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The Colorado Pure Seed Law was amended by the 1943 General Assembly. It was originally enacted 26 years ago, in 1917, and was amended in 1921, 1925, and in 1929.

The present law is in conformity with the Federal Seed Act and with the latest laws of other states. It affords more adequate protection to the legitimate seller, the producer, the buyer, and the planter of agricultural and vegetable seeds. It provides for a better and more profitable agriculture in the State through improving the quality of the seed planted. It also functions to reduce the introduction and spread of serious weeds and forms a basis for more effective weed control efforts.

Summary of the Law

1. Agricultural Seeds. "Agricultural seeds" are defined as the seeds of grass, forage, cereal, and fiber crops and any other kinds of seeds commonly recognized within this State as agricultural, field, or turf seeds and mixtures of such seeds.
2. Vegetable Seeds. "Vegetable seeds" are defined as the seeds of those crops which are grown in gardens or on truck farms and are generally known and sold under the name of vegetable seeds in this State.
3. Hybrid Seed Corn. "Hybrid seed corn" is defined as the first-generation seed of a cross produced by controlling the pollination, and by combining two, three, or four inbred lines. Hybrid designations shall be treated as variety names.
4. Tolerance. "Tolerance" allows for the variation which reasonably may be expected in the results obtained from different purity analyses or germination tests of the same seed lot. Seed is mislabeled if the data obtained from the analysis and test of a properly drawn sample of the seed are not within the respective tolerance ranges of the data given on the label.
5. Noxious Weeds. Divided into Primary and Secondary groups.

(a) Primary Noxious Weeds:

- |                   |                            |
|-------------------|----------------------------|
| Bindweed          | Perennial sowthistle       |
| Canada thistle    | Silverleaf poverty weed    |
| Leafy spurge      | Woolly-leaved poverty weed |
| White horsenettle | Whiteweed                  |
| Russian knapweed  |                            |

Agricultural seeds containing these weeds are prohibited from sale (subject to tolerance as provided under the Rules and Regulations).

(b) Secondary Noxious Weeds:

Austrian peaweed	Mustards
Blue lettuce	Mouse-ear poverty weed
Buckhorn	Puncturevine
Dock	Purple-flowered groundcherry
Dodder	Quackgrass
Fanweed	Wild oats

These weeds must be shown on the label when present in agricultural seeds in excess of certain amounts. (See (a), (6) in next paragraph).

6. Label Requirements. Agricultural and vegetable seed must bear a plainly written or printed label in the English language giving the following information:

(a) For Agricultural Seeds:

- (1) Name of "kind" or "kind and variety" or "kind and type", and percentage of each present in excess of 5 percent of the whole by weight.  
Kind: such as alfalfa, barley, wheat, corn, etc.  
Variety: such as Grimm, Trebi, Marquis, Colorado 13, etc.  
Type: such as variegated, hooded, spring, yellow dent, etc.
- (2) Lot number or other identification.
- (3) Origin of alfalfa, red clover, reed canary grass, sorghums, Sudan grass, field corn (except hybrid corn). If unknown, fact shall be stated.
- (4) Percentage by weight of purity (freedom from weed seed, dirt, etc.).
- (5) Percentage by weight of all weed seeds including noxious weed seeds.
- (6) The name and approximate number per pound of each kind of secondary noxious weed seeds, present singly or collectively in excess of:
  - (a) One seed in each 10 grams (45 per pound) of alfalfa, clover, brome grass, etc. (Group I)
  - (b) One seed in each 25 grams (18 per pound) proso, reed canary grass, Sudan grass, etc. (Group II)
  - (c) One seed in each 100 grams (4½ per pound) of barley, wheat, oats, vetches, field peas, etc. (Group III)
- (7) Percentage by weight of other crops, i.e., agricultural seeds other than those required on the label.
- (8) Percentage by weight of inert matter.
- (9) For each kind of agricultural seed named on the label: (a) percentage germination, exclusive of hard seed, (b) percentage of hard seed, if present, (c) the date of test (month and year). "Total germination and hard seed" may be given as the sum of (a) and (b). (Under the Rules and Regulations "Total live seeds" will be recognized as synonymous with "Total germination and hard seed.")
- (10) Name and address of person responsible for the label.

(b) For Vegetable Seeds:

- (1) The name and variety of the seed.
- (2) Name and address of person responsible for the label.
- (3) For seeds which germinate less than the established Standard (see table next page) the following information must be given:
  - (a) The percentage of germination exclusive of hard seed, (b) the percentage of hard seed, (c) the date of test, (d) the words "BELOW STANDARD" in letters not smaller than 8-point type. Under the Rules and Regulations these germination standards shall be the same as those adopted for the administration of the Federal Seed Act.

- (4) All cantaloupe seed saved from "cast-overs," from cull piles, or from melons left in the fields shall be plainly marked "CULL SEEDS."

Standard Germinations for Vegetable Seeds

	Percent		Percent
Artichoke-----	60	Leek-----	60
Asparagus-----	*70	Lettuce-----	80
Beans (except lima)-----	80	Muskmelon-----	75
Beans, lima-----	70	Mustard-----	75
Beets-----	65	Okra-----	50
Broccoli-----	75	Onion-----	70
Brussels sprouts-----	70	Parsley-----	60
Cabbage-----	75	Parsnip-----	60
Carrot-----	55	Peas-----	80
Cauliflower-----	75	Pepper-----	55
Celery and celeriac-----	55	Pumpkin-----	75
Chicory-----	65	Radish-----	75
Citron-----	65	Rhubarb-----	60
Collards-----	80	Rutabaga-----	75
Corn-----	75	Salsify-----	75
Cress, garden-----	40	Sorrel-----	60
Cress, water-----	25	Spinach (except New Zealand)-----	60
Cucumber-----	80	Spinach, New Zealand	40
Dandelion-----	45	Squash-----	75
Eggplant-----	60	Swiss Chard-----	65
Endive-----	70	Tomato-----	75
Fetticus (cornsalad)-----	70	Tomato, husk-----	50
Kale-----	75	Turnip-----	80
Kohlrabi-----	75	Watermelon-----	70

\*Including hard seeds

7. Sales from Bulk. Label giving necessary information must be displayed conspicuously on container, and copy must be given each purchaser. In lots of less than 5 pounds copy of label need not be given, unless requested, if seed is taken from conspicuously labeled container in view of purchaser.

8. Sale prohibited.

- (1) If seed contains primary noxious weed seed.
- (2) If seed contains more than 3 percent weed seed (native grass seed exempted).
- (3) If "screenings," unless indicated they are not for seeding purposes,
- (4) If germination test is more than 12 months old.
- (5) If improperly, falsely, or misleadingly labeled or if false or misleading representation has been made by advertisement or statement.
- (6) If seed has been treated with poisonous material and not so labeled.

9. Unlawful Acts.

- (1) To alter, deface, etc., any seed label or tag; to alter or substitute seed.
- (2) To disseminate any false or misleading seed advertisement.
- (3) To interfere with or hinder any person in performance of his duties under this Act.
- (4) To fail to comply with a "stop-sale" order.
- (5) To issue, make, use, or circulate any form of seed registration except as provided by the State Board of Agriculture.

10. Exemptions. The provisions of this Act do not apply:

- (1) To seed or grain not intended for seeding purposes.
- (2) To seed in storage or consigned for cleaning or processing or for sale outside the State.
- (3) To seed sold to merchants for recleaning. (Seller responsible for any representation made, however.)
- (4) To seed sold on the farm except as to the noxious weed provisions. (Seed must not be delivered or advertised. Grower is responsible for any representation made in connection with sale.)
- (5) To "Emergency Shipment" so far as germination requirements are concerned. (Does not relieve seller from other labeling responsibilities and seed must be labeled "Emergency" and sample sent promptly to the Seed Laboratory at Fort Collins with list of purchasers.)
- (6) To sugar beet seed as pertaining to origin, to percentage purity, to percentage weed seeds, to percentage inert matter, and to germination requirements.
- (7) The labeling of lawn grass seed in packages of 3 pounds or less.

11. Authority. The Colorado Agricultural Experiment Station at Fort Collins (Colorado Seed Laboratory) is charged with the enforcement of the seed law and to this end is authorized and it is its duty:

- (1) To establish such Rules and Regulations as may be necessary to carry out the provisions of this Act.
- (2) To inspect, sample, and have analyses and tests made of agricultural and vegetable seeds and for this purpose it shall have free access at reasonable hours to the places where such seed may be found.
- (3) To issue and enforce a "stop-sale" order which will restrict seed from further sale or movement until law has been complied with or the seed disposed of to the satisfaction of the Experiment Station.
- (4) To cause the "seizure" and possible condemnation of any lot of seed in violation of this Act where conditions appear to warrant such action.
- (5) To publish at its discretion reports or bulletins which shall give the results of the analyses and tests of the inspection samples together with dates of such inspection, the names of the persons or firms having had such seed under inspection, or other information on agricultural or vegetable seeds.

