

SEED LAW:--Construction of Section 12609-b, Laws of Missouri 1937.

December 16, 1937

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FILED
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Honorable Jewell Mayes
Commissioner of Agriculture
Jefferson City, Missouri

Dear Sir:

We have your request of recent date asking for an opinion, which is in words and figures as follows:

"We need a ruling as to the meaning of the first six words of Section 12609-b of the 1937 enactment of the Seed Law, as follows, 'Each separate container of vegetable seeds.'"

This request calls for a construction of Section 12609-b, Laws of Missouri 1937, page 184, which is as follows:

"Each separate container of vegetable seeds as defined in Section 12609-a of this article except as herein otherwise provided, shall be clearly and plainly labeled in the English language as follows:

- (a) The kind of seed, variety and number of permit.
- (b) The approximate percentage of germination together with the month and year said seed was tested; provided the germination is less than the standard of germination fixed by the State Department of Agriculture for that kind and variety.
- (c) Full name and address of the person or firm who put up or packed and labeled the same.

(d) Provided that no label shall be required on vegetable seed which is sold and delivered, directly to the purchaser from a container which is labeled as required herein."

The above language is so clear that we need not resort to outside construction, or comparison with other similar statutes in order to arrive at the legislative meaning. It is apparent that the legislature intended that seed containers should be properly labeled. We are therefore of the opinion that each separate container of vegetable seeds, whether of thimble or barrel size must be clearly and plainly labeled in the English language, setting forth the requirements of (a), (b), (c) and (d) as provided in this act.

Respectfully submitted,

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APPROVED:

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(Acting) Attorney General

FER:MM