

§ 106-50.30. Definitions.

Words used in this Article shall be defined as follows:

- (1) "Adulterated" means any soil additive:
 - a. Which contains any deleterious substance in sufficient quantity to be injurious to desirable terrestrial or aquatic organisms when applied in accordance with the directions for use shown on the label; or
 - b. Whose composition differs from that offered in support of registration or shown on the label; or
 - c. Which contains noxious weed seed.
- (2) "Bulk" means in nonpackaged form.
- (3) "Commissioner" means the Commissioner of Agriculture of the State of North Carolina or his designated agent.
- (4) "Distribute" means to import, consign, offer for sale, sell, barter, exchange, or to otherwise supply soil additives to any person in this State.
- (5) "Distributor" means any person who imports, consigns, sells, offers for sale, barter, exchanges, or otherwise supplies soil additives in this State.
- (6) "Label" means the display of written, printed, or graphic matter upon the immediate container of, or accompanying soil additives.
- (7) "Labeling" means all written, printed, or graphic matter accompanying any soil additive and all advertisements, brochures, posters, television, radio or oral claims used in promoting its sale.
- (8) "Percent" or "percentage" means the parts per hundred by weight.
- (9) "Person" means individuals, partnerships, associations, corporations or other legal entity.
- (10) "Product name" means the designation under which a soil additive is offered for distribution.
- (11) "Registrant" means any person who registers a soil additive under the provisions of this Article.
- (12) "Sale" means any transfer of title or possession, or both, exchange or barter of tangible personal property, conditioned or otherwise for a consideration paid or to be paid, and this shall include any of said transactions whereby title or ownership is to pass and shall further mean and include any bailment, loan, lease, rental, or license to use or consume tangible personal property for a consideration paid in which possession of said property passes to the bailor, borrower, lessee, or licensee.
- (13) "Sell" means the alienation, exchange, transfer or contract for such transfer of property for a fixed price in money or its equivalent.
- (14) "Soil additive" means any substance intended for changing the characteristics of soil or other growth medium for purposes of:
 - a. Increasing the biological population, or
 - b. Increasing penetrability of water or air, or
 - c. Increasing water holding capacity, or
 - d. Increasing root development, or
 - e. Alleviating or decreasing soil compaction, or
 - f. Otherwise altering the soil or other medium in such manner that the physical and biological properties are materially enhanced.
 - g. The term "soil additive" does not include any substance for which nutritional claims are made, such as, but not limited to, commercial fertilizers, liming materials, or unmanipulated vegetable or animal

manures. It also specifically does not include rhizobial inoculants, pine bark, peat moss, other unfortified mulches, or pesticides. (1977, c. 233, s. 3.)