
NEW JERSEY STATUTES ANNOTATED

**TITLE 4
AGRICULTURE AND DOMESTIC ANIMALS**

**CHAPTER 8
AGRICULTURAL AND FOREST SEEDS AND NURSERY STOCK**

ARTICLE 1. AGRICULTURAL SEEDS; FOREST SEEDS

4:8-17.13. Definitions

As used in this act:

- (a) "State board" means the State Board of Agriculture.
- (b) The term "State Seed Analyst" means the seed analyst of the New Jersey Department of Agriculture.
- (c) The term "certifying agency" means:
 - (1) An agency authorized under the laws of a state, territory or possession to officially certify seed and which has procedure and standards approved by the United States Secretary of Agriculture to assure the genetic purity and identity of the seed certified; or
 - (2) An agency of a foreign country determined by the United States Secretary of Agriculture to adhere to procedure and standards for seed certification comparable to those adhered to generally by seed certifying agencies included under paragraph (1) of this subsection.
- (d) The term "agricultural seeds" means and includes the seeds of grass, forage, cereal and fiber crops and any other kinds of seeds, commonly recognized within this State as agricultural seeds, lawn seeds and mixtures of such seeds, and may include noxious weed seeds when the State Seed Analyst determines that such seed is being used as agricultural seed.
- (e) The term "vegetable seed" means and includes the seeds of those crops which are grown in gardens and on truck farms and are generally known and sold under the name of vegetables or herbs in this State.

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- (f) The term "flower seeds" means and includes the seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts and commonly known and sold under the name of flower seeds in this State.
- (g) The term "kind" means one or more related species or subspecies which singly or collectively are known by one common name; for example, corn, oats, red clover and cabbage.
- (h) The term "variety" means a subdivision of a kind, characterized by growth, yield, plant, fruit, seed, or other characteristics by which it can be differentiated from other plants of the same kind.
- (i) The term "mixture" means seeds consisting of more than one kind or variety present to the extent of 5% or more of the total weight of the mixture.
- (j) The term "weed seeds" includes the seeds or bulblets of all plants generally recognized as weeds within this State and shall include noxious weed seeds.
- (k) (1) "Prohibited noxious weed seeds" are the seeds of perennial weeds such as not only reproduce by seed but also spread by underground roots, stems and other reproductive parts, and which when well established, are highly destructive and difficult to control in this State by ordinary good cultural practices.
- (2) "Restricted noxious weed seeds" are the seeds of such weeds as are very objectionable in fields, lawns or gardens of this State, but can be controlled by good cultural practices.
- (l) The term "pure seed" means agricultural, vegetable or flower seeds exclusive of inert matter, weed seeds, and all other seeds distinguishable from the kinds or kinds and varieties being considered.
- (m) The term "percentage of germination" means the percentage of seeds other than hard seeds capable of producing normal seedlings under favorable conditions (not including seeds which produce weak, malformed or abnormal seedlings).
- (n) The term "percentage of hard seeds" means the percentage of seeds which are incapable of sprouting during the prescribed test period because their outer structures are impermeable to water.
- (o) The term "labeling" includes all labels, and other written, printed or graphic representations, in any form whatsoever, accompanying or pertaining to any seed whether in bulk or in containers and includes representations on invoices.

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(p) 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.

(q) The term "hybrid" means the first generation of a cross produced by controlling the pollination and by combining:

(1) Two or more inbred lines;

(2) One inbred or a single cross with an open pollinated variety; or

(3) Two varieties or species, except open-pollinated varieties of corn (*Zea mays*). The second generation or subsequent generations from crosses shall not be regarded as hybrids.

Hybrid designations shall be treated as variety names.

(r) The term "origin" means the foreign country; state of the United States; possession of the United States, or designated portion thereof, where the seed is grown.

(s) The term "lot" means a definite quantity of seed which is identified by a lot number or other mark, and which has been so handled that each portion or container is representative of the whole quantity.

