

LECTURE SEVEN

Seed Laws

The first seed law says “ Thou shall not sow thy field with mingled seed (Lev. 19:19).

Seed laws are designed to aid in the orderly marketing of seed. It established to promote use of high quality seed. Seed laws are established regulations governing the sale of seed, thereby providing legal protection to both buyers and sellers. No country can expect to have a well developed, effective seed industry without seed control regulations. It also protects agric productivity of a country. In US, seed legislation exists at both the state and federal levels.

Legislative strategy

Two types of seed legislation

1. Truth in labeling and 2. minimum standard

which type of legislation is more appropriate for any particular situation is a matter of judgment in the light of local circumstances.

Truth in labeling

Is the basic purpose of both state and federal seed laws. The concept was developed to avoid the type of philosophy prevalent in the English markets.

It is most suitable for sophisticated farmers, (who are able to analysis the information given and assess its importance, and who are economically able to make some choice e.g USA.

Minimum standard

This legislative strategy is suitable to peasant farmers who cannot appreciate information on the label.

Provisions of state and federal seed laws

Farmers seed exchange : Are exempted from labeling laws.

Current germination tests.

Labeling vegetable seed containers : Minimum germination standard on the labels.

Transport for processing : No need of labeling laws

Disclaimers not allowed : statement of disclaiming responsibility or on the label not allowed.

Collection of damages: No damages may be collected through seed laws but through civil court action.

Proof of intent not needed : violators could be penalized without proof of intent, or carelessness.

Coloration and labeling of treated seed : put poison in red letters skull and crossbones on the labels.

Imported seeds : screening of imported seeds for noxious weed seeds etc.

Noxious weed seeds : prohibiting and restriction of weed seeds (e.g primary and secondary noxious weeds seeds).

Keeping of Records

Labeling : labeling must be attached to seed containers.

Definition of seed quality terminology

Amending seed laws

Definition of sale or offer for sale

Appointment of salesman, oral and written advertisements, price list, catalogue, pamphlets.

Breeders' Rights

The plant variety protection Act : Legal protection for crop varieties.

The plant variety protection Act (breeder right was signed into law in 1970). The act provides legal protection in the production and sale of seed by owners or developers of new varieties of sexually propagated crop. Developers of asexually propagated (budding or grafting etc).

The act provides two avenues of protection of owner of a variety.

First, it gives him the exclusive right to the propagation and use of a protected variety. In cases of infringement, however, the owner is responsible for defending this right in a civil court.

Second, it gives the owner the right to stipulate in his application that the variety name be protected through seed certification.

A special example for farmer: grants them the right to produce seed of a protected variety for their own use and for sale to neighbours for planting. Plant breeders may also use protected varieties for breeding purpose. Use for breeding purpose does not constitute infringement of the variety protection act.

The body: The international Treaty on Plant Genetic resources for Food and Agriculture, FAO.

Farmer's Right

- Recounting of the enormous contribution that farmers and their communities have made and continue to make to the conservation and development of PGR.

- The right include

Protection of traditional knowledge

The right to participate in benefit- sharing and in national decision making about PGR

- Right to save, use exchange and sell farm-saved seeds

Governments are responsible for realizing this right.