B. Federal (Federal Seed Act Origin)

Previous to and about the turn of the century, there were imported into the United States certain seeds intended primarily for use as adulterants of seed of alfalfa and red clover. At the same time, large importations were made of low-grade forage crop seeds and screening material unfit for agricultural use. At the request of the United States Department of Agriculture, the United States Customs Service was instructed by the Treasury Department to send to the Department of Agriculture samples of all lots imported as forage plant seeds. These were analyzed and the results formed a basis for the Seed Importation Act of 1912.

This act restricted importations of seeds of the principal forage plants on the basis of weed seed content and low purity. This was amended in 1916 by adding a live seed requirement. These provisions of the act were largely self-enforcing, as comparatively little seed was imported which did not meet the requirements of the act, except in those cases where seeds were imported to be recleaned under customs supervision before being released for consumption.

IN the years immediately succeeding World War I, there were heavy importations of red clover and alfalfa seed which were found by extended field tests to be unadapted to general agricultural use in the United States. In 1926, the Seed Importation Act was amended to require the coloring of all imported seed of alfalfa and red clover indicating as far as possible the degree of adaptability by the color used.

Form the time of the enactment of the coloring requirement up to and including fiscal year 1938, the United States Department of Agriculture supervised the coloring of 16 million pounds of alfalfa seed and ½ million pounds of red clover seed. During the greater part of this time, domestic alfalfa and red clover seed sold at a premium of 10 cents per pound of that imported seed. The identification of this imported seed by coloring saved the American farmer 5 to 6 million dollars in contrast to what he would have paid had this seed not been identified as imported seed and had been sold as domestic seed.

In 1926, the Seed Importation Act was further amended to prohibit the shipment of interstate commerce of any seed falsely and fraudulently misbranded. This provision, through authority for seizure of seed illegally passing in interstate commerce was effective in helping States to cope with interstate shipments of

misbranded seed. The criminal provisions of the act, as applied to interstate shipments, however, proved ineffective in court principally because of the necessity for proving that the false labeling or false advertising was done "knowingly," and because of the lack of specific labeling requirements in the act.

In 1939, the new Federal Seed Act was passed. The new law made the labeling of seed in interstate commerce compulsory, strengthened the criminal provision by removing the necessity to prove the act was violated "knowingly," and extended the scope of the act as it pertained to imported seed. Although the regulations have been amended periodically since 1940, the act itself survived amendments until July 9, 1956, when at the behest of the seed trade the law was amended to provide for criminal action only when a violation was proved to have been done by a person "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." The amendment also provided for civil action in those cases in which these elements of intent could not be proven.

Source: Proposed Seed Inspector's Manual by The Association of American Seed Control Officials 1958 (Pg. 2-3).