

The Clemson Agricultural College

Clemson, South Carolina

MINUTES

of the meeting of

THE CLEMSON AGRICULTURAL COLLEGE

BOARD OF TRUSTEES

Held in the Wade Hampton Hotel

Columbia, South Carolina

February 12, 1960

The Board convened at 10:30 A. M. with the following members present: Messrs. R. M. Cooper, President of the Board, Presiding; W. A. Barnette, James F. Byrnes, Robert S. Campbell, A. M. Quattlebaum, Winchester Smith, Robert L. Stoddard and T. B. Young. Others present were R. C. Edwards, F. M. Kinard, M. A. Wilson, M. D. Farrar, W. L. Watkins, B. D. Cloaninger, J. E. Sherman and G. E. Metz.

Item 1. Fertilizer Regulation Concerning Certain Inert Fillers

Special Meeting: This special meeting was called in response to a request from a representative group of the fertilizer industry for a hearing before the Board as submitted through Mr. Augustus T. Curtis of the Maybank Fertilizer Corporation of Charleston, South Carolina. The request for a hearing followed a meeting held in Charleston on February 3, 1960, attended by fertilizer manufacturers from Charleston and Savannah. At the Charleston meeting, Clemson authorities had requested the fertilizer manufacturers to cease and desist from using an inert filler bearing a color similar to recognized materials furnishing nutrient values, or to show cause why they should not discontinue the practice. Clemson authorities had also indicated that unless legitimate reasons could be given for the use of such an inert filler, it would be necessary to recommend to the South Carolina Fertilizer Board of Control that the practice be deemed one of those prohibited by Section 10 of the Fertilizer Law. The fertilizer manufacturers requested a hearing before the Board concerning this matter.

Opening Session--10:30 A. M.: At the opening session of the Board, from 10:30 to 11:00 A. M., Dr. R. C. Edwards presented information concerning the meeting held at Charleston on February 3, 1960, as well as other background information concerning the use of certain inert fillers by fertilizer companies in the manufacture of mixed fertilizers. The special problem presented for review by the Board of Fertilizer Control and the Board of Trustees was summarized in the following paragraphs.

Those of us who are charged with the duty of administering the South Carolina Fertilizer Law have been disturbed to find a clay known as SCS 100 and SCS used as an inert filler in fertilizer in which cottonseed meal is an active ingredient. This clay appears to contain about 38% iron oxide and no other primary, secondary or minor element of significance. Its principal characteristic appears to be that it has the color of cottonseed meal. It is more expensive than other inert fillers. It gives to the fertilizer in which it is used the appearance that the mixture contains more cottonseed meal than it actually contains. There appears to be no legitimate reason for the use of this clay in mixed fertilizer.

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The qualities of cottonseed meal and other vegetable meals in mixed fertilizer are well known and well established. Many farmers, particularly tobacco farmers, are influenced in their selection of a fertilizer by their understanding of the cottonseed meal content of it. It is therefore submitted that the use of this filler, especially in fertilizers branded for tobacco, has the effect of deceiving the purchaser into the belief that the fertilizer contains a greater proportion of cottonseed meal than it actually contains, and to that extent deceives the purchaser, in violation of Section 10 of the South Carolina Fertilizer Law of 1954.

Mr. B. D. Cloaninger presented additional information, demonstrated with samples the effect of the use of the clays on the color of mixed fertilizers in comparison with the effect of cottonseed meal, and read Section 10 of the South Carolina Fertilizer Law of 1954 as follows:

Section 10: Filler

It shall be unlawful for any person to manufacture, offer for sale, or sell in this State any commercial fertilizer containing any substance used as a filler that is injurious to crop growth or deleterious to the soil, or to use in such commercial fertilizer as a filler any substance that contains inert plant nutrient material or any other substance for the purpose of or with the effect of deceiving or defrauding the purchaser. The Board shall determine what inert material or substance is injurious or objectionable.

Hearing--11:00 A. M. to 1:30 P. M.: From 11:00 A. M. to 1:30 P. M. a hearing was held by the Board as requested by a representative group of the fertilizer industry through Mr. Augustus T. Curtis as indicated above. Mr. R. M. Cooper, President of the Board, presided; and those present, in addition to the members of the Board and the college staff listed above, included some fifty representatives of fertilizer companies doing business in South Carolina.

Presentations were made by Dr. R. C. Edwards and Mr. B. D. Cloaninger outlining the responsibilities of the Department of Fertilizer Inspection and Analysis, Clemson College, and the Board of Fertilizer Control in carrying out the provisions of the South Carolina Fertilizer Law of 1954. Section 10 of the Law was read in full and attention was called to its applicability to the use of certain inert fillers.

After the presentations by members of the college staff and comments by members of the Board, the representatives of the fertilizer industry were invited to make any formal or informal statements pertinent to the use of the fillers in question. They were especially invited to present any reasons from their viewpoint against banning the use of these fillers in mixed fertilizers.

After several presentations by representatives of fertilizer companies, there was a general discussion of the entire matter. The hearing closed at 1:30 P. M.

Special Session: Following the hearing, the Board of Trustees went into session to consider the action to be taken. Those present included the members of the Board and members of the college staff listed above.

Recommendation: It was recommended by the administration that the following regulation be adopted:

BOARD OF FERTILIZER CONTROL

BOARD OF TRUSTEES OF THE CLEMSON AGRICULTURAL COLLEGE OF S. C.

REGULATION

By authority vested in the Fertilizer Board of Control, Board of Trustees, The Clemson Agricultural College of S. C., under the provisions of Section 3-590.3, Code of Laws of South Carolina, 1952, as amended, the following regulation is hereby promulgated and issued:

1. That any inert filler, which bears a color similar to recognized materials furnishing primary, secondary, minor or trace nutrients is deemed and declared objectionable as a component of any mixed fertilizer, in that its use has the effect of deceiving the purchaser of the fertilizer and is in violation of Section 10 of the South Carolina Fertilizer Law. (Sec. 3-590.54, Code of Laws, 1952, as amended.)
2. SCS, SCS 100 clays and yellow ocher are determined to be objectionable within the meaning of the above section. The enumeration of these inert filler materials shall not be considered to be exclusive of such materials that may be determined to be prohibited by the said section.
3. Fertilizer manufacturers may submit sample of any questionable inert filler material to the Fertilizer Board of Control or its representatives for a ruling as to whether its use is objectionable under this regulation.
4. This regulation shall become effective on July 1, 1960.

Board Action: It was moved and seconded that the regulation be adopted. The motion to adopt the regulation was carried by the affirmative votes of twelve members, including all present and the absentee votes of T. Wilbur Thornhill, Paul Sanders, Edgar A. Brown, and Charles E. Daniel.

Item 2. Chauffeur for President Edwards

Board Action: At the suggestion of Mr. R. M. Cooper, it was moved, seconded, and passed that the college provide a chauffeur for President Edwards. This action was taken subject to concurrence of the absentee members.

Item 3. Adjournment. The meeting was adjourned at 3:00 P. M.

CORRECT:

APPROVED:

G. E. Metz
G. E. Metz, Secretary

R. M. Cooper
R. M. Cooper, President