TITLE 360 STATE SEED COMMISSIONER

ARTICLE 1. STANDARDS FOR SEED AND SEED LABELING

Rule 1. General Provisions

360 IAC 1-1-1 Testing terms and methods; adoption by reference

Authority: IC 15-15-1-27
Affected: IC 15-15-1-27

Sec. 1. The terms used in seed testing and labeling, and the methods of testing for official samples shall be: Association of Official Seed Analysts, Rules for Testing Seeds (vol. 6, no. 2, 1981). *(State Seed Commissioner; Rule 1; filed Dec 23, 1957, 11:10 am: Rules and Regs. 1958, p. 151; filed Dec 6, 1983, 2:18 pm: 7 IR 342; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-1-2 Abbreviations on seed label prohibited

Authority: IC 15-15-1-27
Affected: IC 15-15-1-32

Sec. 2. Abbreviations Not Permitted on Seed Label. Abbreviations or contractions of required terms shall not be used on the seed label. *(State Seed Commissioner; Rule 2; filed Dec 23, 1957, 11:10 am: Rules and Regs. 1958, p. 151; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-1-3 Hybrid seed standards

Authority: IC 15-15-1-27
Affected: IC 15-15-1

Sec. 3. In determining whether agricultural and vegetable seeds are accurately labeled as "hybid" *[sic.]*, the conditions of production and purity of parent stocks shall conform with the minimum seed certification standards in effect as of May 1, 1983, by the Indiana Crop Improvement Association dealing with purity of seed stocks, isolation, roguing, planting ratio, detasseling (where applicable), male sterility, and similar factors. In addition, the conditions of production shall include the use of a method of hybridization which will produce pure seed which is at least seventy-five percent (75%) hybrid seed. *(State Seed Commissioner; Rule 3; filed Dec 23, 1957, 11:10 am: Rules and Regs. 1958, p. 151; filed Dec 6, 1983, 2:18 pm: 7 IR 342; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-1-4 White blossom sweetclover standards

Authority: IC 15-15-1-27
Affected: IC 15-15-1-32

Sec. 4. White Blossom Sweetclover. Sweetclover seed containing more than 5 per cent of yellow blossom sweetclover seed (more than 1.25 per cent of mottled seeds) must not be labeled white blossom sweetclover. Such seed may be labeled sweetclover. *(State Seed Commissioner; Rule 4; filed Dec 23, 1957, 11:10 am: Rules and Regs. 1958, p. 151; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-1-5 Noxious weed seeds; prohibitions

Authority: IC 15-15-1-27
Affected: IC 15-15-1-27

Sec. 5. The following list of prohibited noxious weed seeds is prescribed.
(1) Canada thistle (Cirsium arvense)
(2) Field bindweed (Convolvulus arvensis)
(3) Johnson grass and Sorghum almum (Sorghum halepense)
(4) Perennial peppergrass (Lepidium draba)

(5) Perennial sowthistle (Sonchus arvensis)
(6) Quackgrass (Agropyron repens)
(7) Russian Knapweed (Centaurea repens)
(8) Wild garlic and Wild onion (Allium spp.)

(State Seed Commissioner; Rule 5; filed Dec 23, 1957, 11:10 am: Rules and Regs. 1958, p. 151; filed Dec 6, 1983, 2:18 pm: 7 IR 342; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)

360 IAC 1-1-6 Noxious weed seeds; restrictions

Authority: IC 15-15-1-27
Affected: IC 15-15-1

Sec. 6. The following list of restricted noxious weed seeds is prescribed.
(1) Bitter wintercress (Barbarea vulgaris)
(2) Buckhorn (Plantago lanceolata)
(3) Cocklebur (Xanthium pensylvanicum)
(4) Corncockle (Agrostemma githago)
(5) Curled dock (Rumex crispus)
(6) Dodder (Cuscuta sp.)
(7) Eastern black nightshade (Solanum ptycanthum)
(8) Field peppergrass (Lepidium campestre)
(9) Giant foxtail (Setaria faberii)
(10) Horsenettle (Solanum carolinense)
(11) Mustard (Brassica arvensis)
(12) Oxeye daisy (Chrysanthemum leucanthemum)
(13) Pennycress (Thlaspi arvense)

