

# Wisconsin Hemp Pilot Research Program



## How to Label Hemp Seed

Wisconsin's hemp pilot research program is permitted under federal (2014 Farm Bill) and state (Wis. Stat. § 94.55) laws. If you have questions, contact the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) Hemp Pilot Research Program by phone at (844) 449-4367 (toll-free), or email [datcpindustrialhemp@wi.gov](mailto:datcpindustrialhemp@wi.gov), or visit <https://hemp.wi.gov>.

### What is industrial hemp?

Industrial hemp is an agricultural crop defined as a variety of the plant *cannabis sativa* L. with a THC concentration by dry weight matter of not more than 0.3 percent.

### Is it legal to sell hemp seed?

Yes. Due to changes in the law, hemp seed can be sold for agricultural purposes. The selling of hemp seed falls under each state's seed law and requires a seed label. In Wisconsin this means that hemp labels must follow these state laws:

- [Wis. Stat. § 94.43-46](#)
- [Wis. Admin. Code § ATCP 20](#)

### Why is a label required?

The seed tag, label, or placard informs purchasers about the content, the quality, and the genetic information of the labeled seed lot. The seed label allows for the consumer to make an informed choice and in doing so, demand higher quality seed.

### What are the federal laws for seed labels?

All seed sold should follow the federal seed law. The Federal Seed Act was passed in 1939 requiring accurate labeling with purity and germination standards for seeds in commerce. This act was put into place to protect both distributors and purchasers of seeds in the U.S. The Federal Seed Act operates at both the federal and state levels.

Within each state, there are state seed regulations. In Wisconsin, the state seed rule is modeled after [Recommended Uniform State Seed Law](#) (RUSSL).

RUSSL promotes uniformity between the states to make competition fairer.

### Who regulates seed in Wisconsin?

The Federal Seed Act is regulated by DATCP. DATCP regulates seed by checking the quality and that the seed label matches the seed lot. An inspector will go out and collect random seed samples to submit to the [state seed lab](#) for testing. Certified seed analysts check the purity, germination and noxious weed seed content of the seed. The lab follows the guidelines set by [Association of Seed Analysts](#) (AOSA).

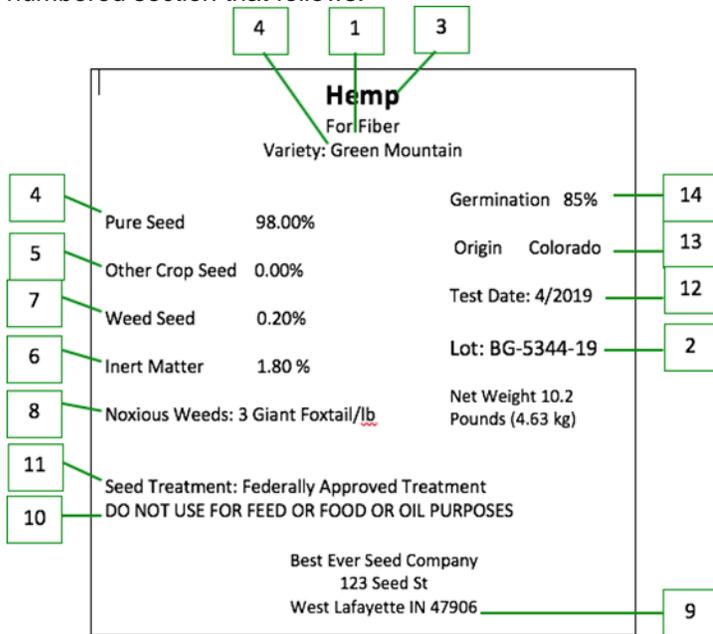
### What does a seed label look like?

Each seed tag or label can have a different layout but must contain the same basic information. A seed tag or label should be found on any seed sold, advertised, or transported with intent to plant in the U.S. Different states have different seed laws so labels will require different information based on the state they are sold in. For an example, some states allow brand names on labels while others do not.

Even with differences, the seed label will tell purchasers what type of seed they are buying, the variety, and the quality of seed with purity and germination information.

If there is any concern or questions about a seed label contact that state's seed lab.

Figure 1. Example of a hemp seed label following the Federal Seed Act. Each number corresponds to a numbered section that follows.



