WEST VIRGINIA CODE: §19-16-7

§19-16-7. Stop sale orders or embargo; seizure.

(a) Stop sale orders or embargos: When the commissioner has reasonable cause to believe any lot of seed or seed potato is being distributed or used in this State in violation of the provisions of this article or any rule promulgated under this article, then he or she may issue and enforce a written stop sale order or embargo, warning the custodian of the seed not to distribute, use, remove or dispose of the seed in any manner until the stop sale order or embargo is released by the commissioner or by court order:

(1) When the stop sale or embargo order is issued, the commissioner shall affix a tag or other marking to the seed warning that the seed is under a stop sale order and notify the custodian that he or she has a right to request an immediate hearing.

(2) The commissioner shall release the stop sale or embargo order when the seed has been brought into compliance with this article and its rules.

(3) The commissioner has the authority to issue a stop sale or embargo order against a perishable product, even if the result is the involuntary disposal of the product.

(4) The commissioner may take action to seize any seed not brought into compliance with this article and the rules issued under this article, within ninety days of the notice to the custodian.

(b) Seizure: Any lot of seed or seed potato not in compliance with the provisions of this article is subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the locality in which the seed or seed potato is located. In the event the court finds the seed to be in violation of this article and orders the condemnation of the seed or seed potato, it shall be denatured, processed, destroyed, relabeled or otherwise disposed of in compliance with the laws of this State: Provided, That in no instance may the court order the disposition of the seed without first having given the registrant an opportunity to apply to the court for the release of the seed or seed potato or permission to process or relabel it into compliance with this article.

WV Legislature