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### China Collects Comments on Crop Seed Labelling

**Report Categories:**

Planting Seeds

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**Report Highlights:**

On February 17, 2016, the Ministry of Agriculture (MOA) released its Draft Administrative Measures for Seed Labelling and Use Instructions for public comments. The comment window will close on March 17, 2016. This report provides an unofficial translation of the full text of the document.

**Executive Summary:**

On February 17, 2016, MOA released its Draft Administrative Measures for Seed Labelling and Use Instructions for public comments. The comment window will close on March 17, 2016. Comments can be submitted via:

- 1) email: [zzjscjgc@agri.gov.cn](mailto:zzjscjgc@agri.gov.cn);
- 2) mail address: No. 11, Nongzhanguan Nanli, Chaoyang District, Beijing, 100125.  
Addressee: Market Supervision Division, Seed Administrative Bureau, MOA;
- 3) Chinese government legal website [www.chinalaw.gov.cn](http://www.chinalaw.gov.cn); and
- 4) MOA website [www.moa.gov.cn](http://www.moa.gov.cn).

This report provides an unofficial translation of the full text of the document. The draft is developed in accordance with the new Seed Law. The current measure is attached in the Appendix for comparison.

**Administrative Measures for Seed Labelling and Use Instructions  
(Revised Draft for Comments)**

**Chapter I General Provisions**

**Article 1** These Measures are enacted pursuant to the Seed Law of the People's Republic of China (hereinafter referred to as the "Seed Law") the relevant regulations for the purpose of strengthening the supervision and administration of crop seed labels and use instructions, regulating the labeling and manufacture of seed labels and use instructions, protecting the legitimate rights and interests of seed production and operation entity and users, and ensuring seed quality and agricultural production security.

**Article 2** The crop seeds sold within the territory of the People's Republic of China shall be attached with seed labels and use instructions, the labeling, manufacture and supervision and administration of which shall be subject to these Measures.

**Article 3** Label mentioned in these Measures refers to the specific pattern and the literal statement printed on, pasted, fixed or attached to the seeds or the surface of seeds package. The use instructions mentioned herein refers to the instructions of the main characters, cultivation measures and adaption of the varieties operated, and risk warning, technical services and other information.

**Article 4** The competent agricultural departments of the people's governments at the county level or above shall be in charge of the supervision and administration over crop seed labels and use instructions.

**Article 5** The seeds for sale shall be in compliance with the requirements of the relevant laws, regulation, rules and national or industry standards of China. The content in the seed labels and use instructions shall be consistent with the seeds for sale, without any false or misleading publicity.

Seed production and operation entity shall be responsible for the manufacture of labels and use instructions, and the authenticity of its label content and the seed.

## **Chapter II Requirements for Label Content**

**Article 6** The seed label shall indicate the following contents:

- (1) the crop species and the type of seed and variety name;
- (2) the name of seed production and operation entity, seed and operation permit number, registered address and contact information;
- (3) the quality index, inspection date and the warranty period, net content;
- (4) the suitable planting area and planting season for such variety;
- (5) the production region and the quarantine certificate number; and
- (6) the information code.

That the label content lacks any of the crop species, type of seed, variety name, name of seed production and operation entity, seed production and operation permit number, and quality index mentioned in the preceding paragraph shall be deemed as no seed label.

**Article 7** Under any of the following circumstances, in addition to the content provided for in Article 6, the seed label shall indicate the followings respectively:

- (1) for the main crop variety, indicating the variety approval number; in case of two or more provincial approvals, at least indicating the provincial variety approval number of the place where the seeds are sold; for introduced main crop variety, indicating the introduction filing notice number;
- (2) for authorized variety, indicating the variety right number;
- (3) for registered crop variety, indicating variety registration number;
- (4) for imported seeds, indicating importation seeds approval number;
- (5) for sub-packaging seeds, indicating the name, the registered address and contact information of sub-packaging unit;
- (6) for seeds with pesticide treatment, indicating the name of the pesticide and its active ingredient and content; and according to the toxicity degree, respectively indicating “high-toxic” and attaching skull mark, “middle-toxic” and attaching cross crotch mark or “low-toxic”; and
- (7) for genetically modified seeds, indicating “genetically modified” and the agricultural genetically modified biosafety certificate number;

**Article 8** For certified seeds, the approval mark may be used on the packaging.

**Article 9** The crop species shall specify the species of the plant taxonomy.

The type of seed shall indicate normal seeds or hybrid seeds and for normal seeds, specific indication is not required; and shall concurrently indicate the seed generation categories, i.e., breeder seeds, basic seeds, cross parent seeds, qualified seeds and for qualified seeds, specific indication is not required.

**Article 10** The variety name shall conform to the Regulations of Naming of Agricultural Plant Varieties, and a variety shall indicate a name only. Certified, registered, protected varieties shall only use the respective variety name approved by the variety approval, variety registration or new variety protection.

**Article 11** The indicated suitable planting area for a variety shall not go beyond the areas published by the introduction filing as announced by the approval notice, registration notice and the notice of the provincial agricultural department. The suitable areas for crop without approval and registration shall be determined by the seed production and operation entity upon experiment.

The planting season shall be determined by the seed production and operation entity upon experiment which shall indicate the specific time period.

**Article 12** The name of seed production and operation entity, seed production and operation permit number, registered address shall be consistent with the content stated in the valid crop seed production and operation permit; and the contact information shall be telephone, fax or network contacts, etc.

**Article 13** The quality index shall be indicated in accordance with the quality characteristic and characteristic value.

The indication of the quality characteristic shall follow the provisions below:

(1) for food crop seeds, economic crops seeds, gourd and vegetable seeds, fodder and green manure seeds, indicating purity, cleanliness, germination rate and moisture content of variety;

(2) for virus-free propagating materials, indicating purity, virus status and virus-free propagation generation numbers of variety; and

(3) where there is other quality characteristic required by the national standards, industry standards or the normative documents of the Ministry of Agriculture, such characteristic shall be indicated.

Seed quality characteristic is committed by the producer, but shall not be lower than the national or industrial standards; where there are no national or industrial standards, indication shall be made per the enterprise standards or the quality standards as committed by the seed production and operation entity.

Where crop seeds lower than national or industrial standards must be used for production needs due to force majeure, (i) approval of the local people's governments at the county level or above at place where such seeds are used shall be obtained, (ii) the quality characteristic value shall be indicated upon actual test and (iii) the corresponding measures for safe usage shall be made clear.

The quality characteristic value shall indicate specific values, among which, the percentage purity, cleanliness, moisture content of variety shall keep a decimal fraction, and the germination rate shall keep an integer.

**Article 14** Inspection date refers to the time inspecting the quality characteristic value. The indication content shall be composed of two parts, namely the wording of "Inspection Date" and the month and year. The month and year shall be fully indicated by two and four figures respectively.

Warranty period refers to the period as committed by the seed production and operation entity to guarantee the quality characteristic value under specified storage conditions. Indication shall use month as unit and the maximum duration of such period shall not exceed 6 months as of the inspection date, and 1 year for vegetable seeds with sealed package.

**Article 15** Net content refers to the actual weight or the number of the seeds, and indication shall be

composed of three parts, namely, “Net Content” (in Chinese), figures, and statutory measurement unit (kg or g) or quantity unit (grain or plant).

**Article 16** The quarantine certificate number shall indicate the origin quarantine certificate number or the phytosanitary certificate number.

The importation seed quarantine certificate number shall indicate the approval document number of the introduction of seeds and seedlings quarantine.

**Article 17** Information code shall include the indication content as provided for in the first three items of Article 6 and Article 7, the seed production batch, retrospective retrieval code and other specific coding information for the sold seeds.

In case that the DNA identification standards have been formulated for a variety, the information code shall contain DNA fingerprint information.

The code generation and relevant provisions shall comply with the requirements of the Seed Information Code Rules.

**Article 18** The indication of the origin of imported seeds under Item (3), Article 7 shall apply the regulations of the Regulations of Origin of Imported and Exported Goods of the People’s Republic of China.

Article 19 The use instructions shall indicate the following contents:

- (1) the information of the seed production and operation entity;
- (2) the main characters of variety;
- (3) the main cultivation measures;
- (4) the adaptability;
- (5) the risk warning;
- (6) where the use instructions and the label are printed separately, the name of variety shall also be indicated;
- (7) the symptom caused by pesticide intoxication of the seeds with pesticide treatment, suggestions for viable antidote and other precautions
- (8) the safety control measures for using genetically modified seeds; and
- (9) other content related to consulting services.

That the use instructions lacks any of the content as stipulated in Items (1) to (6) of the preceding paragraphs shall be deemed as no use instructions.

**Article 20** The indicated main characters, the main cultivation measures of a variety shall truthfully reflect the real condition of the variety, the main content of which shall be consistent with the approval or registration notice.

Adaptability refers to the production stability, high yield, disease resistance, stress resistance, etc. of the variety in suitable planting areas in different years, and the index indication shall not be lower than the index stated in the variety approval or registration notice.

For the main crop variety with two provincial approvals, the indication content shall be subject to the

approval notice where such variety is sold; and the introduction indication content shall be consistent with the introduction filing information.

The crops without approval or registration may refer to the relevant requirements for registering crops.

**Article 21** The risk warning shall indicate seed storage conditions, and the risk warning caused by and precautions for main plant diseases and insect pests, high and low temperature, lodging and other factors.

**Article 22** No seed labels or use instructions shall indicate the following contents:

- (1) the addition of the modifying words before or after the variety name;
- (2) the description with exaggerated promotion, misleading and/or false text descriptions, and in violation of the provisions of the Advertisement Law, trademark-related laws and regulations;
- (3) the name of any seed enterprise other than the seed production and operation entity as provided for in Article 12 hereof and the sub-packaging unit as provided for in Item (4), Article 7; and
- (4) the information code not in compliance with the Seed Information Code Rules; excluding the “logistics code, anti-fake code” indicated on the package by the undertakings for strengthening the internal administration of seeds.

### **Chapter III Manufacture Requirements**

**Article 23** The seeds label shall be printed directly on the surface of seed package, or printed into presswork to be pasted, fixed or attached on the outside of seed package.

The contents of use instructions may be printed together with those of seed labels and where the labels have already covered all the content of use instructions, it is not required to print out the use instructions separately.

For those seeds failing to be processed and packaged, they may be made into presswork and provided to seed users when selling the seeds.

**Article 24** The presswork stipulated in Article 23 shall be rectangular, with length and width not less than 11 cm × 7 cm. The making of presswork shall be of sufficient strength and be made sure it is not vulnerable to become blurred and even fall off.

**Article 25** The labeling text shall use the current standardized Chinese characters published by the State Language Commission in addition to registered trademark. Chinese pinyin or other character having close correspondence relationship (with Chinese characters) may be used concurrently but one shall not indicate Chinese pinyin or other character having no correspondence relationship with Chinese characters.

The printing content shall be clear, eye-catching and durable, easy to recognize and read. The font height of the indicated characters, symbols and figures shall not be less than 1.8 mm, and the Chinese pinyin or foreign font shall be smaller than or equal to the corresponding Chinese characters font. The information code shall not be smaller than 1 square centimeter.

The indication font, background and underpainting shall be clear, and form sharp contrast with the base, and be easy to identify; the warning indication and instructions shall be eye-catching and “high-toxic” shall be printed in red font.

**Article 26** The year number and serial number in the seed production and operation permit, the quarantine certificate number, inspection date may adopt jet printing, emboss printing and other printing methods. The printing content shall be clear, and the information code shall be without deinking, stain, break lines, feathering, vignette or bending, and guarantee the scanning reading effect.

**Article 27** The crop species and type of seed, variety name, variety approval or registration number, net content, name of seed production and operation entity, seed production and operation permit number, registered address and contact information, “genetically modified” and warning marks shall be indicated on the same layout.