(State Seed Commissioner; Rule 6; filed Dec 23, 1957, 11:10 am: Rules and Regs. 1958, p. 151; filed Dec 6, 1983, 2:18 pm: 7 IR 342; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)

360 IAC 1-1-7 Germination standards; vegetable seeds

Authority: IC 15-15-1-27
Affected: IC 15-15-1

Sec. 7. Germination Standards for Vegetable Seeds. The standard of germination for vegetable seeds is as follows:

	Per cent
Artichoke	60
Asparagus	70
Asparagusbean	75
Beans, garden (varieties other than Improved Tendergreen (Resistant Tendergreen), King Green, Logan, Processor, Ranger, Rival, Seminole, Tenderbest, Tenderlong 15, Topcrop, Topmost, Wade, Whiteseeded Tendergreen, and Woodruff's Hyscore)	75
Beans, garden (varieties Improved Tendergreen (Resistant Tendergreen), King Green, Logan, Processor, Ranger, Rival, Seminole, Tenderbest, Tenderlong 15, Topcrop, Topmost, Wade, Whiteseeded Tendergreen, and Woodruff's Hyscore)	70
Bean, lima	70
Bean, runner	75
Beet	65
Broadbean	75
Broccoli	75
Brussels sprouts	70
Cabbage	75
Canteloupe (see muskmelon)	
Cardoon	60

Carrot . . . 55
Cauliflower . . . 75
Celeriac . . . 55
Celery . . . 55
Chard, Swiss . . . 65
Chicory . . . 65
Chinese cabbage . . . 75
Citron . . . 65
Collards . . . 80
Corn, sweet . . . 75
Cornsalad . . . 70
Cowpea . . . 75
Cress, garden . . . 60
Cress, water . . . 40
Cucumber . . . 80
Dandelion . . . 45
Eggplant . . . 60
Endive . . . 70
Kale . . . 75
Kale, Chinese . . . 75
Kohlrabi . . . 75
Leek . . . 60
Lettuce . . . 80
Muskmelon . . . 75
Mustard . . . 75
Mustard, spinach . . . 75
Okra . . . 50
Onion . . . 70
Onion, Welsh . . . 70
Pak-choi . . . 75
Parsley . . . 60
Parsnip . . . 60
Pea . . . 80
Pepper . . . 55
Pumpkin . . . 75
Radish . . . 75
Rhubarb . . . 60
Rutabaga . . . 75
Salsify . . . 75
Sorrel . . . 60
Soybean . . . 75
Spinach . . . 60
Spinach, New Zealand . . . 40
Squash . . . 75
Tomato . . . 75
Tomato, husk . . . 50
Turnip . . . 80
Watermelon . . . 70

The above vegetable seed germination standards include hard seeds if any are present. *(State Seed Commissioner; Rule 7; filed Dec 23, 1957, 11:10 am: Rules and Regs. 1958, p. 152; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-1-8 Label information as to germination; prohibition

Authority: IC 15-15-1-27
Affected: IC 15-15-1-32

Sec. 8. Labeling Seed as to Germination. The required seed label for agricultural seeds shall not carry any statement relating to the sum of the percentage of germination and the percentage of hard seeds. *(State Seed Commissioner; Rule 8; filed Dec 23, 1957, 11:10 am: Rules and Regs. 1958, p. 153; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-1-9 Expiration of germination date; relabeling seed

Authority: IC 15-15-1-27
Affected: IC 15-15-1

Sec. 9. Relabeling Seed After Expiration of Germination Date. When agricultural seeds remain in the inventory of a distributor after the germination test has expired the seed must be removed from sale or relabeled. New percentage of germination hard seeds, and the new date of germination may be entered on the tags previously attached to the seed only if these items are inserted in such a way as to be clearly legible and the old percentages of germination, hard seeds and date of germination are completely obliterated. In all cases where such changes are necessary, the attachment of new tags is advised. State Seed Commissioner tags or labels which become obsolete because of expiration of the germination date may be returned for credit as provided in Section 13 (a). The person upon whose premises the seed is located shall be held responsible for obtaining the new test and for subsequent relabeling of the seed. *(State Seed Commissioner; Rule 9; filed Dec 23, 1957, 11:10 am: Rules and Regs. 1958, p. 153; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-1-10 File sample of seed lots