(t) The term "record" includes all information relating to the shipment or shipments involved and includes a file sample of each lot of seed.

(u) The term "treated" means that the seed has received an application of a substance or process designed to control, or repel certain insects or disease organisms or other pests attacking such seed or seedlings grown therefrom, or has received some other treatment to improve its planting value.

(v) "Retail seedsman" means a person who is engaged in the sale in the ordinary course of business of agricultural, vegetable, flower, tree or shrub seed which is used for planting purposes and is not intended for resale.

(w) "Seed conditioner" means of a person who conditions agricultural, vegetable, flower, tree or shrub seed for packaging in a container for sale in this State or whose name appears on a label on the seed container which container is sold in this State by a wholesale or retail seedsman.

(x) "Shrub seed" means seed of woody plants commonly known and sold as shrub seed in this State.

(y) "Tree seed" means seed of woody plants commonly known and sold as tree seed in this State.

(z) "Tree collector's declaration" means a statement concerning tree and shrub seed which sets forth the place of collection and giving, for a lot of seed, the lot number, the common or scientific name of the species, the origin, elevation, and quantity of the seed and, if appropriate, the subspecies and which contains the signature of a person who attests to that information.

(aa) "Wholesale seedsman" means a person who sells, offers for sale, exposes for sale or transports for sale, to a retail seedsman, agricultural, vegetable, flower, tree or shrub seed used for planting purposes.

L.1963, c. 29, s. 1, approved May 8, 1963. Amended by L.1968, c. 198, s. 1, eff. July 19, 1968; L.1984, c. 201, s. 4, eff. Nov. 28, 1984, operative Jan. 1, 1985.

4:8-17.14. Seed treated with harmful substance; label or tag

Each container of seed treated with a substance harmful to man or other animals shall bear thereon in a conspicuous place, a plainly written or printed label or tag in the English language, giving the information prescribed in (a), (b), (c) and (d) of this section, which statement shall not be modified or denied in the labeling or on another label attached to the container (for which a separate label may be used). For bulk shipments such information shall be set forth in a conspicuous place on the bill of lading and invoice:

(a) A word or statement indicating that the seed has been treated;

(b) The commonly accepted, coined, chemical, or abbreviated chemical (generic) name of the applied substance;

(c) If the substance in the amount present with the seed is harmful to man or other animals, a caution statement such as "Do not use for food or feed or oil purposes." The caution for mercurials and similarly toxic substances shall be a poison statement and symbol classification of substances shall conform as nearly as practical to the rules and regulations of the federal Seed Act; and

(d) If the seed is treated with an inoculant, the date the inoculant becomes ineffective.

L.1963, c. 29, s. 2. Amended by L.1984, c. 201, s. 5, eff. Nov. 28, 1984, operative Jan. 1, 1985.

4:8-17.15. Seed container labels

Each container of agricultural, vegetable, flower, tree and shrub seeds which is sold, offered for sale, or exposed for sale, or transported within this State for sowing purposes shall bear thereon or have attached thereto or in a conspicuous place on the exterior of the container a plainly written or printed label or tag in the English language, in legible type or in script specifying:

(a) For all seeds:

(1) The name and address of the person who labeled said seed, or who sells, offers for sale, exposes for sale within this State.

(b) For agricultural seeds (except for lawn and turf seed as provided in (c)):

(1) Commonly accepted name, in the order of its predominance, of the kind or kind and variety, of each agricultural seed component in excess of 5% of the whole, and the percentage by weight of each, provided that, if the variety of those kinds labeled as to variety in rules and regulations of this State or the federal government is not stated on the label, the label shall show the name of the kind and the words, "Variety Not Stated." Hybrids shall be labeled as hybrids. Where 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 (state or foreign country), if known, of alfalfa, red clover and field corn (except hybrid corn). If the origin is unknown, the fact shall be stated.

(4) Percentage by weight of all weed seeds.

