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

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

(a) The name, brand or trademark of the fertilizer;

(b) The net weight of the package;

c) The name and address of the manufacturer;

d) The guaranteed analysis of the fertilizer and a quantitative statement of the materials from which each of the constituents is derived as set out in the affidavit required in section three of this article. The analysis shall set forth the minimum percentage of total nitrogen, available phosphoric acid and water soluble potash, except that in case of bone meal, animal manures and tankage, untreated phosphate rock and basic slag phosphates the minimum per cent of total phosphoric acid may be given. Bacterial preparations and plant and soil inoculants are exempt from the provisions of the above sub-
section (d), but when sold or offered or exposed for sale within this state, shall be clearly and plainly labeled to show whether the inoculant or bacterial preparation is represented as effective for inoculating legumes or for some other purpose, and if represented as effective for the inoculation of legumes, for which legume or legumes it is so represented; and the date to which the inoculant is represented to produce effective inoculation.

Sec. 4. Misleading or Deceptive Affidavit for Registration; Refusal or Cancellation; Change of Ingredients; Percentage of Available Plant Food.—The commissioner of agriculture shall have the power to refuse to accept any affidavit for any fertilizer or material to be used as a fertilizer under a brand or trade name, or with any information or statement accompanying same which is misleading or deceptive or tends to mislead or deceive as to its quality or the constituents or materials of which it is composed. Any registration of any fertilizer may be cancelled by the commissioner whenever it is shown that any statement upon which said registration was made or upon which the fertilizer is sold is false or misleading.
He shall have the power to refuse to register more than one commercial fertilizer under the same name or brand when offered by the same manufacturer, jobber, importer, firm, association, corporation or person.

Should any commercial fertilizer be registered in this state and it is afterward discovered that such registration is in violation of any of the provisions of this article, the commissioner shall have the power to cancel such registration. The commissioner shall have the power to refuse to allow any manufacturer, importer, jobber, firm, association, corporation or person to lower the guaranteed analysis or change the ingredients of any brand of his or their commercial fertilizer during the term for which registered unless satisfactory reasons are presented for making such change: Provided, however, That the commissioner shall refuse to register any fertilizer unless the same contains sixteen per cent or more of total available plant food, except that untreated phosphate rock, basic slag phosphates, bone meal, animal tankage, animal manures when sold with brand name or trademark, liquid fertilizers, bacterial preparations, inoculants and ferti-
lizers which do not contain nitrogen, phosphorus and potassium may be registered and sold without containing the minimum of sixteen per cent total available plant food.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Charles C. Morris  
Chairman Senate Committee

John F. Geary  
Chairman House Committee

Originated in the Senate

Takes effect from passage.

John W. Wise  
Clerk of the Senate

E. C. Sleeper  
Clerk of the House of Delegates

Arnold W. Nichols  
President of the Senate

John E. Amos  
Speaker House of Delegates

The within approved this the 14th day of March, 1945.

Warren G. Diener  
Governor.

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