#### Compliance with the Law

The law requires that seed sold or offered for sale in Colorado be honestly labeled in accordance with its provisions. The information necessary for compliance with this requirement may always be obtained by sending a representative sample of the seed to the Colorado Seed Laboratory at Fort Collins where a purity analysis and germination test will be made at a nominal charge considerably below the actual cost involved.

The importance of good seed to the individual, the community, and the State cannot be over-emphasized. It fully justifies the care, the extra effort, and the cost that is involved in its production and preparation. Compliance with the provisions of the Pure Seed Law as an important means of improving agriculture in Colorado is sought not so much through enforcement efforts as through the enlistment of the cooperation of all concerned.

COLORADO PURE SEED LAW

Effective July 1, 1943

(With parenthetical titles inserted as reference aids)

AN ACT

RELATING TO AGRICULTURE AND CONCERNING THE SALE AND DISTRIBUTION OF AGRICULTURAL AND VEGETABLE SEEDS: AND TO REPEAL SECTIONS 32 to 38 INCLUSIVELY AND AMEND SECTION 41 OF CHAPTER V, 1935 COLORADO STATUTES ANNOTATED: AND TO REPEAL ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH.

Be it enacted by the General Assembly of the State of Colorado:

(Definitions)

SECTION 1. When used in this Act.

(a) The term "Person" includes an individual, partnership, corporation, company, society or association.

(b) The term "Committee" means a committee composed of the Head of the Seed Laboratory, Colorado Agricultural Experiment Station; the Agronomist, Colorado Agricultural Experiment Station; the Head of the Horticultural Section, Colorado Agricultural Experiment Station; and the Extension Agronomist. Such committee shall serve as technical adviser to the Colorado Agricultural Experiment Station.

(c) The term "Agricultural seeds" means the seeds of grass, forage, cereal and fiber crops and any other kinds of seeds commonly recognized within this state as agricultural, field or turf seeds and mixtures of such seeds; the term "Vegetable seeds" means the seeds of those crops which are grown in gardens or on truck farms and are generally known and sold under the name of vegetable seeds in this state; provided, that the seeds of specific crops may be designated as "agricultural" or "vegetable," within the meaning of these definitions, in the Rules and Regulations promulgated under this Act.

(d) The term "Hybrid seed corn" means the first-generation seed of a cross produced by controlling the pollination, and by combining two, three, or four inbred lines. Hybrid designations shall be treated as variety names.

(e) The term "Weed seeds" includes the seeds of all plants detrimental to agriculture and generally recognized as weeds within this State and shall include noxious weed seeds.

(f) The term "Noxious weeds" shall mean those weeds which are especially troublesome and detrimental and which may cause damage or loss to a considerable portion of the land or livestock of a community and shall be divided into two classes, "Primary noxious weed seeds" and "Secondary noxious weed seeds" which are respectively defined in (1) and (2) of this subsection; provided, that the Colorado Agricultural Experiment Station, upon the recommendation of the Committee, may add to or withdraw from the list of seeds included under either definition whenever it finds that such additions or withdrawals are within or without the respective definition; such additions or withdrawals to become effective 6 months after due notice is given of such additions or withdrawals.

(Primary noxious weed list)

- (1) Primary noxious weeds are those perennial noxious weeds characterized by the presence of persistent creeping underground parts and shall mean and include:

Bindweed (*Convolvulus arvensis*)  
Canada thistle (*Carduus arvensis*)  
Leafy spurge (*Euphorbia esula*)  
White horse nettle (*Solanum eleagnifolium*)  
Russian knapweed (*Centaurea picris*)  
Perennial sow thistle (*Sonchus arvensis*)  
Poverty weeds (*Franseria discolor*, *Franseria tomentosa*)  
Whiteweed (*Lepidium draba*, *Lepidium repens*, *Hymenophyza pubescens*)

(Secondary noxious weed list)

(2) Secondary noxious weeds are those annual, biennial, or perennial noxious weeds which are not necessarily characterized by the presence of persistent creeping underground parts and shall mean and include:

Austrian peaweed, Swainsona (*Swainsona salsula*)  
Blue lettuce (*Lactuca pulchella*)  
Buckhorn (*Plantago lanceolata*)  
Dock, curled (*Rumex crispus*)  
Dodders (*Cuscuta* spp.)  
Fanweed (*Thlaspi arvense*)  
Mustards (*Brassica* spp.)  
Mouse-ear poverty weed (*Iva axillaris*)  
Puncture vine (*Tribulus terrestris*)  
Purple-flowered ground-cherry (*Quincula lobata*)  
Quack grass (*Agropyron repens*)  
Wild oats (*Avena fatua*)

(h) The term "Screenings" means 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 contains less than 25 per cent of live agricultural or vegetable seeds.

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

(j) 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 Act.

(k) The term "Emergency shipment" means seeds shipped under conditions which necessitate resale for immediate planting before a germination test can be made.

(l) The term "Origin" means the geographical location in which the seed was grown.

(m) The term "Pure seed" means freedom from inert matter including broken seeds less than half, and from other agricultural or weed seed distinguishable by their appearance; it does not mean varietal purity.

(n) The term "Germination" means the percentage of seeds capable of producing normal seedlings under ordinarily favorable conditions as provided in a standard germination test.

(o) The term "Tolerance" means the allowable deviation, as prescribed in The Rules and Regulations under this Act, from any figure used on a label to designate (1) the percentage of any fraction of the lot in question, (2) the percentage germination, and (3) the number of secondary noxious weed seeds present; it also means the allowable deviation from freedom from primary noxious weed seeds.

(Label requirements)

SECTION 2. Label Requirements. Each container of agricultural or vegetable seed which is sold, offered or exposed for sale, bartered or distributed, within this state for seeding purposes shall bear thereon or have attached thereto in a conspicuous place a legible and plainly written or printed label or tag in the English language, giving the following information:

(a) For Agricultural Seeds:

- (1) Commonly accepted name of (a) kind (kind such as alfalfa, barley, corn, wheat, etc.) or (b) kind and variety (variety such as Grimm, Trebi, Colorado 13, Marquis, etc.), or (c) kind and type (type such as variegated alfalfa, hooded barley, yellow dent corn, winter wheat, etc.), of each agricultural seed component in excess of 5 per cent of the whole, and the percentage by weight of each in the order of its predominance. If more than one component is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label.
- (2) Lot number or other lot identification.
- (3) Origin, if known, of alfalfa, red clover, reed canary grass, sorghums, sudan grass and field corn (except hybrid corn). If the origin is unknown, that fact shall be stated.
- (4) Percentage by weight of purity.
- (5) Percentage by weight of all weed seeds including noxious weed seeds.
- (6) The name and approximate number of each kind of secondary noxious weed seed per pound, when present singly or collectively in excess of:
  - (a) One seed in each 10 grams of *Agrostis* spp., alfalfa, brome grasses, clovers, flax, fescues, foxtail millet, orchard grass, *Poa* spp., rye grass, timothy, wheatgrass, and other agricultural seeds of similar size and weight or mixtures within this group;
  - (b) One seed in each 25 grams of proso, reed canary grass, sudan grass, and other agricultural seeds of similar size and weight or mixtures not specified in (a) or (c).
  - (c) One seed in each 100 grams of barley, beets, buckwheat, cowpeas, field peas, oats, rye, sorghums, soybeans, sunflowers, vetches, wheat and other agricultural seeds of a size and weight similar to or greater than those listed in this group or any mixtures of the same.
- (7) Percentage by weight of agricultural seeds other than those required to be named on the label or tag.
- (8) Percentage by weight of inert matter.
- (9) For each named agricultural seed (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. Following (a) and (b) the additional statement "total germination and hard seed" may be stated as such, if desired.
- (10) Name and address of the person who labeled said seed, or who sells, offers or exposes for sale, barters or distributes said seed within this state.

(b) For Vegetable Seeds;

- (1) The name of kind and variety of seed.
- (2) For seeds which germinate less than the Standard last established by the Colorado Agricultural Experiment Station under this Act:
  - (A) The percentage of germination, exclusive of hard seeds;

- (B) The percentage of hard seed if present; (C) the calendar month and year the test was made to determine such percentage; (D) the words "Below Standard" in letters not smaller than 8-point type.
- (3) Name and address of the person who labeled said seed, or who sells, offers or exposes for sale, barterers or distributes said seed within the state.
  - (4) All cantaloupe seed saved from "cast-overs," from cull piles, or from melons left in the field after shipping, shall be plainly marked "Cull Seeds."