(5) The name and rate of occurrence per pound of each kind of restricted noxious weed seed present.

(6) Percentage by weight of agricultural seeds (which may be designated as "crop seeds") other than those required to be named on the label.

(7) Percentage by weight of inert matter.

(8) For each named agricultural seed:

(A) Percentage of germination, exclusive of hard seed.

(B) Percentage of hard seeds, if present.

(C) The calendar month and year the test was completed to determine such percentage. Following (A) and (B) the "total germination and hard seed" may be stated as such, if desired.

(9) For seeds placed in a germination medium, mat, tape or other device in such a way as to make it difficult to determine the quantity of seed without removing it from the medium, mat, tape or device, the minimum number of seeds per square foot shall be indicated.

(c) For lawn and turf seed and mixtures of that seed:

(1) The commonly accepted name of the kind or kind and variety, or both, of each agricultural seed component in excess of 5.0% of the whole and the percentage by weight of pure seed of each.

(A) For mixtures the word "mixed" or "mixture" shall be stated with the name of the mixture on the principal display panels; and

(B) For mixtures, all components shall be listed in the order of their predominance and in columnar form. Percentages shall be listed under headings "Pure Seed" and "Germination or Germ."

(2) Percentage by weight of all agricultural seed except those required to be named on the label and which shall be designated "crop seed." If the mixture contains no other crop seed, the following statement may be used on the label "Contains No Other Crop Seeds."

(3) Percentage by weight of all weed seeds. Maximum weed seed content shall not exceed 1% by weight.

(4) Percentage by weight of inert matter shall not exceed 15% by weight. Foreign material not common to grass seed shall not be added.

- (5) Lot number or other lot identification.
 - (6) Name and rate of occurrence per pound of each kind of restricted noxious weed seed present listed under the heading "Noxious Weed Seeds," or "Undesirable Grass Seeds" or as otherwise specified by rule or regulation adopted by the State Board of Agriculture.
 - (7) The percentage of germination, exclusive of hard seed; hard seed, if present, and the calendar month and year that the germination test was completed. If a single test date is used, it shall be that of the oldest tested component.
 - (8) Net weight.
- (d) For vegetable seeds in containers of one pound or less:
- (1) Name of kind and variety of seed.
 - (2) For seeds which germinate more than the standard last established by the rules and regulations under this act:
 - (A) The year for which packaged or put up, provided that the words "packed for" shall precede the year, or the percentage of germination and the month and year the test was completed to determine such percentage.
 - (3) For seeds which germinate less than the standard last established by the rules and regulations under this act:
 - (A) Percentage of germination, exclusive of hard seed;
 - (B) Percentage of hard seed if present;
 - (C) The calendar month and year the test was completed to determine such percentages;
 - (D) The words "below standard" in not less than 8-point type.
 - (4) For seeds placed in a germination medium, mat, tape or other device in such a way to make it difficult to determine the quantity of seed without removing it the label must bear a statement to indicate the minimum number of seeds in the container.

- (5) Lot identification, such as by lot number or other means.

- (6) For seeds without an established germination standard in the rules and regulations promulgated under the New Jersey State Seed Law (Revision of 1963), P.L. 1963, c. 29 (C. 4:8-17.13 et seq.):
 - (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 the percentages.

- (e) For vegetable seeds in containers of more than one pound:
 - (1) The name of each kind and variety present in excess of 5% and the percentage by weight of each.

 - (2) Lot number or other lot identification.

 - (3) For each named vegetable seed:
 - (A) The percentage of germination, exclusive of hard seed;

 - (B) The percentage of hard seed if present;

 - (C) The calendar month and year the test was completed to determine such percentages.

Following (A) and (B) the "total germination and hard seed" may be stated as such if desired.

 - (4) The labeling requirements for vegetable seeds in containers of more than one pound shall be deemed to have been met if the seed is weighed from a properly labeled container in the presence of the purchaser.

