

## PROBLEMS WITH AGROCHEMICALS: WHAT SHOULD THE FARMER DO?

Before assuming that an agrochemical does not comply with the expectations of registration, the producer should first establish certain facts. It should be ensured that all directions and warnings appearing on the label were followed. For example:

1. Did the environmental conditions during and after application correspond with those as prescribed?
2. Was the time of application complied with, i.e. early in the morning or late afternoon?
3. Did the conditions and nature of the soil where the crop was grown fall within the framework of the prescribed conditions, i.e. soil type and soil moisture?
4. Were the control measures against the problem applied to the crop growth stage prescribed in the instructions?
5. Was the recommended dosage of the chemical applied as prescribed?
6. Was the agrochemical definitely registered on the specific crop and against the specific weed, fungus or pest?

### **IF YOU ARE STILL CONVINCED THAT YOU HAVE A PROBLEM, FOLLOW THE GOLDEN RULE: DO NOT PANIC.**

1. Immediately contact the representative or agent where the chemical was purchased.
2. Confirm your complaint in writing to the relevant company.
3. Insist on an in loco investigation.
4. If the problem is not solved:
  - (a) Immediately arrange that a neutral scientist (not a legal person) i.e. someone from an agricultural co-op, Agricultural Research Council, University or the Government visit the site together with the relevant company to discuss the problem. This should not be done when the symptoms have disappeared or at harvesting.
  - (b) Notify the Registrar: Act 36 of 7947, Private Bag X343, Pretoria, 0007 of the problem. Telephone (012) 319 7303.
  - (c) If the company does not respond, notify AVCASA at PO Box 1995, Halfway House, 1685. Telephone (012) 805 2000. E-mail: info@croplife.co.za (Follow up in writing).
  - (d) Notify GSA (012) 807 6023 /

08600 47246 or the ARC-Grain Crops Institute (018) 2996100 of the problem and what steps have been taken. (Follow up in writing)

5. If you are still not satisfied, you are free to commence with legal action.
  - (a) Investigations and findings by the Registrar Act 36 of 1947, only determine whether criminal or penal action should be taken.
  - (b) AVCASA can only request their members (chemical companies) to react to a claim if a producer feels that he is being ignored.
6. Remember that a civil court action which has been taken against a company is completely separate from criminal actions by the Registrar: Act 46 of 1947.

Information gathered by the Registrar is for his office use only, unless ruled otherwise by the court.

**IMPORTANT POINTS TO OBSERVE BEFORE APPLYING AN AGROCHEMICAL:**

- (a) Read the instructions and apply the product only as prescribed. You are compelled by law to do so, as published in the government gazette.
- (b) If a recommendation is made by a representative or agent of a company, insist that it be put in writing.

- (c) Save the lot number and manufacturing date stipulated on the containers. Remember that no official sample may be taken from an opened container or where the seals have been broken, as results will be suspect.

Your attention is drawn to the following articles on the Act of Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies no 36 of 1947 (Act 36 of 1947), [www.croplife.co.za](http://www.croplife.co.za)

**Article 7 (1) (d)**

No person shall sell any fertilizer, farm feed, agricultural remedy or stock remedy unless it is of the composition and efficacy specified in the application for registration thereof possesses all chemical, physical and other properties so specified, and complies with the prescribed requirements.

**Article 7 (2) (a) (i)**

No person shall for reward or in the course of any industry, trade or business use, or recommend the use of any agricultural remedy or stock remedy for a purpose or in a manner other than that specified on the label on a container thereof or described on such container.