

per ton inspection fee, an annual registration fee of twenty-five (25) dollars for each brand and grade distributed.

(I) Where a person distributes commercial fertilizer in packages of ten (10) pounds or less and in packages over ten (10) pounds, the annual registration fee of twenty-five (25) dollars shall apply only to that portion distributed in packages of ten (10) pounds or less, and that portion distributed in packages over ten (10) pounds shall be subject to the inspection fee of fifteen (15) cents per ton as provided in this subtitle.

(b) Registration and inspection fees shall constitute a fund for payment of the cost of inspection, sampling, analysis, and other expenses necessary for the administration of this subtitle.

(c) *Every person who distributes commercial fertilizer in this State shall:*

(1) Furnish the State Chemist with a semi-annual written statement of the tonnage of each grade of commercial fertilizer sold by him to distributees in the State. This statement shall include all sales for the periods of January 1 to and including June 30 and of July 1 to and including December 31 each year. No information furnished under this section shall be disclosed in such a way as to divulge the operation of any person. When more than one person is involved in the distribution of a commercial fertilizer, the person who distributed to the consumer is responsible for reporting the tonnage and payment of the inspection fee unless the report and payment have been made by a prior distributor of the fertilizer.

(2) Keep such records as may be necessary or required by the State Chemist to indicate accurately the tonnage of commercial fertilizer distributed in this State, and the State Chemist or his agent shall have the right to examine such records to verify statements of tonnage.

(3) *Failure to Make Accurate Statement or Pay Fee.* Failure to make an accurate statement of tonnage or to pay the inspection fee within 30 days from date of the close of each period or comply as provided herein shall constitute sufficient cause for the cancellation of all registrations on file for the distributor.

477.

*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.

(c) If it is not labeled as required in Section 475 of this subtitle and in regulations prescribed under this subtitle.

(d) If it purports to be or is represented as a commercial fertilizer or if it purports to contain or is represented as containing a fertilizer material, unless such fertilizer material conforms to the definition of identity, if any, prescribed by regulation of the State Chemist; in the