- (f) For flower seeds in containers intended for use in home gardens or household planting or in preplanted containers, mats, tapes, or other planting devices:

(1) For all kinds of flower seeds:

(A) The name of the kind and variety or a statement of type and performance characteristics as prescribed in the rules and regulations promulgated under the provisions of this act;

(B) The calendar month and year seed was tested or the year for which the seed was packaged; and

(C) The name and address of the person who labeled said seed, or who sells, offers, or exposes said seed for sale within this State.

(2) For seeds of those kinds for which standard testing procedures are prescribed and which germinate less than the germination standard last established under the rules and regulations of this act:

(A) The percentage of germination exclusive of hard seed;

(B) The words "below standard" in not less than 8-point type.

(3) For seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quantity of seed without removing the seeds from the medium, mat, tape, or device, a statement to indicate the minimum number of seeds in the container.

(4) For seeds without an established germination standard in the rules and regulations under the New Jersey Seed Law (Revision of 1963), P.L. 1963, c. 29 (C. 4:8-17.13 et seq.):

(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 the percentages.

(g) For flower seeds in containers other than those intended for use in home gardens or household planting, preplanted containers, mats, tapes, or other planting devices as described in the rules and regulations:

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- (1) The name of the kind and variety or a statement of type and performance characteristics as prescribed in rules and regulations promulgated under the provisions of this act;
 - (2) The lot number or other lot identification;
 - (3) The calendar month and year that the seed was tested;
 - (4) The name and address of the person who labeled said seed or who sells, offers, or exposes said seed for sale within this State; and
 - (5) For those kinds of seeds for which standard testing procedures are prescribed by the rules and regulations:
 - (A) The percentage of germination exclusive of hard seed;
 - (B) The percentage of hard seed, if present.
- (h) For agricultural seeds that are coated:
- (1) Percentage of pure seeds with coating material removed.
 - (2) Percentage of coating material shall be shown as a separate item in close association with the percentage of inert matter.
 - (3) Percentage of germination shall be determined on 400 pellets with or without seeds.
 - (4) In addition to the provisions of this subsection, labeling of agricultural seeds that are coated shall comply with the requirements of subsections (a), (b) and (c) of this section.
- (i) For tree and shrub seeds:
- (1) Common name of the species of seed, and, if appropriate the subspecies.
 - (2) The scientific name of the genus and species and, if appropriate, the subspecies.
 - (3) Lot number or other lot identification.
 - (4) Origin:

(A) For seed collected from a predominantly indigenous stand, the area of collection given by latitude and longitude, or geographic description, or political subdivision such as state or county; and

(B) For seed collected from other than a predominantly indigenous stand, the area of collection and the origin of the stand or state "Origin Not Indigenous."

(5) The elevation of the upper and lower limits of elevations within which the seed was collected.

(6) Purity as a percentage of pure seed by weight.

(7) For those species for which standard germination testing procedures are prescribed by the State Seed Analyst, the following:

(A) Percentage 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 the percentages.

In lieu of the provisions of subparagraphs (A), (B), and (C) of this paragraph, the seed may be labeled, if appropriate, "Test is in process, results will be supplied upon request."

(8) For those species for which standard germination testing procedures have not been prescribed by the State Seed Analyst the calendar year in which the seed was collected.

L. 1963, c. 29, s. 3; amended by L. 1968, c. 198, s. 2; 1984, c. 201, s. 6; 1987, c. 242, s. 1.

4:8-17.16. Unlawful sale or transportation

No person shall sell, offer for sale, or transport for sale any agricultural, vegetable, flower, tree or shrub seed within this State:

(a) Unless the test to determine the percentage of germination required by section 3 shall have been completed within a nine-month period, exclusive of the calendar month in which the test was

completed, immediately prior to sale, exposure for sale, or offering for sale or transportation.

