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### Legal Aspects for Consideration

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## LEGAL ASPECTS FOR CONSIDERATION

G. F. VAUGHN<sup>1/</sup>

I appreciate the opportunity to participate in this Special Session for Seed Dealers. The topics and problems discussed will be of mutual interest as we both jointly serve the same producing and consuming farmers. I always enjoy attending the Short Course and get a great deal of inspiration from the seed people doing research and educational work in connection with the Seed Technology Laboratory.

As representative of the Mississippi Department of Agriculture, I bring you greetings from Commissioner Si Corley. We want to welcome you visitors to our State and to our local dealers we sincerely pledge our unlimited efforts in working toward a common goal- a better agriculture in Mississippi.

Our comments will be brief as we would like for you to better utilize this time for general discussion of current topics and problems.

While you are no doubt familiar with both State and Federal seed regulatory requirements, we want to alert you to changing trends relative to the seed industry and offer you some recommendations for consideration.

Trade reports indicate that claims against seedsmen have been increasing both in frequency and size. Apparently this is primarily due to the claim-minded society of today. Where it used to be "the buyer beware", now the courts insist that the seller beware. Consequently, the dealer should subscribe to regulatory measures that intend to protect both the seedsmen and the producer-consumer.

The first suggestion is that dealers exercise the greatest possible margin of safety by maintaining a complete record of each lot of seed handled. That brings up the question, just what constitutes a complete record? Certainly the following items must be considered:

1. Invoices, receiving records, freight bills, blending and processing records, applicable growers declaration, and records of sales to be kept for period of two or three years.
2. File sample of each lot to be held one year.
3. Sample label, copy of analysis - from supplier and official or service sample drawn while in your possession.
4. Check to see that lot number is given on invoice and that lot number is entered on purchaser's sales ticket for identification.

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<sup>1/</sup>Mr. Vaughn is Chief Inspector, Mississippi Department of Agriculture and Commerce, Jackson, Mississippi.

The reason for this emphasis is the difficulty experienced in determining whether the seed complained of was of a given lot. Actually in a claim situation it is rarely possible for us to obtain detail facts about all the circumstances attending the claim.

As further guide to you, the following action is suggested on receipt of a claim.

Check your sales records to see if you sold seed of variety to the claimant.

Check the claimant's planting records, or question him closely about his purchase and planting of your seed and other similar seed from other seedsmen.

Check your processing records or storage conditions to see if it was possible that something could have happened which would result in your delivery to the claimant of seed with the defect which he claims.

Check the experience of other growers of seed from the same lot from which the claimant's seed was taken.

Check for left-over seed which the claimant may have bought from you or other seedsmen.

Check your stock for seed held over from the lot.

Check other factors, including weather conditions, preparation of seed bed, fertilization, cultivation practices, disease infestation and insect damage as possible cause of complaint.

Other recommended dealer practices include:

1. Check incoming deliveries for net weight. Designate one responsible employee for this service.
2. Become tag conscious, check labels on new deliveries for completeness.
3. If seed are treated, check for adequate warning tags.
4. Maintain inventory of carry over seed stock, secure timely re-test and relabel prior to new season.
5. Maintain suitable storage conditions for planting seed. Do not expose to dampness or damaging chemicals.
6. Maintain identity of local grown seed until properly labeled.