Authority: IC 15-15-1-27
Affected: IC 15-15-1-36

Sec. 10. File Sample of Seed. The requirement to keep for one year a file sample of each lot of seed after final disposition of the lot will be deemed to have been met if a representative sample is submitted to, or an official sample is obtained by, either the State Seed Commissioner or the Indiana Crop Improvement Association. *(State Seed Commissioner; Rule 10; filed Dec 23, 1957, 11:10 am: Rules and Regs. 1958, p. 153; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-1-11 Grower's declaration

Authority: IC 15-15-1-27
Affected: IC 15-15-1-32

Sec. 11. Grower's Declaration. A grower's declaration is a statement signed by the grower or shipper giving, for any lot of seed the lot number, the kind, variety and origin. *(State Seed Commissioner; Rule 11; filed Dec 23, 1957, 11:10 am: Rules and Regs. 1958, p. 153; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-1-12 Distribution of seed; labeling required

Authority: IC 15-15-1-27
Affected: IC 15-15-1-32

Sec. 12. Labeling of Seed Distributed to Wholesalers. After seed has been processed, it must be labeled before distribution to any person, including a wholesaler. Labeling of seed supplied to a wholesaler may be by invoice or by an analysis tag attached to the invoice if each bag or other container is clearly identified by a lot number stenciled on the container or if the seed is in bulk. Each bag that is not so identified must carry complete labeling. *(State Seed Commissioner; Rule 12; filed Dec 23, 1957, 11:10 am: Rules and Regs. 1958, p. 153; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-1-13 Inspection fees

Authority: IC 15-15-1-27
Affected: IC 15-15-1-31

Sec. 13. No inspection fee is to be paid on seed supplied to a wholesaler, one whose predominant business is to supply other distributors rather than consumers of seed. Seeds distributed under all other conditions (except those specifically exempted in IC 15-4-1-8 *[IC 15-4 was repealed by P.L.2-2008, SECTION 83, effective July 1, 2008. See IC 15-15-1-31.]*) must be completely labeled and the inspection fee must be paid thereon when distributed. The inspection fee is not to be paid more than once on any shipment of seed. At the end of each quarter the state seed commissioner will issue a credit to any distributor of seed for the inspection fee paid to his supplier on (1) seed subsequently sold to a wholesaler, and (2) seed to which he subsequently attached state seed commissioner tags or labels. For payment of the annual fee forty-five dollars ($45) on agricultural seeds distributed in packages of one (1) pound or less, each definitive type shall constitute a brand. Example: "Sunny Lawn Seed" and "Shady Lawn Seed"; are separate brands. *(State Seed Commissioner; Rule 13; filed Dec 23, 1957, 11:10 am: Rules and Regs. 1958, p. 153; filed Dec 6, 1983, 2:18 pm: 7 IR 343; filed Nov 20, 1986, 3:47 pm: 10 IR 866; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-1-14 Reports by permit holders

Authority: IC 15-15-1-27
Affected: IC 15-15-1-36

Sec. 14. Quantities of agricultural and vegetable seed shall be reported on forms furnished to the permit holder by the state seed commissioner at the end of each calendar quarter. Quantities shall be reported according to kind of seed as designated on the report form. *(State Seed Commissioner; 360 IAC 1-1-14; filed Dec 6, 1983, 2:18 pm: 7 IR 343; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-1-15 Disclaimers, nonwarranties, or limited warranties

Authority: IC 15-15-1-27
Affected: IC 15-15-1

Sec. 15. A disclaimer, nonwarranty, or limited warranty used on any labeling or advertisement shall not directly or indirectly deny or modify any information required by IC 15-4-1 *[IC 15-4 was repealed by P.L.2-2008, SECTION 83, effective July 1, 2008. See IC 15-15-1.]* or the regulations under IC 15-4-1 *[IC 15-4 was repealed by P.L.2-2008, SECTION 83, effective July 1, 2008. See IC 15-15-1.]*. *(State Seed Commissioner; 360 IAC 1-1-15; filed Dec 6, 1983, 2:18 pm: 7 IR 343; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