Notwithstanding the prohibition contained in this subsection, agricultural or vegetable seeds packaged in hermetically-sealed containers under the conditions specified in rules and regulations promulgated under the New Jersey State Seed Law (Revision of 1963), P.L.1963, c. 29 (C. 4:8-17.13 et seq.) may be sold, exposed for sale, offered for sale or transported for sale for a period of 36 months after the last day of the month that the seeds were tested for germination prior to packaging. Agricultural or vegetable seeds in hermetically-sealed containers may be sold, exposed for sale, offered for sale or transported for sale more than 36 months after the last day of the month in which they were tested for germination prior to packaging if they are retested within a nine-month period, exclusive of the calendar month in which the retest is completed, immediately prior to sale, exposure for sale, offering for sale or transportation.

This subsection does not apply to tree and shrub seeds.

- (b) Not labeled in accordance with the provisions of this act.
- (c) Pertaining to which there has been false or misleading advertisement.
- (d) Consisting of or containing prohibited noxious weed seeds, subject to the tolerances established in the rules and regulations promulgated under this act.
- (e) Consisting of or containing restricted noxious weed seeds in excess of the number prescribed by rules and regulations promulgated under this act, or in excess of the number declared on the label attached to the container of the seed or associated with the seed.
- (f) Containing more than 1% by weight of all weed seeds.
- (g) If any labeling, advertising, or other representations subject to this act represents the seed to be certified or registered seed unless it has been determined by a seed certifying agency that such seed was produced, processed and packaged, and conforms to standards of purity as to kind or variety, in compliance with rules and regulations of such agency pertaining to such seed, and the seed bears an official label issued for such seed by a seed certifying agency stating that the seed is of a specified class and a specified kind, species and subspecies, if appropriate, or variety.
- (h) Represented to be hybrid unless such seed conforms to the definition of hybrid in section 1(q) of this act; provided that this prohibition shall not apply to variety names in common trade usage at the time this act becomes effective.

(i) Labeled with a variety name but not certified by a certifying agency and the variety of seed has a certificate of plant variety protection issued by the Plant Variety Protection Office in the United States Department of Agriculture under the "Plant Variety Protection Act," Pub.L. 91-577 (7 U.S.C. s. 2321 et seq.) which certificate 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 owner of the variety.

L.1963, c. 29, s. 4. Amended by L.1984, c. 201, s. 7, eff. Nov. 28, 1984, operative Jan. 1, 1985.

4:8-17.17. Other unlawful acts

No person within this State shall --

(a) Detach, alter, deface, or destroy any label provided for in this act or the rules and regulations made and promulgated thereunder, or alter or substitute seed in a manner that may defeat the purpose of this act.

(b) Disseminate any false or misleading advertisements concerning seed in any manner or by any means.

(c) Hinder or obstruct in any way, any authorized person in the performance of his duties under this act.

(d) Fail to comply with a "stop sale" order or to move or otherwise handle or dispose of any lot of seed held under a "stop sale" order or tags attached thereto except with express permission of the State Seed Analyst, and for the purpose specified thereby.

(e) Use the word "type" in any labeling in connection with the name of any agricultural seed variety.

L.1963, c. 29, s. 5.

4:8-17.17a. Wholesale seedsmen or seed conditioner; registration

a. No person shall engage in the business of a wholesale seedsman or seed conditioner unless the person is registered with the State Board of Agriculture in accordance with this section.

b. A person engaged in the business of a wholesale seedsman or seed conditioner shall register with the State board on January 1st of each year or prior to commencing operation in the business. Registration as a wholesale seedsman or seed conditioner shall expire on December 31st. An application for registration shall be filed in a form and according to procedures determined by the Secretary of Agriculture. The application shall be accompanied by a nonrefundable application fee of \$125.00. The State board shall approve or disapprove the application, in writing, no later than the 10th day after its receipt.

