Variety Names and the Seed Laws

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It has been said that “The multiplicity of misleading names among crop varieties is a special adversity of the agronomist.” Statements in a similar vein appear in several publications dealing with varieties of agricultural and vegetable crops. A measure of the extent of the multiplicity was revealed in a review of U. S. Department of Agriculture and State agricultural experiment station publications describing approximately 600 varieties of farm crops. Approximately 2,640 names were recognized, or an average of 4.4 names for each variety. This situation creates confusion which is a cause of concern not only to agronomists but also to seed law enforcement officials. In such a state of confusion deception as to the merits of varieties can be resorted to most successfully. That this should be possible becomes increasingly unfortunate, as improved varieties adapted to particular needs are expected to contribute to increased agricultural production.

In 1917 the Association of Official Seed Analysts, cooperating with the American Seed Trade Association, adopted a Suggested Uniform State Seed Law. This suggested law required that seed should be labeled when sold or offered for sale to show the “commonly accepted name.” This provision of the suggested law was vague, but it was enacted into law in most States. It was never clear whether the term “commonly accepted name” referred to the variety name or was confined to the name of the kind. This situation continued for over 20 years. The persistence of this lack of clarity may be attributed generally to three conditions: (1) inability to identify varieties by seed characters in seed laboratories; (2) lack of facilities as a part of seed law enforcement to make varietal determinations in the greenhouse or field; and (3) the absence of an adequate standard of variety names and descriptions. The net result was failure to regulate the labeling of seed as to variety and increased synonymy in variety names.

More careful labeling of seed as to kind and variety was stimulated by the passage of the Federal Seed Act of 1939. Now all vegetable seed shipped in interstate commerce is required to be labeled to show the name of the kind and variety. The regulations require that labeling as to variety name be confined to the “recognized” name. It is not compulsory that agricultural seed labeling as to variety name be confined to the “recognized” name. A variety is defined to be a variety of a kind which is characterized by growth, fruit, seed, or other characters by which it can be differentiated from other sorts of the same kind; for example, Marquis wheat, Flat Dutch cabbage, soybean, Oxhart carrot, and so forth.

The wording of the Suggested Uniform State Seed Law was changed in 1940 so that its provision for variety labeling would be similar to that of the Federal Seed Act, and most of the States have since changed their laws accordingly. In addition, 10 of these States require the variety name of agricultural seed to be shown on the label, or, in lieu thereof, the words “variety unknown.”

Persons who sell seed are faced with much new labeling requirements than they were 10 years ago. It is now necessary for them to know the variety names of seed in many instances where such knowledge was required previously. Seedsmen are also under an obligation to be informed as to what will be accepted as the “recognized” variety name. It behooves seed law enforcement agencies to be able to provide guidance on these matters, and this is not always easy.

In 1922 and 1923 the American Society of Agronomy, in cooperation with the Bureau of Plant Industry, established a system of registration of varieties of oats, and barley. The registered varieties were required to conform to a code of nomenclature established in 1917 which provided, among other things, that a variety be distinctly superior to existing varieties of the same character or qualities. Obviously, some varieties in commercial channels were not registered. Some of the varieties registered were published in the Journal of the American Society of Agronomy. In addition, varieties of other kinds, such as soybeans and sweetclover, were added but the total number of varieties registered does not exceed 500. In part, excellent “type books” describing the varieties were published, but these, influential as they were, described only a relatively small number of superior varieties.

The registration of varieties and the naming of them had an excellent influence but their scope was limited, and it is only in the past few years that the American Seed Trade Association has cooperated with the Association of Official Seed Analysts, and the Bureau of Plant Industry, to establish a code of nomenclature which is now being adopted by seed law enforcement agencies as a basis for regulation of variety names.