All determinations of noxious weed seeds are subject to tolerances and methods of determination prescribed in The Rules and Regulations promulgated under this Act; provided, that in prescribing the tolerances the Colorado Agricultural Experiment Station and the Committee shall be guided by the tolerances provided in the current Rules and Regulations under the Federal Seed Act.

(Labeling bulk seeds)

SECTION 3. Sales from Bulk. In case agricultural or vegetable seed is sold, offered or exposed for sale, bartered or distributed in or from a bulk lot a label such as is required under Section 2 must be conspicuously displayed on the container of said bulk lot with the several required items thereon; and a printed or written statement, tag or label, bearing the required information shall be furnished to each purchaser of such seed; provided, however, that such information shall not be required to be furnished in case of sales where it is exempted otherwise in this Act; and provided, that no analysis label or tag will be required on agricultural or vegetable seed, unless requested, when sold in lots of less than five pounds directly to the consumer and, in his presence taken from a container which is properly labeled or tagged in accordance with the provisions of this Act.

(Shipping in seed)

SECTION 4. No agricultural or vegetable seed shall be shipped or brought into Colorado from outside the State by any person to be used by himself for seeding purposes, unless such seeds shall meet the requirements of this Act and shall have been tested and the containers of such seed shall have affixed thereto, in a conspicuous place on the exterior of the container of such seed, a plainly written tag or label, giving the information required in Section 2 of this Act.

(Prohibitions)

SECTION 5. Prohibitions

- (a) It shall be unlawful for any person to sell, offer or expose for sale, barter or distribute any agricultural or vegetable seed within the state;
- (1) Unless the test to determine the percentage of germination required by Section 2 shall have been completed within a 12-month period, exclusive of the calendar month in which the test was completed, immediately prior to sale, exposure or offering for sale, bartering or distributing.
  - (2) Unless there is a conspicuous warning on the label or an attached tag that the seed has been treated with a material which is poisonous to man or livestock, in case seed has been so treated.
  - (3) Not labeled in accordance with the provisions of this Act, or having a false or misleading label.
  - (4) Pertaining to which there has been a false or misleading advertisement or statement.



- (5) Containing primary noxious weed seeds subject to tolerances and methods of determination prescribed in The Rules and Regulations under this Act; provided, however, that vegetable seed shall not be subject to this provision.
  - (6) Or screenings, unless it is stated on the label and invoice that they are not intended for seeding purposes.
  - (7) Containing more than three percent of weed seeds by weight; provided, that the seed of native grasses shall not be subject to this provision.
- (b) It shall be unlawful for any person within this state:
- (1) To detach, alter, deface, or destroy any label or tag provided for in this Act, or to alter or substitute seed or substitute other material in a manner that may defeat the purposes of this Act.
  - (2) To disseminate any false or misleading advertisement concerning agricultural or vegetable seed in any manner or by any means.
  - (3) To hinder or obstruct in any way any authorized person in the performance of his duties under this Act.
  - (4) To fail to comply with a "stop sale" order.
- (c) It shall be unlawful for any person, firm, association, or corporation to issue, make, use, or circulate any form of registration or certification with respect to Colorado grown seed or plant parts used for propagation except as provided by the authority and with the approval of the State Board of Agriculture.

(Exemptions)

SECTION 6. Exemptions

- (a) The provisions of Sections 2, 3, 4, and 5 to not apply:
- (1) To seed or grain not intended for seeding purposes.
  - (2) To seed in storage in, or consigned to, a seed cleaning or processing establishment for cleaning or processing or for sale outside the state only; or to sugar beet seed when held in reserve in factories or warehouses; provided, that all such seed shall be plainly labeled showing purpose for which it is held, sold, or transported; provided, however, that any labeling or other representation which may be made with respect to such seed shall be subject to this Act.
  - (3) To seed sold to merchants to be recleaned before being sold or exposed for sale for seeding purposes, provided, that the seller of such seed shall be responsible under this Act for any representations made in the sale of such seed.
  - (4) To seed when grown, sold and delivered by the grower on his own premises to the purchaser and not delivered by common carrier or by mail or advertised in any way; provided, that said seed shall not be exempted from the noxious weed provisions of this Act; and, provided further, that the grower shall be responsible under this Act for any representations made in the sale of such seed.
  - (5) To the requirements pertaining to labeling of germination in the case of an "emergency shipment." However, the seller must plainly label such seeds "Emergency" and must send a sample of the seed to the Colorado Agricultural Experiment Station at Fort Collins, Colorado, within two days after the seed was delivered, called for, or shipped, together with a record of the persons to whom and in what amount such seed was sold or delivered.

