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Penalty.—Any person violating any of the provisions of subsection (d), (e), (g), (h), (j) or (k) of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of not more than ten dollars (\$10.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days. Any person violating the provisions of subsection (h) of this section, shall be given by the arresting officer a ticket, whereon shall be indicated the date, time and place of arrest, and such person shall not be proceeded against more than one (1) time within any twenty-four hour period for the violation of said subsection.

APPROVED—The 23d day of June, A. D. 1965.

WILLIAM W. SCRANTON

No. 98

AN ACT

HB 469

Amending the act of May 29, 1956 (P. L. 1795), entitled "An act regulating the sale and distribution of mixed fertilizers and fertilizer materials; imposing powers and duties on the Secretary of Agriculture and prescribing penalties," providing for permanent registration of brands and grades of commercial fertilizers; providing for licensing of persons who manufacture or mix certain fertilizers; labeling of fertilizers and inspection fees; and providing for cancellation of distributors' licenses.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 3, act of May 29, 1956 (P. L. 1795), known as the "Pennsylvania Fertilizer Law of 1956," is amended to read:

Section 3. Registration.—(a) Each brand and grade of commercial fertilizer shall be registered by the manufacturer or importer with the Department of Agriculture before being offered for sale, sold or distributed in this State. The application for registration shall be submitted to the secretary on forms furnished by the secretary and shall be accompanied by a fee of fifteen dollars (\$15) per brand. The secretary may require a sample label to be submitted before registering any fertilizer. Upon approval by the secretary, a copy of the registration shall be furnished to the applicant. All registrations shall expire on June 30 of each year, unless the secretary is notified on a yearly basis by the registrant on forms furnished by the secretary, listing the brands

and grades the registrant wants continued and intends to continue selling in the next twelve month period. Those registered as of June 30, 1965, shall be considered to be permanently registered. The application shall

include the following information in the following order:

- (1) The name and address of the person guaranteeing the fertilizer.
- (2) The brand and grade.
- (3) The guaranteed analysis showing the minimum percentage of plant food claimed in the following order and form:

Total Nitrogen	percent
Available Phosphoric Acid	percent
Soluble Potash	percent

Unacidulated mineral phosphatic materials and basic slag shall be guaranteed as to both total and available phosphoric acid, and the degree of fineness. In the case of bone, tankage, and other natural organic phosphate materials, only the total phosphoric acid, need be guaranteed. Additional plant food elements, determinable by chemical methods, may be guaranteed only by permission of the secretary, by and with the advice of the Director of the Agricultural Experiment Station. When any such additional plant foods are claimed, they shall be included in the guarantee, and shall be subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the secretary. The secretary may permit the potential basicity or acidity (expressed in terms of calcium carbonate equivalent in multiples of one hundred pounds per ton) to be registered and guaranteed.

(b) A distributor shall not be required to register any brand of commercial fertilizer which is already registered under this act by another person.

(c) The plant nutrient content of each and every brand of commercial fertilizer must remain uniform for the period of registration, and, in no case, even at a subsequent registration, shall the percentage of any guaranteed plant food element be changed in such a manner that the crop-producing quality of the commercial fertilizer is lowered.

(d) Any person who manufactures, mixes or mixes to ¹ the customer's order any commercial fertilizer material offered for sale, sold or distributed, in Pennsylvania must first obtain a license from the Secretary of Agriculture.

¹ "the" not in original.

(e) Said licensee shall at all times produce an intimate and uniform mixture of commercial fertilizer materials. When two or more fertilizer materials are delivered in the same load, they shall be intimately and uniformly mixed unless they are in separate compartments.

(f) Any person who mixes to the customer's order must furnish to the purchaser and consumer an invoice or delivery ticket showing:

(1) The name and address of the person guaranteeing the fertilizer;

(2) The weight and guaranteed analysis of each of the fertilizer materials used in the intimate mixture or delivered in each of the separate compartments in the load; and

(3) The guaranteed analysis of the mixture as required in section 3
(a) (3) above.

(g) Any licensee required to be licensed in subsection (d) hereof, who sells only registered grades, shall pay a ten dollar (\$10) license fee as well as a registration fee for grades not previously registered, and all other licensees shall pay a twenty dollar (\$20) license fee. Said license fee shall be paid annually on July 1.

Section 2. Section 4 of the act is amended by adding at the end thereof, a new subsection to read:

Section 4. Labeling.— * * *

(c) Fertilizer materials mixed to customer's order shall be labeled in accordance with subsection (f) of section 3.

Section 3. Subsection (a) of section 5, and section 15, of the act are amended to read:

Section 5. Inspection Fees; Reports.—(a) There shall be paid to the secretary for all commercial fertilizers offered for sale, sold or distributed in this State an inspection fee at the rate of [two cents (\$.02)] eight cents (\$.08) per ton, [Inspection fees shall not be paid for sales to manufacturers or exchanges between them.] or at a rate to be deter-

mined by the Secretary of Agriculture, which is adequate for the payment of the costs of inspection, sampling and analysis, and other expenses necessary for the administration of this act. The maximum rate, as determined by the secretary, shall not exceed ten cents (\$.10) per ton. Inspection fees shall not be paid for sales to manufacturers or exchanges between them. Fees so collected shall be placed in a fund for the payment of the cost of inspection, sampling, and analysis, and other expenses necessary for the administration of this act and other acts specified by the General Assembly. Said fund shall be known as The Feed and Fertilizer Fund.

On packages of commercial fertilizer sold only in containers of ten pounds or less, there shall be paid, in lieu of the inspection fee of eight cents (\$.08) per ton, an inspection fee of ten dollars (\$10) for each brand or grade. When a person sells fertilizer in packages of ten pounds or less, and also in packages over ten pounds, the rate shall be that of the inspection fee.

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Section 15. Cancellation of Licenses and/or Registrations.—The secretary is authorized and empowered to cancel the license of any distributor or the registration of any brand of commercial fertilizer or to refuse to register any brand of commercial fertilizer as herein provided, upon satisfactory evidence that the registrant has used fraudulent or deceptive practices in the evasions or attempted evasions of the provisions of this act or any rules and regulations promulgated thereunder. No license or registration shall be revoked or refused until the licensee or the registrant has been given the opportunity to appear for a hearing by the secretary

Section 4. This act shall take effect July 1, 1965.

APPROVED—The 24th day of June, A. D. 1965.

WILLIAM W. SCRANTON