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The new fertilizer law

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WEST VIRGINIA UNIVERSITY
AGRICULTURAL EXPERIMENT STATION,
MORGANTOWN, W. VA.

BULLETIN 77.

SEPT. 1st, 1901.

The New Fertilizer Law.

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BY J. H. STEWART.

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[The Bulletins and Reports of this Station will be mailed free to any citizen of West Virginia upon written application. Address Director of Agricultural Experiment Station, Morgantown, W. Va.]

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THE NEW FERTILIZER LAW.

The State Legislature, at its last session, passed an Act concerning commercial fertilizers, amendatory of the old law of this State. This act took effect on the 2nd day of May of this year. In the meantime a number of brands of fertilizers had been registered under the provisions of the old law, which will govern the sales of the same throughout the calendar year. Since the 2nd day of May a number of brands have been registered under the provisions of the new law, a copy of which will be found on the last pages of this Bulletin.

The amendments to the old law are so important as to deserve some discussion.

The object of this new law is to provide the purchaser of commercial fertilizers, at the time the purchase is made or solicited, with all the information that may be necessary to enable him to select a fertilizer intelligently.

To this end the law requires that every parcel, or package of commercial fertilizer and manure, or material used for manurial purposes, that is sold, offered or exposed for sale, or had in possession with intent to sell, shall have conspicuously affixed thereto a plainly printed statement containing the information just mentioned, which information is furnished by the manufacturer under oath.

So under this new law the manufacturer files with the Director of the Agricultural Experiment Station an affidavit setting forth the composition of the various brands of fertilizers to be sold in this State. The Director furnishes the manufacturer with the tags setting forth the statements found in the affidavit. The manufacturer places the tags on the bags or barrels of fertilizers to be sold in the State. The Director examines the fertilizers on sale as

to whether they are as good as claimed in the affidavit (and on the tag) and publishes the results of such examinations in the Bulletins of the Station, and in case the goods are not "up to guarantee," takes such other steps as the law provides.

At first sight there may appear to be very little difference between this new law and the old one, but a more careful comparison will show that the new law possesses many advantages for the purchaser, and removes many hardships to the trade; in fact, it is an improvement on the old law at almost every point.

The old law was satisfied with the one question, "how much,"—it simply required that the manufacturer state the *amount* of phosphoric acid, potash and nitrogen contained in his fertilizers. It raised no question as to the quality of the materials used, or as to their value from an agricultural (or any other) standpoint. So long as a manufacturer put into his fertilizers *as much* of the various constituents as he claimed, it did not matter what materials he used. He might use nitrate of soda or dried blood, or he might use hoof parings, ground leather, tannery tankage, or shoddy; it was simply a matter of conscience or business, or both. So far as our old law was concerned one material was just as good as another, and to make matters worse the old law required a valuation, based solely on the quantity of the various constituents. The new law requires that the manufacturer submit an affidavit setting forth not only the amount of the various constituents, but also "the materials from which said constituents are derived." In other words the new law looks after the quality as well as the quantity of the materials used. The manufacturer states in his affidavit whether the nitrogen is derived from nitrate of soda, dried blood, sulphate of ammonia, fish scrap, tankage, leather, etc.; whether the potash is derived from the high grade sulphate or muriate of potash, or from kainit, sylvinite, wood ashes, tobacco stems, etc.; and similarly in the case of the phosphoric acid, and in case more than one such material is used to furnish a single constituent, he states the amount derived from each.

The tag is simply a copy of the affidavit. The information

which it places at the disposal of the purchaser will appear from the following example:

COMPLETE MANURE

MANUFACTURED BY

High Grade Fertilizer Company,
FERTILIZERBURG, U. S. A.

The Manufacturers guarantee in their affidavit:—

1. That the package to which this tag is affixed contains 200 lbs. of the above named fertilizer.

2. That this fertilizer will not fall below the following

ANALYSIS:

<i>Soluble Phosphoric Acid</i>	8.00%
<i>Reverted Phosphoric Acid</i>	2.00 “
<i>Insoluble Phosphoric Acid</i>	1.00 “
<i>Total Phosphoric Acid</i>	11.00 “
AVAILABLE PHOSPHORIC ACID	10.00 “
NITROGEN	3.00 “
POTASH	5.00 “

3. That the potash is derived from the sulphate of potash; that the nitrogen is derived one-third from nitrate of soda, one-third from dissolved bone, and one-third from fish scrap; that the phosphoric acid is derived three-fifths from phosphate rock; three-tenths from dissolved bone, and one-tenth from fish scrap.

Director.

West Virginia Agricultural Experiment Station,
MORGANTOWN, W. VA.

To any one who has given such matters very much attention, it will be evident that the tag required to be affixed under this new fertilizer law furnishes all the information necessary for the intelligent selection of a fertilizer for any and all purposes. In-

A Bulletin devoted to the sources and composition of the various materials used in the manufacture of commercial fertilizers, and discussing at some length their adaptability to various agricultural operations, is now ready for the printer, and will be issued in a few weeks.

deed if a farmer were to purchase his own materials and mix his own fertilizers he could hardly have any more information in regard to their composition than he would find on the tag required by the new law. He does not have the information in regard to the composition of his raw materials. He does not have the necessary equipment for mixing these raw materials as they ought to be mixed, and cannot do this work as well or as cheaply as the manufacturer, who is provided with every facility for doing such work. Furthermore, the small quantities with which he has to deal would not justify him in giving the necessary attention to the markets to enable him to obtain his raw materials at the best prices. But if he could obtain the materials at the lowest prices; if he was provided with the facilities for mixing them, as well and as cheaply as the manufacturer, he would still lack the necessary information in regard to the composition of his materials, and consequently of his mixed products. Under this new law he has all the information that could possibly be obtained by mixing his own fertilizers, and in addition to this he has the assistance of disinterested parties in charge of the fertilizer control, in determining whether the composition of all registered fertilizers is what it is represented to be.

The law requires the Director of the Experiment Station to take samples of any and all fertilizers sold in the State; and provides that any purchaser of commercial fertilizers may submit for analysis a sample of the same in accordance with rules and regulations prescribed by the Director of the Station; and that the latter shall report the results of such analyses to the purchaser submitting the same. So there need no longer be any doubt as to the composition or value of any registered brand of fertilizer, or as to its adaptability to the various agricultural operations.

It is clearly the spirit of this new law that a manufacturer or his dealers may sell what they please, so long as they state clearly what they are going to sell, and sell what they claim. There are fertilizer laws which require that certain materials shall not be used in commercial fertilizers; others which require that in case certain materials are claimed they shall not be found in smaller

quantities than a certain per cent. But it appeared to those who framed this new fertilizer law that such requirements were unnecessary, and really unjust; for there might be farmers having to deal with soils that might be profitably improved by the use of such forbidden materials; and there certainly would be those having soils that would not require so much of certain constituents as the minimum amount referred to. It was thought far better to require that the manufacturer state just what materials are used in his fertilizers, and leave the purchaser to decide whether such materials are useful to him.

In order to avoid the possibility of any misunderstanding on the part of dealers or purchasers, it may be well to call special attention to one or two requirements of this new law.

The law devotes itself exclusively to the statements found on the tags, so it does not matter what may be printed on the sacks, or whether there is anything printed on them, so long as the tags are in place. *The tag, however, must be in place; to this rule there is positively no exception.*

It is clearly the intention of the law, and certainly the matter of first importance, that the composition of the fertilizer be accurately set forth by the statements on the tag. To fall short of this would be to use the law to deceive the purchaser, and those in charge of the fertilizer control in this State are determined to leave nothing undone that will contribute to the confidence of the purchaser in the statements found on the tags; or, to put it in other words, they are determined that such statements shall be in accordance with the facts, and that the parties attempting any deception shall receive the limits of the penalties provided in such cases.

Occasionally a manufacturer will state in the affidavit required by the new law, that his various constituents may be derived from one or more of several materials, for example—that the potash is derived from “the sulphate *or* muriate of potash,” and when the affidavit is returned to him further correspondence reveals the fact that he would use the one material or the other, according to circumstances; that is to say, a particular brand would at one time be composed of one set of materials, and at

another time altogether different materials would be used. Of course this was clearly admissible under the old law, which devoted itself exclusively to the quantity of the various constituents, but such practices cannot be tolerated for a moment under the new law, as this attaches as much importance to the *character* of the materials as to the quantity present. In such cases it will be necessary for the manufacturer to register a particular brand as many times as he changes the materials used, for in no other way can the statements on the tags be kept in accordance with the composition of the fertilizer. The manufacturer may register as many mixtures as he pleases under the same name, or he may use as many names as he pleases for the same mixture, *but the statements on the tag must in every instance truthfully and clearly represent the composition of the fertilizer to which the tag is attached.*

Manufacturers have claimed that they could not tell in advance just what materials they would use in preparing their various brands, but they can certainly tell the composition of the goods that are ready for sale, and for which tags are being ordered, and in case they see fit to change the materials used, in any case they can change the affidavit accordingly. It is to be observed that this repeated registration cannot be construed as a hardship to the manufacturer, for the registration fee has been reduced to the nominal sum of one dollar, while under the old law it might be as much as thirty dollars, and it is not likely that any manufacturer will want to put upon the market more than thirty different mixtures under the same name. The fact that some manufacturers have been surprised to find that they could not vary at will the materials used in compounding their fertilizers, without accounting for such variations, is, from the farmers' standpoint, the very best evidence in favor of the superiority of this new law.

It is also to be observed that notwithstanding the severity of the tag features of the new law and the abundance of information which it places at the disposal of the farmer, it really removes many of the unnecessary hardships to the trade. The tags required by the old law contained the results of the analysis of the "offi-

cial sample" submitted by the manufacturer each year, for which reason such tags were good for one year only, and as such tags could not be printed until the analyses could be made, unavoidable and annoying delays for obvious reasons frequently occurred; but the tag required by the new Statute being simply a reproduction of the affidavit of the manufacturer can be shipped immediately on receipt of the affidavit, so there can be no reason whatever for a failure on the part of the manufacturer or dealers to have the tags properly affixed. It will be observed, also, that the tags required by the new law can be used from year to year so long as the affidavit remains unchanged.

Special attention is called to Section 8 of the Statute, which requires that every agent or dealer in fertilizers or manures, within the meaning of this Act, in this State, when ordering consignments thereof, shall promptly notify the Director of the Experiment Station of the amount ordered and the place and approximate time of the delivery of said fertilizers and manures. There are many reasons why this provision of the Statute should be strictly observed, and the attention of dealers is called to it for that purpose

Those in charge of the fertilizer control in this State have great pleasure in calling attention to the merits of a law which they can heartily endorse, and which they believe deserves the heartiest support of all parties interested in commercial fertilizers in this State.

AN ACT CONCERNING COMMERCIAL FERTILIZERS,
STATE OF WEST VIRGINIA.

AN ACT concerning commercial fertilizers, and repealing chapter seventy-two of the Acts of the Legislature of West Virginia, of eighteen hundred and ninety-one.

[Passed February 2d, 1901.]

Be it enacted by the Legislature of West Virginia:

1. Every person who shall sell, offer or expose for sale, or have in his possession with intent to sell in this State, any commercial fertilizer or manure, shall affix conspicuously to every package thereof a plainly printed statement, clearly and truly certifying the number of net pounds of fertilizer in a package, the name, brand or trade-mark under which the fertilizer is sold, the name and address of the manufacturer, the place of manufacture, and stating the percentage of nitrogen or its equivalent in ammonia, or potash, soluble in distilled water and of phosphoric acid in available form, soluble in distilled water, and reverted, as well as the total phosphoric acid, and the materials from which said constituents are derived. In the case of those fertilizers which consist of other cheaper materials, said labels shall give a correct general statement of the composition and ingredients of the elements relied upon, contained in the fertilizer which it accompanies.

2. Before any commercial fertilizer is sold, offered or exposed for sale in this State, the manufacturer, importer or party who causes it to be sold, exposed or offered for sale, shall file with the Director of the West Virginia Agricultural Experiment Station, under oath, the statement required to be affixed under section one of this act.

Provided, That when the manufacturer of any brand of fertilizer or manure shall file said sworn statement no agent or dealer shall

be required to file such statement. The making of any affidavit required by this chapter falsely shall be perjury.

3. The manufacturer, importer, agent or seller of any brand of commercial fertilizer or material used for manurial purposes, shall pay for each brand at the time he files a sworn statement required by section two of this act a registration fee of one dollar per annum.

4. The registration fee required to be paid by section three of this act, shall be paid to the treasurer of the West Virginia University for the use of the Agricultural Experiment Station, and the party making such payment shall take from the said treasurer triplicate receipts therefor, one of which he shall retain, and the others shall be deposited, one with the Director of the Agricultural Experiment Station, and the other with the secretary of the Board of Regents, and by them filed and preserved in their respective offices.

5. Immediately after the filing of the receipts aforesaid, with the Director of the Agricultural Experiment Station, said Director shall issue a certificate to the party making such payment, stating the amount of fees paid, and the name, brand or trade-mark under which the fertilizer is sold, the name and address of the manufacturer or importer, the place of manufacture, and that the applicant for said certificate is authorized to sell said fertilizer within the State of West Virginia for the period of one year from the first day of January to the thirty-first day of December, inclusive. Said certificates may be issued at any time for and during the current year, and may be issued during the month of December for the year commencing on the first day of January thereafter.

6. It shall be the duty of the Director of the West Virginia Agricultural Experiment Station to print or cause to be printed a label or tag setting forth the sworn statement required in section two of this act. The Director shall furnish such labels or tags in quantities in one hundred or multiples thereof, to any person complying with the requirements of this act, and desiring to sell, offer or expose for sale any commercial fertilizer in this State, and

shall receive pay therefor at the rate of forty cents for such number of labels or tags as may be required to be affixed to one ton of fertilizer, and shall without delay, pay the same to the treasurer of the West Virginia University, for use of the Agricultural Experiment Station, and take duplicate receipts therefor, one of which he shall retain, and the other he shall deliver to the secretary of the Board of Regents, who shall file and preserve the same in his office.

7. The Board of Regents of the West Virginia University shall expend the money received under the provisions of this act in meeting the legitimate expenses of the station in making analyses of fertilizers, in experimental tests of same, and in such other experimental work and purchases as shall inure to the benefit of the farmers of this State, and shall include in their annual report a statement of the receipts and disbursements thereof.

8. It shall be the duty of the Director of the said Experiment Station, in person or by deputy, to take samples for analysis from any lot or packages of any fertilizer or manure which may be in the possession of any dealer in the State, and he is hereby authorized to prescribe and enforce such rules and regulations as he may deem necessary to carry fully into effect the true intent and meaning of this act; and any agriculturalist, purchaser of any fertilizer or manure in this State may take a sample of the same under the rules and regulations of the Director of the said Experiment Station and forward the same to him for analysis, and if the Director has reason to believe that the manufacturer of, or dealer in, such fertilizer or manure has made any false or fraudulent representations in regard to said fertilizer or manure, he shall cause the said sample to be analyzed free of charge, and certify the same to the person forwarding the sample. And it shall be the duty of every agent or dealer in fertilizers or manures, within the meaning of this act, in this State, when ordering consignments thereof, to promptly notify the Director of the said Experiment Station of the amount ordered, and the place and approximate time of delivery of said fertilizers and manures.

9. Said Director shall also publish by bulletin, the brand, name

and location of the manufacturer and chemical analysis of every fertilizer or manure analyzed or caused to be analyzed by him. Said last publication to be made, if practicable, before the time at which said fertilizer is to be applied to the soil.

10. Any manufacturer or vendor of any fertilizer or manure who shall sell or offer or expose for sale any fertilizer or manure without having previously complied with the provisions of this act as hereinbefore set forth, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than five hundred dollars.

11. Any company, firm or corporation who shall wilfully remove from or deface or change any label, or tag, or brand affixed to any package of fertilizer under the provisions of this act before such fertilizer has been used for manurial purposes, or who shall sell such fertilizer without such label or tag being affixed thereto at the time of the sale, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten nor more than fifty dollars for each offense.

12. Any company, firm or person who shall remove from or cause to be removed from any package of commercial fertilizer or manure any statement, label or tag affixed thereto under the provisions of this act, and affix or cause the same to be affixed to any other package of commercial fertilizer or manure, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten nor more than fifty dollars for each offense.

13. Any company, firm or person violating any of the provisions of this act, or who fails to comply with any of the requirements of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall, when no other penalty is prescribed, be fined not less than ten nor more than one hundred dollars for each offense. But this act shall not be construed to apply to any one who manufactures fertilizers for his own use and not for sale.

14. The Director of said Experiment Station shall report to the prosecuting attorney of the county where the offense was committed all violations of the provisions of this act, and failure to com-

ply therewith, and a copy of any label, statement or tag required to be filed with said Director or prepared by him, and any analysis made or caused to be made by him, when duly certified by said Director, shall be received in evidence in any prosecution or suit for any violation of the provisions of this act.

I, Harry Shaw, Clerk of the House of Delegates of West Virginia, hereby certify that the paper hereto annexed is a true copy of an Act of the Legislature of West Virginia, passed on the second day of February, 1901, and approved by the Governor on the ninth day of February, 1901; and that the same takes effect ninety days from the date of its passage.

Given under my hand this March 20th, 1901.

HARRY SHAW,
Clerk of the House of Delegates.

NOTICE.

Application for bulletins of this Station should be addressed to the Director of the West Virginia Agricultural Experiment Station, Morgantown, W. Va.

(The bulletins named below are available for distribution.)

- No. 4. The Creamery Industry; Its Adaptability to West Virginia.
- No. 5. The Selection of Milch Cows.
- No. 14. Farm and Garden Insects and Experiments with Remedies; Notes of the Season.
- No. 15. Raspberry Gouty-Gall Beetle.
- No. 16. Yellow Locust, Insect Ravages upon.
- No. 17. Black Spruce, Insect Ravages.
- No. 19. Your Weeds and Your Neighbor's, Part 1. Weeds as Fertilizers.
- No. 25. Plat Experiments with Commercial Fertilizers on Wheat.
- No. 27. Notes on Pruning.
- No. 28. Plat Experiments with Commercial Fertilizers on Corn.
- No. 29. Experiments with Potatoes at the Station. Experiments on Corn at the Out Stations.
- No. 30. Address and Notes on Sheep.
- No. 33. Sub-Irrigation in the Green House.
- No. 38. Potato Blight, Potato Scab.
- No. 42. Vegetables.
- No. 43. When, Why, What and How to Spray.
- No. 44. Practical Entomology.
- Special Bulletin No. 2. Proceedings connected with the celebration upon the completion of the Station Building and the organization of the Sheep Breeders and Wool Growers' Association and the State Horticultural Society.

Third Annual Report, 1890.

- No. 54. Nursery Hints.
- No. 55. Sugar Beets.
- No. 58. The Effect of Pressure in the Preservation of Milk.
- No. 59. Whole Corn Compared with Corn Meal for Fattening Hogs.
- No. 60. Poultry Experiments.
- No. 61. Sheep Feeding Experiments.
- No. 62. A Study of the Effects of Incandescent Gas-light on Plant Growth.
- No. 64. Sugar Beet Investigation in 1899.
- No. 66. Fruit Diseases and How to Treat Them.
- No. 67. The Hessian Fly in West Virginia.
- No. 68. Periodical Cicada or Seventeen-year Locust in West Virginia.
- No. 69. Report on Examination of Wheat Stubble from Different Sections of the State, and on the Joint Worm in Wheat.
- No. 70. Spraying.
- No. 71. Poultry Experiments.
- No. 72. Commercial Fertilizers.
- No. 73. Poultry Experiments. Loss of Weight in Eggs During Incubation.
- No. 74. Cold Storage.
- No. 75. Apple Districts of West Virginia.
- No. 76. Commercial Fertilizers.