- (b) The provisions of sub-paragraphs (3), (4), (5), (7), (8) and (9), of paragraph (a) of Section 2, and the provisions of sub-paragraph (1) of paragraph (a) of Section 5, shall not apply to sugar beet seed; provided, however, that exemption from said provisions shall not exempt sugar beet seed or persons selling or distributing such seed from the other requirements and provisions of this Act.
- (c) The provisions of sub-paragraph (1) to (9) inclusively of Section 2 shall not apply to lawn seed or mixtures of lawn seed when sold or exposed for sale in packages of 3 pounds or less.
- (d) No person shall be subject to the penalties of this Act, for having sold, offered or exposed for sale in this State any agricultural seeds, which were incorrectly labeled or represented as to kind, variety, type or origin if such seeds cannot be identified by examination thereof, unless he has failed to obtain an invoice or grower's declaration giving kind, or kind and variety, or kind and type, and origin, if required, and to take such additional proper precautions as may be necessary to insure the identity to be that stated.

(Duties of Experiment Station)

SECTION 7. (a) The Colorado Agricultural Experiment Station at Fort Collins, acting through its Director or agent by him appointed, is hereby authorized and it shall be its duty:

- (1) To inspect, sample, and have analyses and tests made of agricultural and vegetable seeds transported, sold, offered or exposed for sale, bartered or distributed within this State for sowing purposes, at such time and place and to such extent as it may deem necessary to determine whether said seeds are in compliance with the provisions of this Act, and to notify promptly the person who transported, sold, offered, or exposed the seed for sale, of any violation.
  - (2) In cooperation with the Committee, to prescribe and to adopt rules and regulations governing the methods of inspecting, sampling, analyses, tests and examinations of agricultural and vegetable seeds and the tolerances to be followed in the administration of this Act, which shall be in general accord with officially prescribed practice in inter-state commerce under the Federal Seed Act, and such other rules and regulations, including standards, as are consistent with and as may be necessary from time to time to carry out the provisions of this Act.
  - (3) To appoint such agent or agents as may be necessary to carry out the provisions of this Act.
  - (4) To cooperate with the United States Department of Agriculture in seed law enforcement.
- (b) Further, for the purpose of carrying out the provisions of this Act, the Colorado Agricultural Experiment Station at Fort Collins or its authorized agent, is authorized:
- (1) To have free access, at all reasonable hours, upon and into any premises, structures, conveyances, or carriers to inspect, examine, and take samples of any agricultural or vegetable seeds; and to inspect, examine and take samples of any seed being transported by truck, common carrier, or other vehicle.
  - (2) To issue and enforce a written or printed "stop-sale" order to the owner or custodian of any lot of agricultural seed which the Experiment Station or its authorized agent finds is in violation of any of the provisions of this Act which "stop-sale" order shall prohibit further sale or movement

of such seed until the owner or custodian of the seed furnishes evidence that the law has been complied with; provided, that said owner or custodian of such seed shall have fifteen (15) days immediately following receipt of stop-sale order in which to bring the seed into compliance with the law or otherwise dispose of it to the satisfaction of the Experiment Station or its agent; provided further, that in respect to seeds which have been denied sale as provided in this paragraph, the owner or custodian of such seeds shall have the right to immediately appeal from such order to a court of competent jurisdiction where the seeds are found, praying for a judgment as to the justification of said order and for the discharge of such seed from the order prohibiting the sale in accordance with the findings of the court; and provided further, that the provisions of this paragraph shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other sections of this Act.

(Seizure)

SECTION 8. Any lot of agricultural seed which is sold, offered or exposed for sale, bartered or distributed in violation of the provisions of this Act shall be subject to seizure on complaint of the Colorado Agricultural Experiment Station, or its authorized agent, to a court of competent jurisdiction in the area in which the seed is located. In the event that the court finds the seed to be in such violation of the Act and orders the condemnation of said seed, it shall be denatured, processed, destroyed, relabeled, or otherwise disposed of in a manner consistent with the quality of the seed as ordered by the court; provided, that in no instance shall such disposition of said seed be ordered by the court without first having given the claimant an opportunity to apply to the court for the release of said seed or permission to process or relabel it to bring it into compliance with the Act.

