.	
1621.	Congressional declaration of purpose; use of existing facilities; cooperation with States.
1622.	Duties of Secretary relating to agricultural products.
1622a.	Authority to assist farmers and elevator operators.
1622b.	Specialty crops market news allocation.
1622c.	Repealed.
1623.	Authorization of appropriations; allotments to States.
1623a.	Omitted.
1624.	Cooperation with Government and State agencies, private research organizations, etc.; rules and regulations.
1625.	Transfer and consolidation of functions, powers, bureaus, etc.
1626.	Definitions.
1627.	Appointment of personnel; compensation; employment of specialists.
1627a.	Sheep production and marketing grant program.