

IC 15-4-11
Indiana Seed Arbitration Council Law

PURPOSE

This Act applies to civil actions against a seller of seed for the failure of agricultural or vegetable seeds to perform if the container in which the seeds were sold included the following notice on the label:

NOTICE OF REQUIRED ARBITRATION

Under the seed laws of Indiana and some other states, arbitration is required as a precondition of maintaining certain legal actions, counterclaims, or defenses against a seller of seed. Information about this requirement, where applicable, may be obtained from a state's seed commissioner, commissioner of agriculture, or chief agricultural official.

Indiana Code 15-4-11 establishes the Indiana Seed Arbitration Council to provide arbitration of disputes concerning agricultural and vegetable seeds sold in the state. **Complaints against seed products shall be subject to arbitration only when the buyer has been notified by inclusion on the label of the labeling notice as referenced in IC 15-4-11-1 of the Act.** Such notice, as worded, shall be considered the minimum requirement for notification to the buyer. Additional information may be included to provide for more uniform labeling between states with similar requirements. This notice shall appear in a conspicuous place either on the label or tag, or may be printed directly on the container of seed to inform the buyer of the conditions of sale.

Participation in the arbitration procedure is voluntary on the part of the seedsman, i.e., the arbitration labeling notice is optional. Seed which does not carry the "Notice of Required Arbitration" labeling statement is not subject to the arbitration provisions of the law.

The findings of the council are non-binding. However, in any litigation involving a complaint that has been subject to arbitration, any party may introduce the report of arbitration as evidence of the facts found, and the court may give such weight to the council's findings of fact, conclusions of law, and the recommendations of damages and costs contained in the report.