(Penalty)

SECTION 9. (a) Any person selling, offering or exposing for sale, bartering or distributing any agricultural or vegetable seed, subject to the provisions of this Act, who fails to comply with or violates the provisions of this Act is guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars (\$100); provided, however, that no prosecution for the violation of this Act shall be instituted except in the manner following: When the Colorado Agricultural Experiment Station believes, or has reason to believe, that any person has violated any of the provisions of this Act, it may, in its discretion, so certify to the proper prosecuting attorney and request him to prosecute said person according to law for the violation of this Act, transmitting with said certificate a copy of the specifications and such other evidence as it shall deem necessary and proper. Whereupon said prosecuting attorney shall prosecute such person according to law.

(b) It shall be the duty of the several district attorneys of the State of Colorado to prosecute all persons charged with the violation of any of the provisions of this Act. It shall be the duty of the Colorado Agricultural Experiment Station and its authorized agents to aid said district attorneys in the enforcement of this Act. It shall be the duty of the Attorney General to advise the Colorado Agricultural Experiment Station upon all legal matters and to represent the Colorado Agricultural Experiment Station or its agents in all actions brought by or against said Colorado Agricultural Experiment Station or its authorized agents.

(Annual report, press reports, bulletins)

SECTION 10. Section 41, Chapter 5, 1935 Colorado Statutes Annotated, being Section 10, Chapter 155 of the Session Laws of 1925, is hereby amended to read:

Section 41. The Colorado Agricultural Experiment Station shall make an annual report to the State Board of Agriculture, one copy of which shall be transmitted to the Governor of the State of Colorado, upon the work done under this Act, which report shall show the results of inspections, examinations, analyses or tests made of agricultural and vegetable seeds, together with dates of said inspections, analyses or tests, and may include names of persons, firms, or corporations having had seed under such inspection, examination, analysis or test. The said Colorado Agricultural Experiment Station shall, at its discretion, publish bulletins or press reports setting forth results of said inspections, examinations, analyses, or tests conducted under the provisions of this Act, which bulletins or reports may include the names of the persons, firms or corporations having had seed under inspection, examination, analysis or test. The Colorado Experiment Station may, at its discretion, publish bulletins or press reports setting forth information on agricultural or vegetable seeds, which bulletin may be distributed free to the citizens of this State.

(Repealing clause)

SECTION 11. Sections 32 to 38 inclusive, of Chapter 5, 1935 Colorado Statutes Annotated, being Sections 1 to 7 inclusive, Chapter 155 of the Session Laws of 1925, are hereby repealed.

SECTION 12. Sections 39 and 40 and Sections 42 to 46 inclusive, and Section 41 as amended, of Chapter 5, 1935 Colorado Statutes Annotated, shall remain in full force and effect. (See after Section 16.)

SECTION 13. (Constitutional clause)

SECTION 14. (Clause repealing conflicting provisions)

SECTION 15. (Safety clause)

SECTION 16. (Emergency clause; date effective)

THE FOLLOWING SECTIONS OF CHAPTER 5, 1935 COLORADO STATUTES ANNOTATED, REMAIN IN FULL FORCE AND EFFECT:

(Salaries)

SECTION 39. The salaries of such agents as may be appointed to carry out the provisions of this Act, shall be fixed and paid by the Agricultural Experiment Station of the Colorado Agricultural College, out of the funds appropriated in this Act.

(Citizen's tests)

SECTION 40. Any citizen of this State, or person shipping seed into Colorado for seeding purposes in this State, shall have the privilege of submitting to the Colorado Agricultural Experiment Station samples of field or garden seeds, for test and analysis subject to such rules and regulations as may be adopted by said Agricultural Experiment Station.

SECTION 41. As amended. See Section 10 above.

SECTION 42. (Appropriation)

(Terms)

SECTION 43. The words "persons", "vendor", "party in interest", as used in this Act, shall be construed to import both the plural and singular as the case demands and shall include corporations, firms, societies and associations.

SECTIONS 44-46. (Constitutional, etc. clauses.)