c. The State board may disapprove an application for registration filed under subsection b. of this section and revoke at any time a registration issued previously if it determines that the applicant or registrant violated a provision of the New Jersey State Seed Law (Revision of 1963), P.L.1963, c. 29 (C. 4:8-17.13 et seq.). If the State board disapproves an application or revokes a registration, it shall provide the applicant or registrant, as the case may be, with a concise, written statement of reasons therefor. The statement of reasons shall be transmitted to the applicant or registrant simultaneously with the notice of disapproval or revocation.

d. An applicant or registrant may file a notice of appeal of a disapproval or revocation with the Secretary of Agriculture no later than the 10th day after receipt of the notification of the disapproval or revocation. The secretary shall afford the applicant or registrant a hearing not later than the 10th day after receipt of the notice of appeal. The secretary shall recommend to the State board that it reverse or affirm the disapproval or revocation no later than the fifth day after the hearing, accompanying the recommendation with a concise, written statement of the reasons therefor. A copy of the secretary's recommendation and reasons therefor, in writing, shall be transmitted simultaneously to the applicant or registrant. The State board shall notify the applicant or registrant of its decision to reject or uphold the appeal no later than the fifth day after its receipt of the secretary's recommendation.

L.1984, c. 201, s. 2, eff. Nov. 28, 1984, operative Jan. 1, 1985.

4:8-17.18. Records and samples

Each person whose name appears on the label as handling agricultural, vegetable, flower, tree or shrub seeds subject to this act shall keep for a period of two years complete records of each lot of seed handled and keep for one year a file sample of each lot of seed after final disposition of said lot. All such records and samples pertaining to the shipment or shipments involved shall be accessible for inspection by the State Seed Analyst or his agent during customary business hours.

L.1963, c. 29, s. 6. Amended by L.1984, c. 201, s. 8, eff. Nov. 28, 1984, operative Jan. 1, 1985.

4:8-17.19. Applicability of sections 4:8-17.15 to 4:8-17.17

The provisions of sections 3, 4 and 5 of this act shall not apply to:

- (a) Seed or grain not intended for sowing purposes;
- (b) Seed in storage in, or being transported or consigned to, a cleaning or processing establishment for cleaning or processing; provided, that the invoice or labeling accompanying any shipment of said seed bears the statement "seed for processing" ; and provided that any labeling or other representation which may be made with respect to the uncleaned or unprocessed seed shall be subject to this act; or
- (c) 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 producing, processing, or marketing agricultural, vegetable, or flower seeds subject to provisions of this act.

L.1963, c. 29, s. 7.

4:8-17.19a. Inapplicability of act to seeds sold directly by grower

No provision of the New Jersey State Seed Law (Revision of 1963, P.L.1963, c. 29 (C. 4:8-17.13 et seq.) shall apply to seeds produced by a farmer on his own premises and sold by him directly to the consumer, provided the farmer is not engaged in the business of selling seeds not produced by him.

L.1984, c. 201, s. 3, eff. Nov. 28, 1984, operative Jan. 1, 1985.

4:8-17.20. Precautions to insure correct identity

It shall not constitute a violation of this act for any person to have sold or offered or exposed for sale agricultural, vegetable, flower, tree or shrub seed, which was incorrectly labeled or represented as to kind, variety, type or origin (if required) which seeds cannot be identified by examination thereof, unless he has failed to obtain an invoice, genuine grower's or tree seed collector's declaration or other labeling information and to take such other precautions as may be reasonable to insure the identity to be that stated. A genuine grower's declaration of variety shall affirm that the grower holds records of proof concerning parent seed, such as invoice and labels.

L.1963, c. 29, s. 8. Amended by L.1984, c. 201, s. 9, eff. Nov. 28, 1984, operative Jan. 1, 1985.

4:8-17.21. State seed analyst; agents

The State Board of Agriculture shall appoint a State Seed Analyst and such other agents as may be deemed necessary to carry out the provisions of this act.

