

October 24, 2006

ACTION ALERT

TO: All ASTA Members

FROM: Andy LaVigne
President/CEO

SUBJECT: Minnesota Seed Law Enforcement - Seed Plot Signs

Recently, a number of ASTA members alerted the Association to concerns regarding enforcement for the labeling of varieties and brands in Minnesota for some field plot signs. We were advised that some plot signs were found to be in violation of the statute. Initially, the Minnesota Department of Agriculture stipulated that field plot signs for the 2007 season should be corrected by "either manufacturing new ones or by adding an adhesive backed label with the word "brand" immediately following or below the brand name."

ASTA recognized the significance of this issue for the seed industry. We are pleased to provide the following guidance and explanation to members for the 2007 season. In email correspondence, dated October 18, the Minnesota Department of Agriculture sent the following to ASTA legal counsel, Gary Kushner.

*October 18, 2006
Mr. Kushner,*

Thank you for your phone call and opportunity to clarify questions that have arisen concerning the Minnesota Seed Law. Minnesota seed labeling requirements are very specific in the information they require including identification of brand name in addition to variety name if the two are different. This requirement is specific to the seed label which is affixed to the container or enclosure for the seed.

The Department has recommended that field plot signage be consistent with the seed label, as we believe such consistency will be beneficial to farmers as they evaluate varieties or brands for future planting. I regret that there was some misunderstanding that the Department had issued citations for this. That is incorrect. Plot signage, which is a form of advertising does need to be truthful, but the specific brand/variety identifications mandated for seed labels do not extend to these plot signs.

I will ask Chuck Dale, supervisor of our seed unit to prepare an article for our next Plant Protection Newsletter. I am sure Chuck can do a better job clarifying this issue for our clientele than I have done.

*Very Best Regards,
Geir Friisoe*

Updates on requirements for labeling seed in Minnesota and regulatory programs can be accessed at <http://www.mda.state.mn.us/appd/seeds/fsmsrp.html>.

Special thanks are extended to Greg Ruehle of the Professional Seedsmen Association and to Gary Beil of the Minnesota Crop Improvement Association. Their involvement along with a number of ASTA members led to a timely and positive outcome.