

New Rule, R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

2:21-1.9 Labeling combination mulch, seed and fertilizer products

(a) The word "combination" followed by the words "mulch-seed-fertilizer (if appropriate)" must appear on the upper 30 percent of the principal display panel. The word "combination" must be the largest and most conspicuous type on the container, equal to or larger than the product name. The words "mulch-seed-fertilizer" shall be no smaller than one-half the size of the word "combination" and in close proximity to the word "combination". These products shall contain a minimum of 70 percent mulch.

(b) The word "mulch" as used in this section shall mean "a protective covering of any suitable substance placed with seed which acts to retain sufficient substance moisture to support seed germination and sustain early seedling growth and aid in the prevention of the evaporation of soil moisture, the control of weeds and the prevention of erosion.

(c) The analysis label on any product labeled with the word "combination" shall include:

1. The product name;
2. The lot number;
3. The percentage by weight of pure seed of each kind and variety named which may be less than five percent of the whole;
4. The percentage by weight of other crop seeds;
5. The percentage of weight of inert matter which shall not be less than 70 percent;
6. The percentage by weight of weed seeds;
7. The name and number of noxious weed seeds per pound, if present;
8. The percentage of germination (and hard seed if appropriate) of each kind or kind and variety named and date of test; and
9. The name and address of the tagger.

New Rule, R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

2:21-1.10 Labeling preplanted containers, mats, tapes, coated seed, and other devices

Seed that is coated or pelleted shall be labeled to reflect the percentage of pure seed, not including coating material. The coating or pelletizing material shall be declared as inert matter, expressed as percentage by weight, except that the percentage of pure seed and inert matter does not need to be shown on flower or vegetable seed containers of less than 1 pound when the net quantity is labeled on a seed count basis.

New Rule, R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

2:21-1.11 Relabeling

(a) The following information shall appear on a label when relabeling seeds in their original containers:

1. The percentage of germination;
2. The calendar month and year the test was completed to determine such percentage;
3. The same lot designation as on the original labels; and
4. The identity of the labeler.

(b) Germination test results substantiating the replacement label shall be made available by the labelers to the Department, upon the Department's request.

New Rule, R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

SUBCHAPTER 2. METHODS OF TESTING

2:21-2.1 Methods of testing prescribed by the Association of Official Seed Analysts

Methods used in sampling, inspecting, analyzing, testing, and examining seed and the tolerances used, unless specifically stated in these rules, shall be those prescribed by the "Rules for Testing Seeds" of the Association of Official Seed Analysts in effect at the time of the activity.

Amended by R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

SUBCHAPTER 3. LABELING OF TREATED SEED

2:21-3.1 Seed treated with a pesticide

(a) Seed treated with a pesticide shall be labeled with the same signal word as that required on the pesticide container.

(b) The label on seed treated with a pesticide labeled with a "Danger" signal word shall contain in type not less than eight-point the word "DANGER" or, if required, the word "POISON" and the skull and crossbones symbol. The container or attached tag shall bear in a conspicuous manner and place the appropriate signal word and, if required, the symbol in a red color on a background of a contrasting color.

(c) The label on seed treated with a pesticide labeled with a "Caution" or "Warning" signal word shall contain in

a conspicuous place the signal word, either "CAUTION" or "WARNING", stated on the pesticide container label.

(d) When more than one pesticide is used to treat seed, the labeling required for the seed container shall be for the pesticide with the higher level of toxicity.

(e) A container of seed treated with a pesticide shall be labeled in type not smaller than 8-point with caution statement "Do not use for food or oil purposes."

(f) The information may be on the analysis tag, or in close association with the analysis tag on a separate tag attached to the container, or on the container.

Repeal and New Rule, R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

Section was "Classification of seed treatment substances in accordance with Federal Seed Act".

2:21-3.2 Seed treated with an inoculant

Each seed lot treated with an inoculant shall be labeled to show the presence of the inoculant, and the expiration date beyond which the inoculant is no longer claimed to be effective.

New Rule, R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

2:21-3.3 Seed treated with other materials or processes

(a) Other treatment materials or processes not included in N.J.A.C. 2:21-3.1 shall be labeled to reflect the purpose of the treatment or process. The name of the applied material or process, and the date of treatment, shall be stated on the label.

(b) If the material or process is harmful to humans or other vertebrate animals the seed shall be labeled as such with an appropriate caution statement in type no smaller than eight-point.

(c) Each seed lot bearing a label claiming improvements and advantages due to, or as a result of, a treatment may be tested by the Department to determine the effectiveness of the treatment. If the evidence does not substantiate the label claim, the seed lot shall be considered mislabeled.

New Rule, R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

SUBCHAPTER 4. NOXIOUS WEED SEEDS

2:21-4.1 Prohibited weed seed

(a) The prohibited noxious weed seeds shall be the seeds of the following plants:

1. Bindweed—*Convolvulus arvensis* L.;

2. Hedge bindweed—*Convolvulus sepium* L.;
3. Quackgrass—*Agropyron repens* (L.) Beauv.;
4. Canada thistle—*Cirsium arvense* (L.) Scop.;
5. Horse nettle—*Solanum carolinense* L.

(b) No prohibited noxious weed seed shall be allowed in agricultural, vegetable, flower, tree, shrub or lawn and turf seed. A seed lot containing prohibited noxious weed seed shall be in violation of the New Jersey Seed Law, N.J.S.A. 4:8-17.16(d).

Amended by R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

2:21-4.2 Restricted weed seed in agricultural, vegetable, flower, or shrub seed

(a) The restricted noxious weed seeds shall be the seeds of the following plants when occurring in agricultural, vegetable, flower, or shrub seed and mixtures of such seed:

1. Dodder—*Cuscuta spp.*;
2. Corn cockle—*Agrostemma githago* L.;
3. Wild garlic—*Allium vineale* L.;
4. Wild onion—*Allium canadense* L.;
5. Cheat—*Bromus secalinus* L.;
6. Bermuda grass—*Cynodon dactylon* (L.) Pers.;
7. Johnsongrass, perennial sweet Sudangrass, *Sorghum alnum* and hybrids derived therefrom—*Sorghum spp.*, perennial;
8. Spurred anoda—*Anoda cristata*;
9. Giant ragweed—*Ambrosia trifida*; and
10. Bur cucumber—*Sicyos angulatus*.

(b) Restricted noxious weed seed present in a seed lot shall be listed on the label under the heading "Noxious weed seed". The name and number of seed per pound or ounce shall be declared. No deviation from the labeled amount shall be allowed for a seed lot containing restricted noxious weed seed. The terms "Free" and "None" shall mean that no noxious weed seed was found in a test conducted using methods established by the Association of Official Seed Analysts.

Amended by R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

2:21-4.3 Restricted noxious weed seed in lawn and turf seed and mixtures

(a) Seeds of the following plants shall be considered restricted noxious weeds and shall be listed on the tag or label under the heading "Undesirable grass seed" or "Noxious Weed Seed" by name and number per pound or ounce when present in lawngrasses: