

§ 75-47-1. Title of chapter.

## **Mississippi Statutes**

### **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

#### **Chapter 47. COMMERCIAL FERTILIZERS**

*Current through 3/27/2018*

#### **§ 75-47-1. Title of chapter**

This chapter shall be known as the "Mississippi Fertilizer Law of 1970."

**Cite as Miss. Code § 75-47-1**

**Source: Codes, 1942, § 4450-01; Laws, 1970, ch. 263, § 1, eff. 7/1/1970.**

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§ 75-47-3. Enforcing officials.

## **Mississippi Statutes**

### **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

#### **Chapter 47. COMMERCIAL FERTILIZERS**

*Current through 3/27/2018*

#### **§ 75-47-3. Enforcing officials**

This chapter shall be administered jointly by the commissioner of agriculture and commerce of the State of Mississippi, hereinafter referred to as the commissioner, and the state chemist of Mississippi, as specified in the following sections.

**Cite as Miss. Code § 75-47-3**

**Source: Codes, 1942, § 4450-02; Laws, 1970, ch. 263, § 2, eff. 7/1/1970.**

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§ 75-47-5. Definitions of words and terms.

## Mississippi Statutes

### Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

#### Chapter 47. COMMERCIAL FERTILIZERS

*Current through 3/27/2018*

##### § 75-47-5. Definitions of words and terms

- (a) The term "commercial fertilizer" means any substance containing one or more recognized plant nutrient(s) which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes and gypsum, and other products exempted by regulation of the commissioner and state chemist.
- (1) A "fertilizer material" is a commercial fertilizer which either:
- A. Contains important quantities of no more than one (1) of the primary plant nutrients (nitrogen, phosphoric acid and potash), or
  - B. Has approximately eighty-five (85%) of its plant nutrient content present in the form of a single chemical compound, or
  - C. Is derived from a plant or animal residue or by-product or a natural material deposit which has been processed in such a way that its content of primary plant nutrients has not been materially changed except by purification and concentration.
- (2) A "mixed fertilizer" is a commercial fertilizer containing any combination or mixture of fertilizer materials in which is included at least two (2) primary plant food elements.
- (3) A "specialty fertilizer" is a commercial fertilizer distributed primarily for nonfarm use, such as home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses and nurseries.
- (4) A "bulk fertilizer" is a commercial fertilizer distributed in a nonpackaged form.
- (b) The term "brand" means a term, design, or trademark used in connection with one or several grades of commercial fertilizer.
- (c) Guaranteed Analysis:
- (1) Until the commissioner and state chemist prescribe the alternative form of "guaranteed analysis" in accordance with the provisions of subparagraph (2) hereof, the term "guaranteed analysis" shall mean the minimum percentage of

plant nutrients claimed in the following order and form:

- A. Total Nitrogen (N)..... percent  
Available Phosphoric Acid (P<sub>2</sub>O<sub>5</sub>)..... percent  
  
Soluble Potash (K<sub>2</sub>O)..... percent
- B. For unacidulated mineral phosphatic materials, total phosphoric acid and degree of fineness must also be guaranteed, for basic slag degree of fineness must also be, and total phosphoric acid may be guaranteed. For bone, tankage and other organic phosphate materials, the total phosphoric acid and/or degree of fineness may also be guaranteed.
- C. Guarantees for plant nutrients other than nitrogen, phosphorus and potassium may be permitted or required by regulation of the commissioner and state chemist. The guarantees for such other nutrients shall be expressed in the form of the element. The sources of such other nutrients (oxides, salt, chelates, etc.) may be required to be stated on the application for registration and may be included as a parenthetical statement on the label. Other beneficial substances or compounds, determinable by laboratory methods, also may be guaranteed by permission of the commissioner and state chemist and with the advice of the director of the agricultural and forestry experimental station. When any plant nutrients or other substances or compounds are guaranteed, they shall be subject to inspection and analysis in accord with the methods and regulations prescribed by the state chemist.
- D. Potential basicity or acidity expressed in terms of calcium carbonate equivalent in multiples of fifty pounds per ton, when required by regulation.

(2) When the commissioner and state chemist find, after public hearing following due notice, that the requirement for expressing the guaranteed analysis of phosphorus and potassium in elemental form would not impose an economic hardship on distributors and users of fertilizer by reason of conflicting labeling requirements among the states, they may require by regulation thereafter that the "guaranteed analysis" shall be in the following form:

- Total Nitrogen (N)..... percent
- Available Phosphorus (P)..... percent
- Soluble potassium (K)..... percent

Provided, however, that the effective date of said regulation shall be not less than six (6) months following the issuance thereof, and provided, further, that for a

period two (2) years following the effective date of said regulation the equivalent of phosphorus and potassium may also be shown in the form of phosphoric acid and potash; provided, however, that after the effective date of a regulation issued under the provisions of this section, requiring that phosphorus and potassium be shown in the elemental form, the guaranteed analysis for nitrogen, phosphorus, and potassium shall constitute the grade.

- (d) The term "grade" means the percentage of total nitrogen, available phosphorus or phosphoric acid, and soluble potassium or soluble potash stated in whole numbers in the same terms, order and percentages as in the guaranteed analysis. Provided, however, that fertilizer materials, bone meal, manures, and similar raw materials may be guaranteed in fractional units.
- (e) The term "official sample" means any sample of commercial fertilizer taken by the commissioner or his agent and designated as "official" by the state chemist.
- (f) The term "ton" means a net weight of two thousand (2,000) pounds avoirdupois.
- (g) The term "percent" or "percentage" means the percentage by weight.
- (h) The term "person" includes individual, partnership, association, firm and corporation.
- (i) The term "distributor" means any person who imports, consigns, manufactures, produces, compounds, mixes, or blends commercial fertilizer, or who offers for sale, sells, barter or otherwise supplies commercial fertilizer in this state.
- (j) The term "registrant" or "guarantor" means the person who manufactures, blends, sells or offers fertilizer for sale under his name or brand, and who is registered with the Department of Agriculture and Commerce under the provisions of this chapter or rule or regulation adopted pursuant to this chapter.
- (k) The term "label" means the display of all written, printed or graphic matter upon the immediate container or statement accompanying a commercial fertilizer.
- (l) The term "labeling" means all written, printed or graphic matter, upon or accompanying any commercial fertilizer, or advertisements, brochures, posters, television and radio announcements used in promoting the sale of such commercial fertilizers.
- (m) The term "unit" means one percent (1%) of the nutrient referred to in a ton of fertilizer.

**Cite as Miss. Code § 75-47-5**

**Source: Codes, 1942, § 4450-03; Laws, 1970, ch. 263, § 3; Laws, 1997, ch. 448, §1, eff. 7/1/1997.**

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§ 75-47-7. Registration.

## Mississippi Statutes

### Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

#### Chapter 47. COMMERCIAL FERTILIZERS

*Current through 3/27/2018*

#### § 75-47-7. Registration

- (1) Each brand and grade of commercial fertilizer shall be registered before being distributed in this state. The application for registration shall be submitted to the commissioner on forms furnished by the commissioner, and shall be accompanied by a fee of Ten Dollars (\$ 10.00) per brand and grade, except that those fertilizers sold in packages of ten (10) pounds or less shall be registered at a fee of Fifty Dollars (\$ 50.00) each. One-half ( 1/2) of the fees collected for the registration of fertilizer products or Five Dollars (\$ 5.00) per brand and grade and Twenty-five Dollars (\$ 25.00) for those fertilizers sold in packages of ten (10) pounds or less shall be deposited in a special fund in the State Treasury described under Section 69-23-7(2), and such funds shall be subject to appropriation by the Mississippi Legislature. Such fees shall be used by the Mississippi Department of Agriculture and Commerce and the Department of Environmental Quality to carry out a program of protecting the underground water resources from commercial fertilizers or fertilizer materials. Upon approval by the commissioner and State Chemist a copy of the registration shall be furnished to the applicant. All registrations expire on June 30 of the following year. The application shall include the following information:
  - (a) The net weight.
  - (b) The brand and grade.
  - (c) The guaranteed analysis.
  - (d) The name and address of the registrant.
- (2) A distributor shall not be required to register any commercial fertilizer which is already registered under this chapter by another person, providing the label does not differ in any respect.
- (3) A distributor shall not be required to register each grade of commercial fertilizer formulated according to specifications which are furnished by a consumer prior to mixing, but shall be required to register his firm in a manner and at a fee as prescribed in the regulations by the commissioner and State Chemist, and to label such fertilizer as provided in Section 75-47-9(2). All fees collected by the commissioner shall be paid into the State Treasury.

- (4) After a public hearing open to all interested parties, the commissioner, State Chemist, and Director of Mississippi Agricultural and Forestry Experimental Station shall have authority to establish minimum amounts of plant nutrients which may be guaranteed and to promulgate ratios and minimum analysis grades of mixed fertilizers adequate to meet the agricultural needs of the state. Such a list shall be published and furnished to fertilizer manufacturers and guarantors on or before June 1 of each year.
- (5) Pursuant to a notice from the Department of Environmental Quality under Section 49-17-26 in relation to state underground water quality standards, the Commissioner of Agriculture shall provide for modification of the labeling of any fertilizer, or suspend or cancel the registration of any fertilizer or any use of any fertilizer, or adopt a regulation in accordance with Section 69-23-9 to protect the underground water resources, as defined in the Federal Safe Drinking Water Act, in the shortest reasonable time.

**Cite as Miss. Code § 75-47-7**

**Source: Codes, 1942, § 4450-04; Laws, 1970, ch. 263, § 4; Laws, 1987, ch. 523, § 5; Laws, 1991, ch. 530, § 25, eff. 7/1/1991.**

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§ 75-47-9. Labels.

## **Mississippi Statutes**

### **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

#### **Chapter 47. COMMERCIAL FERTILIZERS**

*Current through 3/27/2018*

#### **§ 75-47-9. Labels**

- (1) Any commercial fertilizer distributed in this state in containers shall have placed on or affixed to the container a label setting forth in clearly legible and conspicuous form the information required by Section 75-47-7(1)(a), (b), (c), and (d) of this chapter. In case of bulk shipments, this information in written or printed form shall accompany delivery and be supplied to the purchaser at time of delivery.
- (2) A commercial fertilizer formulated according to specifications which are furnished by a consumer prior to mixing shall be labeled to show the net weight, guaranteed analysis, and the name and address of the distributor.

§ 75-47-11. Inspection fees.

## Mississippi Statutes

### Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

#### Chapter 47. COMMERCIAL FERTILIZERS

*Current through 3/27/2018*

#### § 75-47-11. Inspection fees

- (1) There shall be paid to the commissioner for all commercial fertilizers distributed in this state an inspection fee at the rate of Twenty-five Cents (25 cent(s) ) per ton, provided that sales to manufacturers or exchanges between them are hereby exempted. Fees so collected shall be used for the payment of the costs, by act of the Legislature, of inspection, sampling and analysis, and other expenses necessary for the administration of this chapter. On individual packages of commercial fertilizer containing ten (10) pounds or less, there shall be paid in lieu of the annual registration fee of Ten Dollars (\$ 10.00) per brand and grade and the Twenty-five Cents (25 cent(s) ) per ton inspection fee, an annual registration fee and inspection fee of Fifty Dollars (\$ 50.00) for each brand and grade sold or distributed. Where a person sells commercial fertilizer in packages of ten (10) pounds or less and in packages over ten (10) pounds, this annual registration and inspection fee of Fifty Dollars (\$ 50.00) shall apply only to that portion sold in packages of ten (10) pounds or less, and that portion sold in packages over ten (10) pounds shall be subject to the same inspection fee of Twenty-five Cents (25 cent(s) ) per ton as provided in this chapter.
- (2) Every registrant or guarantor who distributes a commercial fertilizer in this state shall file with the commissioner, on forms furnished by the commissioner, an annual statement setting forth the number of net tons of each commercial fertilizer distributed in this state during the previous year. The report shall be due on or before the thirtieth day of the month following the close of the reporting year. Upon such statement the registrant shall pay the inspection fee at the rate stated in subsection (1) of this section.  
If the tonnage report is not filed and the payment of inspection fee is not made within thirty (30) days after the end of the reporting year, a collection fee amounting to ten percent (10%) of the amount, but in no case less than Ten Dollars (\$ 10.00), shall be assessed against the registrant, and the amount of fees due shall constitute a debt and become the

basis of a judgment against the registrant.

- (3) When more than one (1) person is involved in the distribution of a commercial fertilizer, the last person who has the fertilizer registered and who distributes to a nonregistrant, dealer or consumer, is responsible for reporting the tonnage and paying the inspection fee.

**Cite as Miss. Code § 75-47-11**

**Source:** Codes, 1942, § 4450-06; Laws, 1970, ch. 263, § 6; Laws, 1973, ch. 411, § 1; Laws, 1987, ch. 523, § 6; Laws, 1997, ch. 448, §2, eff. 7/1/1997.

**History.** Amended by Laws, 2017, ch. 320, HB 528, 1, eff. 7/1/2017.

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§ 75-47-13. Tonnage reports.

## **Mississippi Statutes**

### **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

#### **Chapter 47. COMMERCIAL FERTILIZERS**

*Current through 3/27/2018*

#### **§ 75-47-13. Tonnage reports**

All fertilizer registrants transacting, distributing or selling commercial fertilizer to a nonregistrant shall file with the commissioner an annual report showing the county code of the consignee, each grade of commercial fertilizer, the amounts in tons, the Uniform Fertilizer Tonnage Reporting System (UFTRS) code, the form in which the fertilizer was distributed (bag, bulk or liquid) and the use (farm or nonfarm). This report of tonnage sold shall be reported by one (1) of the following methods:

- (a) Submitting a summary report on forms furnished by the commissioner; or
- (b) Submitting an electronic disk format or text file acceptable to the UFTRS. Each reporting method shall be as set forth in Section 75-47-11(2). No information furnished to the commissioner under this section shall be disclosed in such a way as to divulge the methods of operation of any registrant.

**Cite as Miss. Code § 75-47-13**

**Source:** Codes, 1942, § 4450-07; Laws, 1970, ch. 263, § 7; Laws, 1997, ch. 448, §3, eff. 7/1/1997.



§ 75-47-15. Inspection; sampling; analysis.

## Mississippi Statutes

### Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

#### Chapter 47. COMMERCIAL FERTILIZERS

*Current through 3/27/2018*

#### § 75-47-15. Inspection; sampling; analysis

- (1) It shall be the duty of the commissioner, who may act through his authorized agent, to sample and inspect, and of the state chemist to make analyses of and test commercial fertilizers distributed within this state at any time and place and to such an extent as they may deem necessary to determine whether such commercial fertilizers are in compliance with the provisions of this chapter. The commissioner, individually or through his agent, is authorized to enter upon any public or private premises or carriers during regular business hours in order to have access to commercial fertilizers subject to the provisions of this chapter and the rules and regulations pertaining thereto, and to the records relating to their distribution.
- (2) In drawing any official sample and in making any analysis, the officially adopted methods and terminology of the Association of Official Analytical Chemists shall be used. In cases not covered by such officially adopted methods and terminology, the state chemist shall, as soon as practicable and from other sources deemed proper, adopt and publish appropriate methods and terminology.
- (3) The state chemist and commissioner, in determining for administrative purposes whether any commercial fertilizer is deficient in plant food, shall be guided solely by the official sample as defined in paragraph (e) of Section 75-47-5, and obtained and analyzed as provided for in subsection (2) of this section.
- (4) The results of official analysis of commercial fertilizers and portions of official samples shall be distributed by the state chemist as provided in the regulations.

Cite as Miss. Code § 75-47-15

Source: Codes, 1942, § 4450-08; Laws, 1970, ch. 263, § 8, eff. 7/1/1970.

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§ 75-47-17. Plant food deficiency.

## Mississippi Statutes

### Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

#### Chapter 47. COMMERCIAL FERTILIZERS

*Current through 3/27/2018*

#### § 75-47-17. Plant food deficiency

- (1) *Penalty for Nitrogen, Available Phosphoric Acid or Phosphorus and Potash or Potassium.* If the analysis shall show that commercial fertilizer is deficient in one or more of its guaranteed primary plant foods (NPK) beyond the "investigational allowances" as established by regulation, or if the overall index value of the fertilizer is below the level established by regulation, a penalty of three times the commercial value of such deficiency(ies) shall be assessed on each ton of fertilizer in the lot or shipment represented by the sample analyzed.
- (2) *Penalties for Other Deficiencies.* Deficiencies beyond the investigational allowances as established by regulation in any other constituent(s) covered under Section 75-47-5 paragraph (c)(1)B, C, and D, which the registrant is required to or may guarantee, shall be evaluated and penalties prescribed therefor by the commissioner and state chemist.
- (3) Nothing contained in this section shall prevent any person from appealing to a court of competent jurisdiction praying for judgment as to the justification of such penalties.
- (4) All penalties assessed under this section shall be paid to the commissioner, who shall deposit the same in the state treasury.

Cite as Miss. Code § 75-47-17

Source: Codes, 1942, § 4450-09; Laws, 1970, ch. 263, § 9, eff. 7/1/1970.

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§ 75-47-19. Commercial value.

## Mississippi Statutes

### Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

## **Chapter 47. COMMERCIAL FERTILIZERS**

*Current through 3/27/2018*

### **§ 75-47-19. Commercial value**

For the purpose of determining the commercial values to be applied under the provisions of Section 75-47-17, the state chemist shall determine and publish annually the values per unit of nitrogen, available phosphoric acid, and soluble potash in commercial fertilizers in this state. If guarantees are as provided in Section 75-47-5(c)(2), the value shall be per unit of nitrogen, phosphorus, and potassium. The values so determined and published shall be used in determining and assessing penalties.

**Cite as Miss. Code § 75-47-19**

**Source: Codes, 1942, § 4450-10; Laws, 1970, ch. 263, § 10, eff. 7/1/1970.**

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§ 75-47-21. Misbranding.

## **Mississippi Statutes**

### **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

## **Chapter 47. COMMERCIAL FERTILIZERS**

*Current through 3/27/2018*

### **§ 75-47-21. Misbranding**

No person shall distribute misbranded fertilizer. A commercial fertilizer shall be deemed to be misbranded:

- (a) If its labeling is false or misleading in any particular.
- (b) If it is distributed under the name of another fertilizer product.
- (c) If it is not labeled as required in Section 75-47-9 and in accordance with regulations prescribed under this chapter.
- (d) If it purports to be or is represented as a commercial fertilizer, or is represented as containing a plant nutrient or commercial fertilizer unless such plant nutrient or commercial fertilizer conforms to the definition of identity, if any, prescribed by regulation of the commissioner and state chemist. In the adopting of such regulations, the commissioner

and state chemist shall give due regard to commonly accepted definitions and official fertilizer terms such as those issued by the Association of American Fertilizer Control Officials.

**Cite as Miss. Code § 75-47-21**

**Source: Codes, 1942, § 4450-11; Laws, 1970, ch. 263, § 11, eff. 7/1/1970.**

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§ 75-47-23. Adulteration.

## **Mississippi Statutes**

### **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

#### **Chapter 47. COMMERCIAL FERTILIZERS**

*Current through 3/27/2018*

#### **§ 75-47-23. Adulteration**

No person shall distribute an adulterated fertilizer product. A commercial fertilizer shall be deemed to be adulterated:

- (a) If it contains any deleterious or harmful ingredient in sufficient amount to render it injurious to beneficial plant life when applied in accordance with directions for use on the label, or if adequate warning statements or directions for use, which may be necessary to protect plant life are not shown upon the label.
- (b) If its composition falls below or differs from that which it is purported to possess by its labeling.
- (c) If it contains unwanted crop seed or weed seed.

**Cite as Miss. Code § 75-47-23**

**Source: Codes, 1942, § 4450-12; Laws, 1970, ch. 263, § 12, eff. 7/1/1970.**

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§ 75-47-25. Publications.

## **Mississippi Statutes**

## **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

### **Chapter 47. COMMERCIAL FERTILIZERS**

*Current through 3/27/2018*

#### **§ 75-47-25. Publications**

The commissioner shall publish at least annually and in such forms as he may deem proper:

- (a) Information concerning the distribution of commercial fertilizers,
- (b) Results of analyses based on official samples of commercial fertilizers distributed within the state as compared with the analyses guaranteed under Section 75-47-7 and Section 75-47-9.

**Cite as Miss. Code § 75-47-25**

**Source: Codes, 1942, § 4450-13; Laws, 1970, ch. 263, § 13, eff. 7/1/1970.**

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§ 75-47-27. Rules and regulations.

### **Mississippi Statutes**

## **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

### **Chapter 47. COMMERCIAL FERTILIZERS**

*Current through 3/27/2018*

#### **§ 75-47-27. Rules and regulations**

The commissioner and state chemist are authorized to prescribe and, after a public hearing following due public notice, to enforce such rules and regulations relating to investigational allowances, definitions, records, and the distribution of commercial fertilizers, and any other matters not inconsistent with the meaning and intent of this chapter, as may be necessary to carry into effect the full intent and meaning of this chapter.

**Cite as Miss. Code § 75-47-27**

**Source: Codes, 1942, § 4450-14; Laws, 1970, ch. 263, § 14, eff. 7/1/1970.**

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§ 75-47-29. Check weighing.

**Mississippi Statutes**

**Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

**Chapter 47. COMMERCIAL FERTILIZERS**

*Current through 3/27/2018*

**§ 75-47-29. Check weighing**

Sections 75-27-1 through 75-27-67 shall be applicable with respect to the regulation and checking of the measure and weight of commercial fertilizers.

Cite as Miss. Code § 75-47-29

Source: Codes, 1942, § 4450-15; Laws, 1970, ch. 263, § 15, eff. 7/1/1970.

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§ 75-47-31. Cancellation of registrations.

**Mississippi Statutes**

**Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

**Chapter 47. COMMERCIAL FERTILIZERS**

*Current through 3/27/2018*

**§ 75-47-31. Cancellation of registrations**

The commissioner and state chemist are authorized and empowered to cancel 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 chapter or any rules and regulations promulgated thereunder: Provided, that no registration shall be revoked or refused until the registrant shall have been given the opportunity to appear for a hearing by the commissioner and state chemist.

Cite as Miss. Code § 75-47-31

Source: Codes, 1942, § 4450-16; Laws, 1970, ch. 263, § 16, eff. 7/1/1970.

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§ 75-47-33. "Stop sale" orders.

## Mississippi Statutes

### Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

#### Chapter 47. COMMERCIAL FERTILIZERS

*Current through 3/27/2018*

#### § 75-47-33. "Stop sale" orders

The commissioner may issue and enforce a written or printed "stop sale, use, or removal" order to the owner or custodian of any lot of commercial fertilizer and to hold at a designated place when the commissioner finds said commercial fertilizer is being offered or exposed for sale in violation of any of the provisions of this chapter until the law has been complied with and said commercial fertilizer is released in writing by the commissioner, or said violation has been otherwise legally disposed of by written authority. The commissioner shall release the commercial fertilizer so withdrawn when the requirements of the provisions of this chapter have been complied with and all costs and expenses incurred in connection with the withdrawal have been paid.

Cite as Miss. Code § 75-47-33

Source: Codes, 1942, § 4450-17; Laws, 1970, ch. 263, § 17, eff. 7/1/1970.

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§ 75-47-35. Seizure; condemnation; sale.

## Mississippi Statutes

### Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

#### Chapter 47. COMMERCIAL FERTILIZERS

*Current through 3/27/2018*

## **§ 75-47-35. Seizure; condemnation; sale**

Any lot of commercial fertilizer not in compliance with the provisions of this chapter shall be subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the area in which said commercial fertilizer is located. In the event the court finds the said commercial fertilizer to be in violation of this chapter and orders the condemnation of said commercial fertilizer, it shall be disposed of in any manner consistent with the quality of the commercial fertilizer and the laws of the state: Provided, that in no instance shall the disposition of said commercial fertilizer be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said commercial fertilizer or for permission to process or relabel said commercial fertilizer to bring it into compliance with this chapter.

**Cite as Miss. Code § 75-47-35**

**Source: Codes, 1942, § 4450-18; Laws, 1970, ch. 263, § 18, eff. 7/1/1970.**

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§ 75-47-37. Violations.

## **Mississippi Statutes**

### **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

#### **Chapter 47. COMMERCIAL FERTILIZERS**

*Current through 3/27/2018*

#### **§ 75-47-37. Violations**

- (1) If it shall appear from the examination of any commercial fertilizer that any of the provisions of this chapter or the rules and regulations issued thereunder have been violated, the commissioner shall cause notice of the violations to be given to the registrant, distributor, or possessor from whom said sample was taken; any person so notified shall be given opportunity to be heard under such rules and regulations as may be prescribed by the commissioner. If it appears after such hearing, either in the presence or absence of the person so notified, that any of the provisions of this chapter or rules and regulations issued thereunder have been violated, the commissioner may certify the facts to the proper prosecuting attorney.
- (2) Any person convicted of violating any provision of this chapter or the rules and regulations issued thereunder shall be guilty of a misdemeanor and punished accordingly.
- (3) Nothing in this chapter shall be construed as requiring the commissioner or his



representative to report for prosecution or for the institution of seizure proceedings as a result of minor violations of the chapter when he believes that the public interests will be best served by a suitable notice of warning in writing.

- (4) It shall be the duty of each prosecuting attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.
- (5) The commissioner is hereby authorized to apply for and the court to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this chapter or any rule or regulation promulgated under the chapter notwithstanding the existence of other remedies at law. Said injunction shall be issued without bond.

**Cite as Miss. Code § 75-47-37**

**Source: Codes, 1942, § 4450-19; Laws, 1970, ch. 263, § 19, eff. 7/1/1970.**

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§ 75-47-39. Exchanges between manufacturers.

## **Mississippi Statutes**

### **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

#### **Chapter 47. COMMERCIAL FERTILIZERS**

*Current through 3/27/2018*

#### **§ 75-47-39. Exchanges between manufacturers**

Nothing in this chapter shall be construed to restrict or avoid sales or exchanges of commercial fertilizers to each other by importers, manufacturers, or manipulators who mix fertilizer materials for sale or as preventing the free and unrestricted shipments of commercial fertilizer to manufacturers or manipulators who have registered their brands as required by the provisions of this chapter.

**Cite as Miss. Code § 75-47-39**

**Source: Codes, 1942, § 4450-20; Laws, 1970, ch. 263, § 20, eff. 7/1/1970.**