

UNIFORM SEED LAW: Sale without labels is violation thereof.

12603 RS mo 1929

June 14, 1933 6-14



Hon. Jewell Mayes
Secretary of State Board of Agriculture
Jefferson City, Missouri

Dear Sir:

I have your letter of June 2nd, 1933 requesting an opinion as to whether or not it is a violation of the uniform seed law to sell twenty bushels of Lespedeza without having the same properly labeled.

For the purpose of this opinion, I assume that Lespedeza comes within the definition of Agricultural seed, as set forth in Section 12602 R. S. 1929, and that the containers of such seed was in excess of ten pounds.

Section 12610 R. S. 1929 defines the unlawful act of persons in the following language:

"It shall be unlawful for any person, firm or corporation to sell, offer or expose for sale within this state any agricultural seeds,*** for seeding purposes within this state without complying with the requirements of this article."

The article above, referred to is Article 16 of Chapter 87, R. S. of Missouri 1929. This is the article on, "Uniform Seed Law."

We call your attention to the part of the provisions Section 12611 R. S. 1929, which is as follows:

"Every violation of the provisions of this article shall be deemed a misdemeanor punishable by a fine not exceeding one hundred dollars."

Section 12603, R. S. 1929 as set forth in Article 16, provides that all such agricultural seeds shall be properly labeled, and the statute sets out in detail what the label shall contain. This label requirement applies to all sales either, public, private or auction sales, when this seed is sold for seeding purposes, except, when such seeds are grown and sold

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by the grower on his own premises or farm where the seed was grown. It also appears that the sale of this Lespedeza seed does not come within the exemption set out in Section 12606 R. S. 1929.

It, therefore, appears that the sale of the above seed, under the above conditions, was a violation of the uniform seed law. Section 12611 R. S. 1929, among other things, provides:

"The prosecuting attorney of any county or the city attorney of any city in which formal complaint arises may file proceedings under this article."

All violations of the uniform seed law should be properly referred to the proper local authorities for prosecution.

Yours very truly,

FRANKLIN E. REAGAN,
Assistant Attorney General

APPROVED:

ROY MCKITTRICK
Attorney General