Rule 2. Contents of Labels

360 IAC 1-2-1 Required information; agricultural and vegetable seeds

Authority: IC 15-15-1-27
Affected: IC 15-15-1

Sec. 1. The label shall contain the required information in any form that is clearly legible and complies with IC 15-4-1-4 *[IC 15-4 was repealed by P.L.2-2008, SECTION 83, effective July 1, 2008. See IC 15-15-1-32.]* for agricultural seed and IC 15-4-1-5 *[IC 15-4 was repealed by P.L.2-2008, SECTION 83, effective July 1, 2008. See IC 15-15-1-33.]* for vegetable seed and the regulations under IC 15-4-1 *[IC 15-4 was repealed by P.L.2-2008, SECTION 83, effective July 1, 2008. See IC 15-15-1.]*. The information may be on a tag attached securely to the container, or may be printed in a conspicuous manner on a side or the top of the container. The label may contain information in addition to that required by IC 15-4-1 *[IC 15-4 was repealed by P.L.2-2008, SECTION 83, effective July 1, 2008. See IC 15-15-1.]*, except any additional information shall not be misleading. *(State Seed Commissioner; 360 IAC 1-2-1; filed Dec 6, 1983, 2:18 pm: 7 IR 343; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

Rule 3. Name of Kind and Variety

360 IAC 1-3-1 Representations in labels and advertisements; general provisions

Authority: IC 15-15-1-27
Affected: IC 15-15-1-33

Sec. 1. The name of a kind and variety of seed and any descriptive terms pertaining thereto shall be correctly represented in any labeling and advertisement of the seed. *(State Seed Commissioner; 360 IAC 1-3-1; filed Dec 6, 1983, 2:18 pm: 7 IR 343; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-3-2 Misleading names

Authority: IC 15-15-1-27
Affected: IC 15-15-1-33

Sec. 2. The name of each kind of agricultural or vegetable seed is the name associated with one or more related species or subspecies which singly or collectively are known by one common name, except that name which has become synonymous through broad general usage may be substituted therefor, provided the name does not apply to more than one kind and is not misleading. *(State Seed Commissioner; 360 IAC 1-3-2; filed Dec 6, 1983, 2:18 pm: 7 IR 343; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-3-3 Variety names; determination

Authority: IC 15-15-1-27
Affected: IC 15-15-1-33

Sec. 3. The name of each variety of agricultural or vegetable seed is the name determined in accordance with the following considerations: (a) The name of a new variety shall be the name given by the originator or discoverer of the variety, except that in the event the originator or discoverer of a new unnamed variety, at the time seed of the variety is first introduced into channels of commerce of the United States for sale to the public, cannot or chooses not to name the variety, the name of the variety shall be the first name under which the seed is introduced into such commerce.

(b) The variety name shall not be misleading. The same variety name shall not be assigned to more than one variety of the same kind of seed. *(State Seed Commissioner; 360 IAC 1-3-3; filed Dec 6, 1983, 2:18 pm: 7 IR 344; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-3-4 Representations in labels and advertisements; restrictions

Authority: IC 15-15-1-27
Affected: IC 15-15-1

Sec. 4. The representation of the same kind and variety of seed in any advertisement or labeling shall be confined to the kind and variety determined in accordance with IC 15-4-1-3 *[IC 15-4 was repealed by P.L.2-2008, SECTION 83, effective July 1, 2008.]*. The name shall not have associated therewith words or terms that create a misleading impression as to the history or characteristics of the kind and variety. Descriptive terms and firm names may be used in kind and variety names provided the descriptive terms or firm names are a part of the name of the kind and variety of seed. Examples: Stringless Green Pod, Detroit Dark Red, Black Seeded Simpson and Henderson Bush Lima. *(State Seed Commissioner; 360 IAC 1-3-4; filed Dec 6, 1983, 2:18 pm: 7 IR 344; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-3-5 Descriptive terms: color, shape, size

Authority: IC 15-15-1-27
Affected: IC 15-15-1

Sec. 5. The terms descriptive of color, shape, size, habit of growth, disease resistance, or other characteristics of the kind and variety may be associated with the name of the kind and variety provided it is done in a manner which clearly indicates the

descriptive term is not a part of the name of the kind and variety. Examples: Oshkosh Pepper (yellow), Copenhagen Market (round head) Cabbage, and Kentucky Wonder pole bean. *(State Seed Commissioner; 360 IAC 1-3-5; filed Dec 6, 1983, 2:18 pm: 7 IR 344; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-3-6 Descriptive terms: quality and origin

Authority: IC 15-15-1-27
Affected: IC 15-15-1

Sec. 6. Terms descriptive of quality and origin and terms descriptive of the basis for representations made may be associated with the name of the kind and variety of seed; however, the terms shall be clearly identified as being other than part of the name of the kind and variety. Examples: Blue Tag Gem Barley, Idaho Origin Alfalfa, and Grower's Affidavit of Variety Atlas Sorghum. *(State Seed Commissioner; 360 IAC 1-3-6; filed Dec 6, 1983, 2:18 pm: 7 IR 344; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-3-7 Descriptive terms: production or conditioning method

Authority: IC 15-15-1-27
Affected: IC 15-15-1

Sec. 7. Terms descriptive of the manner or method of production or conditioning of seed may be shown. For example Certified, Registered, Scarified, Treated, and Hulled may be associated with the name of the kind and variety of seed provided the terms are not misleading. *(State Seed Commissioner; 360 IAC 1-3-7; filed Dec 6, 1983, 2:18 pm: 7 IR 344; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-3-8 Descriptive terms: brand names and trademarks

Authority: IC 15-15-1-27
Affected: IC 15-15-1

Sec. 8. (a) Brand names and terms taken from trademarks may be associated with the kind and variety or mixtures of kinds or varieties or blends of varieties of seed as an indication of source; however, the terms shall be clearly indicated as being other than part of the name of the kind and variety, mixture or blend. Brands may not be used in place of variety names or in any manner in which they may be interpreted as being a variety name.

(b) When both brand and variety names are stated, the terms must be shown in the following order from left to right or top to bottom:

(1) the brand name;
(2) the word "brand";
(3) the variety name;
(4) the kind name.

(c) When a brand name is stated but no variety name, the terms must be shown on the seed label in the following order from left to right or top to bottom:

(1) the brand name;
(2) the word "brand";
(3) the kind name;
(4) the words "variety not stated".

(State Seed Commissioner; 360 IAC 1-3-8; filed Dec 6, 1983, 2:18 pm: 7 IR 344; filed Nov 20, 1986, 3:47 pm: 10 IR 866; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)

Rule 4. Blend Labeling and Advertisements

360 IAC 1-4-1 Definition; contents of labels

Authority: IC 15-15-1-27
Affected: IC 15-15-1-33

Sec. 1. A seed mixture consisting of two (2) or more varieties of the same kind may be designated as a "blend" of seed. The word "blend" must be included as a part of the name of the blend. The variety name of each component of a blend shall be shown on the label along with the percentage by weight of each component in excess of five percent (5%) and the germination percentage and hard seed percentage, if applicable, of each component.

The variety designation of each component, the percentage by weight of each component, and the germination percentage and hard seed percentage, if applicable, of each component may be omitted if the label states the kind of seed and the words "varieties not stated". The blend may be represented by one common pure seed percentage, one germination percentage, and one hard seed percentage, if applicable, for the blend as a whole. *(State Seed Commissioner; 360 IAC 1-4-1; filed Dec 6, 1983, 2:18 pm: 7 IR 345; filed Nov 20, 1986, 3:47 pm: 10 IR 866; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-4-2 Brand names and variety names distinguished

Authority: IC 15-15-1-27
Affected: IC 15-15-1-33

Sec. 2. Blends or mixtures may be assigned brand names but not variety names. The labeling and advertisements of varietal blends must not create the impression that the seed is a single variety. *(State Seed Commissioner; 360 IAC 1-4-2; filed Dec 6, 1983, 2:18 pm: 7 IR 345; filed Nov 20, 1986, 3:47 pm: 10 IR 867; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

