

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945



ENROLLED

HOUSE BILL No. 195

(By Mr. Trumbo)



PASSED March 7 1945

In Effect From Passage

21

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House Bill No. 195
(By MR. TRUMBO)

[Passed March 7, 1945; in effect from passage.]

AN ACT to amend and reenact sections one, two and four, article fifteen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, relating to commercial fertilizers.

Be it enacted by the Legislature of West Virginia:

That sections one, two and four, article fifteen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 1. *Definition of "Fertilizer".*—The word "fertilizer" as used in this article, or in any rule or regulation authorized thereunder, unless the context otherwise requires or a different meaning is specifically prescribed, shall mean any article, substance or mixture applied to the soil, water, plants or seed for the purpose of increasing the productiveness thereof, excepting only the dung

8 of domestic animals when sold as such without brand,
9 name or trademark, and all forms of agricultural lime.

Sec. 2. *Statement to Be Attached to Fertilizer Pack-*
2 *age.*—Every bag, barrel or other package of fertilizer
3 sold, offered or exposed for sale in this state shall have
4 branded thereon or conspicuously attached thereto a
5 statement showing:

- 6 (a) The name, brand or trademark of the fertilizer;
- 7 (b) The net weight of the package;
- 8 (c) The name and address of the manufacturer;
- 9 (d) The guaranteed analysis of the fertilizer and a
10 quantitative statement of the materials from which each
11 of the constituents is derived as set out in the affidavit
12 required in section three of this article. The analysis
13 shall set forth the minimum percentage of total nitrogen,
14 available phosphoric acid and water soluble potash, ex-
15 cept that in case of bone meal, animal manures and tank-
16 age, untreated phosphate rock and basic slag phosphates
17 the minimum per cent of total phosphoric acid may be
18 given. Bacterial preparations and plant and soil inocu-
19 lants are exempt from the provisions of the above sub-

20 section (d), but when sold or offered or exposed for sale
21 within this state, shall be clearly and plainly labeled to
22 show whether the inoculant or bacterial preparation is
23 represented as effective for inoculating legumes or for
24 some other purpose, and if represented as effective for the
25 inoculation of legumes, for which legume or legumes it
26 is so represented; and the date to which the inoculant is
27 represented to produce effective inoculation.

Sec. 4. *Misleading or Deceptive Affidavit for Registra-*
2 *tion; Refusal or Cancellation; Change of Ingredients;*
3 *Percentage of Available Plant Food.*—The commissioner
4 of agriculture shall have the power to refuse to accept
5 any affidavit for any fertilizer or material to be used as
6 a fertilizer under a brand or trade name, or with any in-
7 formation or statement accompanying same which is mis-
8 leading or deceptive or tends to mislead or deceive as to
9 its quality or the constituents or materials of which it is
10 composed. Any registration of any fertilizer may be can-
11 celled by the commissioner whenever it is shown that
12 any statement upon which said registration was made
13 or upon which the fertilizer is sold is false or misleading.

14 He shall have the power to refuse to register more than
15 one commercial fertilizer under the same name or brand
16 when offered by the same manufacturer, jobber, importer,
17 firm, association, corporation or person.

18 Should any commercial fertilizer be registered in this
19 state and it is afterward discovered that such registration
20 is in violation of any of the provisions of this article, the
21 commissioner shall have the power to cancel such regis-
22 tration. The commissioner shall have the power to re-
23 fuse to allow any manufacturer, importer, jobber, firm,
24 association, corporation or person to lower the guaranteed
25 analysis or change the ingredients of any brand of his or
26 their commercial fertilizer during the term for which
27 registered unless satisfactory reasons are presented for
28 making such change: *Provided, however,* That the com-
29 missioner shall refuse to register any fertilizer unless the
30 same contains sixteen per cent or more of total available
31 plant food, except that untreated phosphate rock, basic
32 slag phosphates, bone meal, animal tankage, animal ma-
33 nures when sold with brand name or trademark, liquid
34 fertilizers, bacterial preparations, inoculants and ferti-

35 lizers which do not contain nitrogen, phosphorus and
36 potassium may be registered and sold without containing
37 the minimum of sixteen per cent total available plant
38 food.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Charles C Morris
Chairman Senate Committee

J. Lee Grubb
Chairman House Committee

Originated in the Kanawha

Takes effect from passage.

Thomas Huges
Clerk of the Senate

Al Klipp
Clerk of the House of Delegates

Arnold M. Vickers
President of the Senate

John E. Amos
Speaker House of Delegates

The within approved this the 14th

day of March, 1945.

Walter D. Bland
Governor.



Filed in the office of the Secretary of State
of West Virginia **MAR 15 1945**
Wm. S. O'BRIEN,
Secretary of State