



**STATE OF MISSISSIPPI
DEPARTMENT OF AGRICULTURE AND COMMERCE**

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COMMISSIONER

MDAC Advisory on Annual Ryegrass Investigation

By: MDAC Staff

Annual Ryegrass is a commonly grown cool season grass in Mississippi. It is widely used for winter grazing in warm season pastures. It is also used as a cover crop and in wildlife plot seed mixes. Approximately 500,000 acres of annual ryegrass are planted in the state each year. Most annual ryegrass comes from the Willamette Valley region of Oregon. Grass seed in this area is grown as a row crop much in the same way as we raise soybeans, corn, and cotton. The conditions in this region are ideal for producing cool season grass seed. In years past, burning of the residue post-harvest prevented most of the contaminants that would occur in the seed produced. However, several years ago most, if not all, the burning has been prohibited. This has allowed for some grass species to naturally reseed when the ground is worked, and new varieties are planted. This can happen when growers change varieties of annual ryegrass instead of rotating between different grasses. The result is a combination of varieties instead of a pure variety.

When new varieties are released, the breeder/owner has the option to file for protection under the Plant Variety Protection Act (PVP). This program protects the varietal identity for 20 years. Once the protection has lapsed, the variety may be grown by anyone without the assurance of varietal purity the PVP affords. Most of the varieties of annual ryegrass grown in Mississippi are no longer protected by PVP.

Recently the Mississippi Department of Agriculture and Commerce (MDAC) has received multiple complaints from producers who planted Marshall Annual Ryegrass last fall with undesirable results. The producers complained that the annual ryegrass did not perform as well as Marshall has done in the past. They reported the plants had similar characteristics that are normally seen in Gulf and similar varieties instead of Marshall.

Pursuant to its authority under the Mississippi Pure Seed Law, MDAC has opened an investigation and is working closely with USDA to determine if there was an issue with contamination of the seed in question. MDAC will take action depending on the findings of the investigation.

Cases involving intentionally mislabeling varieties are rare, but they do occur. In May 2021, Oregon Department of Agriculture settled a case involving the mislabeling of 161 lots of

Kentucky 31 Tall Fescue. Their investigation found that from 2016-2018 a company had sold approximately eight million pounds of tall fescue which was falsely labeled. Their investigation resulted in a fine of \$300,000 and the revocation of the seed permit for the company and person involved.

The best protection for consumers is to be diligent when making seed purchases and select reputable, known varieties. Always read the seed label. Beware of deals that seem too good to be true. Also, retain copies of labels, invoices, and, if possible, the empty bags from the seed that is planted. This will aid in any investigation that may arise from poor performance of the seed.

Consumer protection is a critical part of the mission at MDAC. If you become aware of suspect seed or plant issues, please contact the Bureau of Plant Industry at 662-325-3390 so we can initiate a proper investigation.