Rule 5. Hybrid Seed Labeling

360 IAC 1-5-1 Designation of "hybrid"; percentages

Authority: IC 15-15-1-27
Affected: IC 15-15-1

Sec. 1. If any kind and variety of seed present in excess of five percent (5%) is "hybrid" seed, it shall be designated "hybrid" on the label. The percentage that is hybrid shall be at least ninety-five percent (95%) of the percentage of pure seed shown unless the percentage of pure seed which is hybrid seed is shown separately. If two (2) or more kinds or varieties are present in excess of five percent (5%), each that is hybrid shall be designated as hybrid on the label. Any kind and variety that has pure seed which is less than ninety-five (95%) but more than seventy-five percent (75%) hybrid seed as a result of incompletely controlled pollination in a cross shall be labeled to show the percentge *[sic.]* of pure seed that is hybrid seed. No one (1) kind and variety of seed may be labeled as hybrid if the pure seed contains less than seventy-five percent (75%) hybrid seed. It may be labeled as a mixture or blend. *(State Seed Commissioner; 360 IAC 1-5-1; filed Dec 6, 1983, 2:18 pm: 7 IR 345; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

Rule 6. Sampling Methods

360 IAC 1-6-1 Free-flowing and nonfree-flowing samples

Authority: IC 15-15-1-27
Affected: IC 15-15-1

Sec. 1. (a) In order to secure a representative sample, equal portions shall be taken from evenly distributed parts of the quantity of seed to be sampled. Access shall be had to all parts of that quantity. When more than one trierful of seed is drawn from a bag, different paths shall be followed. When more than one handful is taken from a bag, the handfuls shall be taken from well-separated points.

(b)(1) For free-flowing seed in bags or bulk, a probe or trier shall be used.

(2) For small free-flowing seed in bags a probe or trier long enough to sample all portions of the bag should be used.

(c) Non-free flowing seed, such as certain grass seed or uncleaned seed, difficult to sample with a probe or trier, shall be sampled by thrusting the hand into the bulk and withdrawing representative portions. The hand is inserted in an open position and the fingers are held closely together while the hand is being inserted and the portion withdrawn.

(d) As the seed is sampled, each portion shall be examined. If there appears to be lack of uniformity, the portions shall not be combined into a composite sample but shall be retained as separate samples or combined to form individual-container samples to determine such lack of uniformity, as may exist.

(e) When the portions appear to be uniform, they shall be combined to form a composite sample. *(State Seed Commissioner; 360 IAC 1-6-1; filed Dec 6, 1983, 2:18 pm: 7 IR 345; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-6-2 Bulk seed

Authority: IC 15-15-1-27
Affected: IC 15-15-1

Sec. 2. Bulk seeds shall be sampled by inserting a long probe or thrusting the hand into the bulk as circumstances require in at least seven (7) uniformly distributed parts of the quantity being sampled. At least as many trierfuls or handfuls shall be taken as the minimum which would be required for the same quantity of seed in bags of a size customarily used for such seed. *(State Seed Commissioner; 360 IAC 1-6-2; filed Dec 6, 1983, 2:18 pm: 7 IR 346; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-6-3 Bags

Authority: IC 15-15-1-27
Affected: IC 15-15-1

Sec. 3. (a) For lots of six (6) bags or less, each bag shall be sampled. A total of at least five (5) trierfuls shall be taken.

(b) For lots of more than six (6) bags, five (5) bags plus at least ten percent (10%) of the number of bags in the lots shall be sampled. (Round off numbers with decimals to the nearest whole number, raising 0.5 to the next whole number). Regardless of the lot size it is not necessary that more than thirty (30) bags be sampled.

(c) Samples shall be drawn from unopened bags except under circumstances where the identity of the seed has been preserved. *(State Seed Commissioner; 360 IAC 1-6-3; filed Dec 6, 1983, 2:18 pm: 7 IR 346; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-6-4 Small containers

Authority: IC 15-15-1-27
Affected: IC 15-15-1

Sec. 4. In sampling seed in small containers where it is not practical to sample as required in 360 IAC 1-6-3, a portion of one unopened container or one or more entire unopened containers may be taken to supply a minimum size sample. *(State Seed Commissioner; 360 IAC 1-6-4; filed Dec 6, 1983, 2:18 pm: 7 IR 346; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

Rule 7. Schedule of Charges for Service Tests, Analyses, and Examinations

360 IAC 1-7-1 Purity analyses and warm germination tests

Authority: IC 15-15-1-27
Affected: IC 15-15-1-27

Sec. 1. Any person may submit to the seed laboratory of the seed commissioner samples of seed for analysis, test, and examination. The fees are based on costs of time and materials and are as indicated in 360 IAC 1-7. There are two (2) tests: the purity analysis, which includes an Indiana noxious weed seed examination, and the warm germination test.