**Article 28** The variety name shall be put in an outstanding position with its font not less than other characters indicated on the label.

#### **Chapter IV Supervision and Administration**

**Article 29** The competent agricultural departments of the people’s governments at the county level or above shall conduct special selective examination and supervision and inspection over crop seed labels and use instructions in accordance with the Seed Law, and the inspection shall include the completeness, standardability and authenticity of the label content.

**Article 30** Under any of the following circumstances, punishment shall be given pursuant to Items 2 and 3, Article 80 of the Seed Law:

- (1) the label content is not complete and violating the provisions of Articles 6 and 7 hereof;
- (2) the label content is not standard and violating the provisions of Articles 8 to 18 hereof;
- (3) there is no attached use instructions or the content of the use instructions is violating the provisions of Articles 20 and 21 hereof;
- (4) the prohibited label content is indicated on the label which is violating the provisions of Article 22 hereof;
- (5) the manufacture of the label content is not standard and violating the provisions of Articles 23 to 28 hereof;
- (6) the label characters are modified or supplemented by means of obliterating, cutting and pasting; and
- (7) other manufacture conduct prohibited by laws and regulations.

Breach of the provisions listed in the preceding paragraph that involves false and inferior seeds shall be punished in accordance with Articles 75 and 76 of the Seed Law.

#### **Chapter V Supplementary Provisions**

**Article 31** These Measures shall enter into force as of [Month] [Date], 2016. The Administrative Measures for Crop Seed Labels promulgated by the Ministry of Agriculture on February 26, 2001 shall be repealed simultaneously.

Upon publication of these Measures, in case of any inconsistency between the regulations on crop seed labels and use instructions and the national standards and these Measures, these Measures shall prevail. For those seeds packed prior to January 1, 2016, the seed labels and use instructions may still be used until December 31, 2016.

## **Appendix**

### **Measures for the Labeling of Crop Seeds (2001)**

#### **Chapter One General Provisions**

**Article 1:** These Measures are formulated for the purpose of enhancing the administration on the labeling of crops seeds, normalizing the manufacture, mark and use of labels, and protecting the lawful rights and interests of the producers, operators and users, in accordance with the relative regulations of Seed Law of the People's Republic of China (hereinafter referred to as Seed Law).

**Article 2:** The crop seeds sold or traded within the territory of People's Republic of China shall be marked with labels. The manufacturing, marking, using and management of the labels shall obey these Measures.

**Article 3:** The term "labels," referred to in these Measures, indicates the particular patterns and written explanations that are fixed on the package of the seeds, or the internal and external package of the seeds. With regard to those seeds sold without processing and packaging, the term "labels" indicates the particular patterns and written explanations that the sellers provide to the buyers during distribution.

#### **Chapter Two Contents of Labels**

**Article 4:** The labels of the crop seeds shall include the type of the crops and the seeds, the name of the variety, the place of production, the serial numbers of the Seed Management License, the quality index, the serial numbers of the quarantine certificates, the net contents, the date of production, the name of the producers, the address and the way of contact.

**Article 5:** There shall be separate labeling for any one of the following items:

1. Major crop seeds shall be labeled with the serial numbers of the Seed Production License and the serial numbers of the Approvals;
2. Seeds mixed by more than two types shall be labeled with "mixed seeds", and the name of the different types of the seeds and their proportions;
3. Treated seeds shall be labeled with the name of the chemicals, the active constituent and the contents, and the points for attention. Seeds shall be labeled carefully with a mark such as the human skull and cross-bone in accordance with the toxicity of the chemicals, and labeled "poisonous";
4. Genetically modified seeds shall be labeled "genetically modified" and with the serial numbers for the safety certificate of agriculture genetically modified organisms and the safety control measures;



5. Imported seeds shall be labeled with the name of the importers, the serial numbers of the seed import and export licenses and the numbers of the approval files for seed importing;
6. Seeds packed individually from large packages shall be labeled with the name of the package plants and the date of packaging;
7. Seeds that contain weed seeds shall be labeled with the types and the proportion of harmful weeds.