L.1963, c. 29, s. 9. Amended by L.1968, c. 198, s. 3, eff. July 19, 1968.

4:8-17.22. Enforcement of act; sample, inspection and analysis of seeds

The duty of enforcing this act and carrying out its provisions and requirements is vested in the State Seed Analyst, who, together with his authorized agents shall sample, inspect, make analysis of, and test seeds transported, sold, or offered or exposed for sale within the State for sowing purposes, at such time and place and to such extent as he may deem necessary to determine whether said seeds are in compliance with provisions of this act, and to notify promptly the person who transported, sold, offered or exposed the seed for sale of any violation.

L.1963, c. 29, s. 10.

4:8-17.23. Rules and regulations; formulation

The State Board is authorized and directed to formulate and prescribe rules and regulations necessary and appropriate for the administration of this act. Notice of the time and place of a public hearing upon any proposed rule or regulation shall be published not less than 10 days prior to the date of the hearing in at least 2 daily newspapers published in this State. Such notice shall include a brief description of the subject matter of the proposed rule or regulation and of the address to which requests for copies thereof may be addressed.

L.1963, c. 29, s. 11. Amended by L.1968, c. 198, s. 4, eff. July 19, 1968.

4:8-17.24. Subject matter of rules and regulations

The State board may by rule or regulation prescribe and establish:

- (a) The method or methods of sampling, inspecting, analyzing, testing, and examining seed, and the tolerances to be followed in the administration of this act, which shall be in general accord with officially prescribed practice in interstate commerce, and such other rules and regulations as may be necessary to secure the enforcement of this act;
- (b) Lists of prohibited and restricted noxious weeds, and changes in such lists;
- (c) Reasonable standards of germination for vegetable seeds;
- (d) Reasonable germination standards for flower seeds;
- (e) Schedule of fees for analysis of samples submitted; and
- (f) Procedures governing the registration of a wholesale seedsman and a seed conditioner in accordance with this 1984 amendatory and supplementary act.

L.1963, c. 29, s. 12. Amended by L.1968, c. 198, s. 5, eff. July 19, 1968; L.1984, c. 201, s. 10, eff. Nov. 28, 1984, operative Jan. 1, 1985.

4:8-17.25. Examination and analysis of samples for public

Any citizen of the State of New Jersey may in accordance with procedures prescribed by the State Seed Analyst, and by prepaying transportation charges and payment of the prescribed fee, send a sample or samples of seeds for examination and analysis.

L.1963, c. 29, s. 13.

4:8-17.26. Right of entry by state seed analyst; "stop sale" orders; testing facilities; purity and germination tests

The State Seed Analyst individually or through his authorized agents, is authorized to:

- (a) Enter upon any public or private premises during regular business hours in order to have access to seeds and the records connected therewith subject to this act and the rules and regulations adopted thereunder, and any truck or other conveyer by land, water, or air at any time when the conveyer is accessible, for the same purpose.

(b) Issue and enforce a written or printed "stop sale" order to the owner or custodian of any lot of seed which the State Seed Analyst finds is in violation of any of the provisions of this act or rules and regulations promulgated thereunder, which order shall prohibit further sales, processing and movement of such seed, except on approval of the State Seed Analyst, until the law has been complied with and he has issued a written release from the "stop sale" order of such seed, provided that in respect to seed which has been denied sale, processing and movement as provided in this paragraph, the owner or custodian of such seed shall have the right to appeal from said order to a court of competent jurisdiction, praying for a judgment as to the justification of such order and for the discharge of such seed from the order prohibiting the sale, processing and movement 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.

(c) Establish and maintain or make provisions for seed testing facilities, to employ qualified persons, and to incur such expenses as may be necessary to comply with these provisions.

(d) Make or provide for making purity and germination tests of seed for farmers and dealers on request; and to prescribe rules and regulations governing such testing.

L.1963, c. 29, s. 14.

