**12:36:05:01.  Labeling requirements pertaining to variety.** Labeling requirements pertaining to variety are as follows:

 (1)  Agricultural seeds of barley, flax, oats, rye, soybeans, tricicale, and wheat shall be labeled as to kind and variety except that when two or more varieties each in excess of 5 percent of the whole are combined to form a blend, the variety names may be omitted from the label provided:

 (a)  The kind is clearly identified with the word "blend" or other name or number commonly used by seedsmen or seed producers to identify their blends;

 (b)  The names of the varieties used to form the blend are included in the records for that seed lot; and

 (c)  The seedsman or seed producer has received written permission from the owner of any variety for which a United States Certificate of Plant Variety Protection has been applied for or issued to use that variety to form the blend;

 (2)  Agricultural seeds other than those listed in subdivision (1) of this section shall be labeled as to kind, kind and variety, or kind and variety not stated;

 (3)  Lawn and turf seeds shall be labeled as to kind or kind and variety; and

 (4)  Vegetable seeds in containers of less than one pound shall be labeled as to kind or kind and variety and vegetable seeds in containers of one pound or more shall be labeled as to kind and variety.

 **Source:** 15 SDR 54, effective October 10, 1988.

 **General Authority:** SDCL 38-12A-20.

 **Law Implemented:** SDCL 38-12A-2, 38-12A-3, 38-12A-4.