**Article 6:** Types of crops shall be explained using biological species. Seed types shall be labeled as conventional seeds or hybrid seeds. Conventional species seeds need not be especially labeled. At the same time, breeding generation seeds such as breeder's seeds, basic seeds, hybrid parent seeds and seeds for field use should be labeled. Field seeds need not be especially labeled. The name of the seeds shall be up to the provisions in the Regulations of the People's Republic of China on New Variety Protection and the Implementation Rules. The types of seeds that are authorized seeds or have passed approval shall use the approved names.

**Article 7:** The place of production indicates the place where the seeds are reproduced, and the scope shall be marked with the province to the largest according to the administrative jurisdiction. The origin of imported seeds shall be labeled according to the Temporary Provisions of Customs for the People's Republic of China on the Original Place of the Imported Goods.

**Article 8:** The quality index is the producers' promised quality index. It shall be labeled on the basis of purity, rate of cleanliness, germination percentage, and the moisture content of species.

If there are other requirements concerning the quality index in the national standard or the industry standard on some crop seeds, such requirements shall also be marked.

**Article 9:** The quarantine certificate serial numbers shall be labeled using the serial number of the certificate of inspection or the plant quarantine certificate in the place of production. The quarantine certificate serial numbers of imported seeds shall be labeled using the serial numbers of the approval sheet for inspecting imported seeds and seedlings.

**Article 10:** The date of production is indicated by harvest time. The year and month shall be used under such patterns: Year 2000, Month July; 2000-07.

**Article 11:** The net content indicates the actual mass and quantity, which shall be weighed by kilograms and grams and counted by grains and plants.

**Article 12:** Producers indicate the initial supplier of the commercial seeds. Importers indicate the entities that bought the seeds from abroad.

**Article 13:** The producer's address shall be listed the same as the address on the Seed Management License. The means of contact shall be the labeled telephone numbers or fax numbers.

### **Chapter Three The Manufacturing, Use and Management of Labels**

**Article 14:** The contents in the labels shall be written in standard Chinese, printed clearly, and the height of the characters shall be not lower than 1.8mm. The labels for caution labels shall be bold.

When using Pinyin or other languages, the characters shall be smaller than the corresponding Chinese

characters.

**Article 15:** The contents of the labels may be printed on the package, or manufactured onto printed matters and fixed on the internal or external parts of the package. Nevertheless the types of crops, the name of the varieties, the producers, the quality index, the net content, the date of production, the mark of caution and the contents as "genetically modified" shall be labeled on the package.

The labels of seeds, sold without processing and packaging, shall be made on printed materials and supplied to those seeds users in the distribution of the seeds. The materials for printed matters shall be bold and the size shall not be smaller than 12cm by 8cm. The color of the materials may be different according to the different seeds. The color of materials for breeder's seeds may be white with purple diagonal stripes. The color of materials for basic seeds may be blue, parent seed's color of materials may be red and the color of materials for the large field seeds may be white or any single color other than red and blue.

**Article 16:** Seed operators shall print the labels of the seeds according to these Measures. The seeds label of authentication shall be printed by the seed authentication institutions. If the authentication sign does not list the contents, the seed operators shall print the labels to mark the contents.

**Article 17:** The package material for the seeds label indicates the smallest undivided packaging materials.

**Article 18:** Anyone, in violation of the provisions of the Measures, shall be punished in accordance with the Article 62 of Seed Law.

#### **Chapter Four Supplementary Articles**

**Article 19:** The provision of Article 32 of Seed Law requires that seed operators shall supply the basic characters, the primary cultivation measures, and the explanation of the use conditions. This information can be printed on the labels or other separately printed materials.

**Article 20:** "Mixed seeds" in these Measures indicates the mixture of different species or the mixing of seeds from different varieties of the same species, or the mixture of the same variety of seeds using different modes of production or processing.

**Article 21:** The Ministry of Agriculture shall be responsible for the interpretation of these provisions.

**Article 22:** These provisions shall go into force on the date of issuance. The labels that are manufactured before the issuance of these Measures and do not conform to these Measures can be used until June 30, 2001.