Seed sales in New York are regulated by Article 9 of the New York Agriculture and Markets Law, Chapter 631 “Inspection and Sales of Seeds.” This statute, and the regulations promulgated under it, applies to all seed “sold, offered or exposed, or transported into this state for planting purposes.” Article 9 AML provides the legal authority for the regulation of seed by the New York State Department of Agriculture and Markets, Division of Plant Industry. Article 9 AML can be described as a “truth in labeling” law, as a significant portion of the statute deals with the requirements for the labeling of seed. However, the law also contains a number of important prohibitions, sets minimum quality standards for seed being offered for sale, and lists those weeds considered to be “noxious” in New York. The seed law also provides for official seed certification in New York. This article is intended to provide a brief summary of Article 9 AML as it relates to agricultural seeds.

Agricultural seed (crop seed) is defined in Article 9 AML as “seeds of grass, forage, cereal, field beans, and fiber crops or any other kinds of seeds commonly recognized within this state as agricultural seeds, lawn seeds, and mixtures of such seeds.” In order to be sold in New York, agricultural seed must be properly labeled and must be fit for sale. The dissemination of “false or misleading advertising concerning seed in any manner or by any means” is prohibited by the statute.

In order to be fit for sale, agricultural seed must meet minimum germination and purity standards. Agricultural seed cannot be sold in New York if the seed “so weak or low in germination as to be unfit for seeding purposes” or if it is “so unclean as to be unfit for planting.” The specific minimum standards for agricultural seed are:

Germination. Two-thirds of the minimum germination specified for certified seed of the kind in question by the International Crop Improvement Association (now AOSCA).

Purity. Agricultural Seed must be subjected to “…usual commercial cleaning process…” to remove weed seeds. Weed seed content cannot exceed 1% by weight. Noxious weeds content is limited based on the size of the agriculture seed: wheat, oats, rye, barley, and seeds of similar or larger size may not contain 10 or more noxious weeds seeds per pound; grass, legume, and other seeds smaller than wheat may not contain 100 or more noxious weeds seeds per pound.

Seed labeling is the responsibility of the “immediate vendor.” The label must be conspicuous, legible, and written in the English language. With respect to germination and purity, the labeling must accurately represent, within tolerance, the seed lot. Specific labeling requirements vary according to type of seed and, in some cases, package size. For agricultural seed, the following labeling is required:
1. Name and address of the labeler or vendor of the seed.
2. Commonly accepted or trade name of seed treatment (if used) and a warning statement.
3. Name of kind and variety.
4. Lot number or other lot identification
5. Percentage (by weight) of all weed seeds
6. Percentage (by weight) of inert matter
7. Percentage (by weight) of other crop seeds
8. Percentage Germination and date of test.
9. Name and number per pound of all noxious weeds
10. For wheat, oats, and barley, the name and number per pound of rye and hairy vetch seeds.

There are some special labeling considerations:

- Germination tests must be current, i.e., the test date must be within the calendar year of offer of sale, but not more than nine months old.
- The percentage germination listed must be exclusive of the hard seed, if present. The label must also list the percentage of hard seed.
- Certain cool season lawn and turf grasses and their mixtures are labeled with “sell by” dates.
- Agricultural seeds that contain individual components in excess of five percent of the whole by weight are considered to be mixtures and must be labeled as such.
- Specific labeling requirements for mixtures are dependent upon the makeup of the mixture and include the kind and variety, the percentage by weight, and the germination and test date of each component of the mixture.
- Coated seeds have special labeling requirements.

Regulation of Seed Sales. Article 9 AML gives authority to the NYS Department of Agriculture to test seed offered for sale in New York. Seed sampled by inspectors from the Division of Plant Industry is tested by the New York State Seed Testing Laboratory in Geneva. Seed that is found to be not in compliance with Article 9 AML is subject to regulatory action, including stop sales and other penalties.

Article 9 AML is available from the NYS Department of Agriculture website [http://www.agriculture.ny.gov/PI/commodities/ARTICLE9.pdf](http://www.agriculture.ny.gov/PI/commodities/ARTICLE9.pdf). Specific inquiries regarding the laws governing seed sales in New York should be directed to NYS Department of Agriculture and Markets, Division of Plant Industry, 10B Airline Drive, Albany, NY 12235.