

**1510.0011 LABELING VARIETY, VARIETY NOT STATED, AND BRAND; EXAMPLES.**

Subpart 1. **Definition; brand.** As used in this part, "brand" means a word, mark, or picture representing a trademark or a term taken from a trademark which indicates the owner, originator, or labeler of the seed and does not indicate the genetic identity of the seed.

Subp. 2. **Labeling variety.** In accordance with Minnesota Statutes, section 21.82, subdivision 2, paragraph (a), the commissioner designates that all kinds of agricultural and vegetable seed must be labeled to show the variety name unless otherwise specified in subpart 3.

Subp. 3. **Labeling variety not stated.** Unless otherwise specified in this subpart, the words "variety not stated" must be shown on agricultural seed labels if any of the following circumstances exist:

A. the variety name is not known for a nonhybrid seed and it cannot be determined by examining the seed and records of the seed lot;

B. the variety name is known for a nonhybrid biennial or perennial seed, in which case the variety name may be omitted from the seed label but only when written permission to do so is signed by the owner or originator and is part of the record for the seed lot;

C. two or more varieties are combined to form a blend, in which case the variety names and the percentages by weight of the components together may be omitted from the seed label but only when information concerning the varieties used and the proportion of each in the blend is part of the record for the seed lot; or

D. lawn and turf grass seeds are sold in mixtures, in which case the variety name and the words "variety not stated" may be omitted from the seed label if none of the components are listed and sold by brand name.

Subp. 4. **Labeling brands.** When agricultural seed is labeled with a brand, trademark, or term taken from a brand or trademark, the seed label must clearly identify the term with the word "brand" and as being other than part of the variety name.

Subp. 5. **Examples.** The examples in this subpart indicate the required arrangements of terms used to label variety, variety not stated, and brand. The size type used to indicate the kind name on the seed label must also be used for all other terms specified in the examples.

A. When the variety name is stated, the terms designating the kind and variety may appear in any order but must be in close proximity to each other.

B. When both a brand and variety name are stated, the terms must be shown in the following order from left to right or top to bottom: the brand name, the word "brand," the variety name, and the kind name.

C. When a brand name but no variety name is stated, the terms must be shown on the seed label in the following order from left to right or top to bottom: the brand name, the word "brand," the kind name, and the words "variety not stated." If the seed offered for sale is a blend, the word "blend" must be inserted between the kind name and the words "varieties not stated."

**Statutory Authority:** *MS s 21.82; 21.85*

**History:** *10 SR 622*

**Published Electronically:** *July 24, 2008*