

## **N.D. Seed Company Fined for Seed Law Violations**

The North Dakota State Seed Department has settled a case concerning state and federal seed law violations against a North Dakota seed producer for the illegal sale of a protected variety in 2016.

The company was fined \$11,000 for illegally selling 956 bushels of Gold ND flax, a North Dakota State University release. The variety is protected under the Plant Variety Protection Act (PVPA) and Title V of the Federal Seed Act.

Under the PVPA, the variety owner has exclusive rights to determine who may produce and market seed of its protected varieties.

Title V prohibits the sale of seed that is not certified by an official seed certifying agency if the variety owner has specified that seed be sold only as a class of certified seed.

“The Gold ND flax seed in this case had been field-inspected by the State Seed Department, but final certification had not been completed; therefore, the seed was not legally labeled for sale,” says Steve Sebesta, North Dakota State Seed Department deputy seed commissioner. “Several North Dakota seed laws, principally labeling requirements, were also violated.”

The State Seed Department is responsible for the enforcement of seed laws in North Dakota and regards these violations as very serious.

State and federal seed laws were established to protect consumers and provide for the standardization of testing and labeling requirements and to protect the intellectual property rights of variety owners. Illegal seed sales are detrimental to the state’s seed industry and the hundreds of legitimate seed producers, conditioners and retailers.

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