

80-11-1-.05 Mixed Seed Prohibitions.

(1) The following adulterations or mixtures of seed shall not be sold, offered for sale, or distributed in Alabama:

- (a) Common lespedeza containing more than 5% weed seed.
- (b) Carpet grass containing more than 2.5% weed seed.
- (c) Dallis grass containing less than 25% pure live seed.
- (d) Johnson grass containing less than 50% pure live seed.
- (e) Seed peanuts of one variety containing more than 2.5% of another variety; however, seed peanuts containing 2.5% or less of another variety may be sold, provided the percentages of such varieties are stated on the analysis tag attached to each bag, in addition to all other labeling requirements now, or in the future, in effect.
- (f) Rye seed produced in a northern state or having a northern origin. The term "northern origin" shall mean all states north of North Carolina, Tennessee, Arkansas, Oklahoma and north and west of Texas.

(g) Seed corn, for planting purposes, containing Texas male sterile cytoplasm. Other types of cytoplasm, which are resistant to Race "T" of the Southern corn leaf blight are not banned nor shall the presence of these other types of cytoplasm be required to be shown on the analysis tag.

(h) Domestic Sunn Hemp (*Crotalaria juncea*) in a mixture.

(2) The following adulterations or mixtures of seed shall not be sold under the name of the dominant seed:

(a) Oats consisting of mixed varieties, and oats containing a total of 5% or more of other oat varieties shall not be labeled or sold as seed oats. A false wild oat will be considered as any unstable or variant form of a cultivated and wild oat possessing one or more of the distinct characteristics of the wild oats (*Avena fatua*).

The sale of mixed oats shall not be prohibited when they are used as a component part in seed for wildlife mixtures. In order to be used in such a mixture the following criteria must be met:

The mixture must include (3) kinds or more and the oat component must be labeled according to the predominate variety that comprises at least sixty (60) percent of the mixture.

(b) Sorghum consisting of mixed varieties and sorghum containing a total of 5% or more of other sorghum varieties shall not be labeled or sold as sorghum seed.

(c) Cowpeas consisting of mixed varieties shall be labeled as, "mixed." The percent of pure seed shall represent all cowpeas present and the germination test shall be based upon a uniform sample of all of the varieties in the lot.

(3) All whole grain rye sold, offered or exposed for sale in Alabama during the period of time beginning September 1 and ending December 31 of each year shall be labeled as seed rye and must meet all requirements of the Alabama seed law and rules and regulations, except, however, whole grain rye may be mixed with other grain and may be sold during the above prohibitive period, provided such mixture is labeled as commercial feed and shows the percentage of each kind of grain present and shall also comply with all provisions of the Alabama Commercial Feed Law of 1978, Code of Ala. 1975, §§2-21-17 through 2-21-34.
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Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982. **Amended:** Filed May 17, 2007; effective June 21, 2007. **Amended:** Filed May 16, 2012; effective June 21, 2012. **Amended:** Filed March 16, 2018.