4:8-17.27. Seizure of seeds; condemnation; disposition

Any lot of seed not in compliance with the provisions of this act shall be subject to seizure by the State on complaint of the State Seed Analyst to a court of competent jurisdiction. In the event the court finds the seed to be in violation of the provisions of this act and orders the condemnation thereof, said seed shall be denatured, processed, destroyed, relabeled, or otherwise disposed of in compliance with the laws of this State; provided, that in no instance shall the court order such disposition of said seed 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 this act.

L.1963, c. 29, s. 15.

4:8-17.28. Injunction against violations

When in the performance of his duties the State Seed Analyst in the name of the State applies to any court for temporary or injunctive relief restraining any person from violating or continuing to violate any of the provisions of this act or any rules and regulations under this act, said relief may be issued without bond.

L.1963, c. 29, s. 16.

4:8-17.29. Violations; penalties; prosecutions; hearings; injunctions

a. A person who violates any of the provisions of this act or any order, rule or regulation made by the State Board of Agriculture under this act or who prevents or hinders a representative of the Department of Agriculture in performing his duty under P.L.1963, c. 29 (C. 4:8-17.13 et seq.) shall be liable to a penalty of not less than \$50.00 nor more than \$100.00 for a first offense, and not less than \$100.00 nor more than \$500.00 for a subsequent offense committed within a 12 month period.

The penalty shall be sued for and recovered in an action to be brought by and in the name of the Secretary of Agriculture in a summary manner pursuant to "the penalty enforcement law" (N.J.S. 2A:58-1 et seq.) as provided in article 2 of chapter 23 of Title 4 of the Revised Statutes.

After judgment by the court in any case arising under this act, the State Seed Analyst shall publish any information pertinent to the issuance of the judgment by the court in such media as he may designate from time to time.

The Department of Agriculture shall be entitled to the assistance of the Attorney General in the enforcement of this act.

(b) Nothing in the New Jersey State Seed Law (Revision of 1963), P.L.1963, c. 29 (C. 4:8-17.13 et seq.) shall be construed as requiring the State Seed Analyst or his representative to: (1) report for prosecution, (2) institute seizure proceedings, 3) issue a withdrawal from distribution order when he believes the public interest will best be served by a written notice of warning.

(c) Before the State Seed Analyst reports a violation of the New Jersey State Seed Law (Revision of 1963), the violator shall be given an opportunity to be heard before the secretary.

(d) The secretary is authorized to apply for a temporary or permanent injunction restraining a

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person from violating any of the provisions of the New Jersey State Seed Law (Revision of 1963) or a rule or regulation promulgated under the act, notwithstanding the existence of other remedies at law. The injunction shall be issued without bond.

(e) Upon receiving any information of a violation of any provisions of the New Jersey State Seed Law (Revision of 1963) or any rule or regulation adopted thereunder, the secretary or any agent designated by him, may hold hearings upon the violation and if the secretary or agent finds that the violation was committed, he may assess a penalty against the violator in an amount not to exceed the maximum limit set forth in subsection (a) of this section, as he deems proper under the circumstances. If the violator pays the penalty, no further prosecution shall be had upon that violation.

L.1963, c. 29, s. 17. Amended by L.1968, c. 198, s. 6, eff. July 19, 1968; L.1984, c. 201, s. 11, eff. Nov. 28, 1984, operative Jan. 1, 1985.

4:8-17.30. Funds

Funds for the maintenance of a seed testing laboratory, staff and the administration of this act shall be included in annual appropriations to the Department of Agriculture.

L.1963, c. 29, s. 18. Amended by L.1968, c. 198, s. 7, eff. July 19, 1968.

4:8-17.31. Repeal

The "New Jersey State Seed Law," being chapter 189 of the laws of 1948 is repealed.

L.1963, c. 29, s. 19.

4:8-17.32. Short title

This act shall be known and may be cited as the New Jersey State Seed Law (Revision of 1963).

L.1963, c. 29, s. 20.