**What information is required for a seed label?**

The following sections correspond to the number in Figure 1. Each section describes the seed label component, with reference to the seed label example. This list follows Wisconsin’s seed laws.

**(1)Product Name**

The name often includes the kind and brand, and sometimes the variety. There are often descriptive terms used to help the consumer make decisions on which type of seed to get. For example, the name might include “CBD” or “for fiber use.” If the seed is a mix it must be stated, and most companies put it in the name.

**(2)Lot Number**

All seed sold must have a lot number. This number can be determined by the company. Some companies choose unique numbers for each lot and some use the same number for multiple lots.

**(3)Variety or Kind**

You have to state the kind of seed on the seed tag. According to the U.S. Department of Agriculture (USDA) you should list the kind separately from the descriptive terms. For example: Soft Red Winter Wheat, is a description of the kind, with wheat being the kind. The variety has to be stated or “variety not stated” can be used. The abbreviation “VNS” is allowed in Wisconsin but **not** every state. The USDA

does **not allow** the use of “VNS” in interstate (state-to-state) shipments of seed.

**(4)Pure Seed**

A lot of seed is made out of pure seed components, pure seed unit, other crop and weed seeds. All of the seed components percentages including inert matter must add up to 100%. The pure seed components are done by percentage of weight. According to AOSA rules for testing seeds, a pure seed is “50% of the seed still regardless if an embryo is present.”

Figure 2. A purity being done on a hemp sample, all components must be separated to verify the claims.



Figure 3. Pure hemp seed.



**(5)Other Crop Seed**

There is a tolerance for other seeds being in a seed lot. A 100% pure seed sample is unlikely so there is space to claim other agricultural crop seeds. Other agricultural or turf seeds can be claimed by weight percentage found. If the other agricultural crop seed component found makes up for 5% of the sample, it must be claimed as a component on the label, and the term blend or mixture must be added, according to state rules.

Figure 4. Example of other crop seed in hemp seed. The red circles indicate other crop seed.



Figure 6. Example of weed seeds in a hemp sample. Red circles indicate weed seeds.



Figure 7. Example of weed seeds separated from pure seed.



### (6) Inert Matter

Inert matter is anything in the lot that is not a seed, or seeds that will not grow such as ergotized seed (a fungus that can occur in seed, usually in grain). Every seed lot will contain inert matter and should be added to the label by percentage of weight.

Figure 5. Example of inert matter commonly found in hemp.



### (7) Weed Seeds

Weed seeds, just like other crops, must be claimed on the label. There is a tolerance to the number of weeds in a sample. Each state has its own tolerance – check the states' seed law before selling seeds into that state. This percentage is also calculated by weight.

### (8) Noxious Weed Seeds

Noxious weed seeds are a state by state list of economically hazardous weeds. The list is divided into two categories: restricted and prohibited. You must claim any restricted weeds on the label and how many seeds can be found per pound of seed. No prohibited seeds can be claimed because they should not be sold in the states where they are prohibited. If no noxious weeds are found, then the statement "none found" can be used.

### (9) Labeler

The labeler is the company that provides the seed. The labeler and labeler's address must be listed on every seed tag.

### (10) Disclaimer

If the seed is treated then you must use the statement "Do not use for food, feed, or oil purposes."

### **(11)Seed Treatments**

If the seed is treated you must dye it a color that makes it different from other seed. The tag must include the name of the treatment used on the seed, and an additional tag can be used stating the active ingredients and the hazards associated with the chemicals. No pesticides or seed treatments have been approved for use on hemp at the federal or state levels yet.

### **(12)Germination Dates**

For the germination test, you must include a test date (month and year) to determine the germination percent was completed. Some states might require a sell date - check the state's seed law you plan on selling to.

### **(13)Origin**

The origin of where the seed was grown must be put on the label for each pure seed component. If the origin is unknown then you must state that.

### **(14)Germination**

You must include the germination rate for the seed on the label for agricultural seed. The percentage has to be a whole number.

### **Where can I learn more?**

You can learn more about hemp through these resources:

- DATCP Hemp Program: <https://hemp.wi.gov>
- University of Wisconsin-Madison, Division of Extension: <https://fyi.extension.wisc.edu/hemp/>
- USDA:
  - <https://www.usda.gov/topics/hemp>
  - <https://www.farmers.gov/manage/hemp>



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