The following schedule of charges consists of:

(1) a complete test, which includes a purity analysis, a noxious weed seed examination and a warm germination test;

CHARGE: ten dollars ($10) for all agricultural and vegetable seeds

(2) purity analysis and noxious weed seed examination only;

CHARGE: six dollars ($6) for all agricultural and vegetable seeds

(3) warm germination test only;

CHARGE: six dollars ($6) for all agricultural and vegetable seeds as defined in the act.

(State Seed Commissioner; 360 IAC 1-7-1; filed Dec 6, 1983, 2:18 pm: 7 IR 346, eff Jul 1, 1984; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)

360 IAC 1-7-2 Seed mixtures

Authority: IC 15-15-1-27
Affected: IC 15-15-1-27

Sec. 2. The charge for seed mixtures (in which more than one (1) kind of crop seed is present to the extent of five percent (5%) or more) is the total of:

(1) Complete test: ten dollars ($10) for the first kind plus five dollars ($5) for each additional kind in the mixture.

(2) Purity analysis and noxious weed exam only: six dollars ($6) for the first kind listed plus three dollars ($3) for each additional kind in the mixture.

(3) Germination test only: six dollars ($6) for the first kind plus three dollars ($3) for each additional kind in the mixture.

(State Seed Commissioner; 360 IAC 1-7-2; filed Dec 6, 1983, 2:18 pm: 7 IR 346, eff Jul 1, 1984; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)

360 IAC 1-7-3 Uncleaned, unprocessed, and other time-consuming samples

Authority: IC 15-15-1-27
Affected: IC 15-15-1

Sec. 3. The state seed laboratory shall not be obligated to analyze for purity or test for germination any uncleaned, unprocessed, and other time-consuming sample, or any sample which obviously does not meet requirements of IC 15-4-1 *[IC 15-4 was repealed by P.L.2-2008, SECTION 83, effective July 1, 2008. See IC 15-15-1.]*. *(State Seed Commissioner; 360 IAC 1-7-3; filed Dec 6, 1983, 2:18 pm: 7 IR 346, eff Jul 1, 1984; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-7-4 Re-examinations

Authority: IC 15-15-1-27
Affected: IC 15-15-1

Sec. 4. Any re-examination of a sample to secure information not furnished on the original report, or any analysis or test to obtain information not specifically required by IC 15-4-1 *[IC 15-4 was repealed by P.L.2-2008, SECTION 83, effective July 1, 2008. See IC 15-15-1.]*, will be subject to a charge in proportion to the amount of work required. *(State Seed Commissioner; 360 IAC 1-7-4; filed Dec 6, 1983, 2:18 pm: 7 IR 346, eff Jul 1, 1984; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-7-5 Incomplete requests

Authority: IC 15-15-1-27
Affected: IC 15-15-1-27

Sec. 5. Samples which do not indicate the test desired will be given a complete test and charged accordingly. *(State Seed Commissioner; 360 IAC 1-7-5; filed Dec 6, 1983, 2:18 pm: 7 IR 346, eff Jul 1, 1984; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

360 IAC 1-7-6 Order of testing

Authority: IC 15-15-1-27
Affected: IC 15-15-1-27

Sec. 6. Samples for seed testing submitted to the seed laboratory shall be tested in the order of receipt and reported accordingly. *(State Seed Commissioner; 360 IAC 1-7-6; filed Dec 6, 1983, 2:18 pm: 7 IR 347, eff Jul 1, 1984; readopted filed Dec 2, 2001, 1:15 p.m.: 25 IR 1269; readopted filed Oct 31, 2008, 10:42 a.m.: 20081119-IR-360080676RFA)*

Rule 8. Commonly Accepted Varietal Names (Repealed)

(Repealed by State Seed Commissioner; filed Nov 20, 1986, 3:47 pm: 10 IR 867)

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