**Scotts & Pursell settle their differences**

_BY HAL PHILLIPS_

Pursell Industries of Sylacauga, Ala., and O.M. Scotts & Sons Co. of Marysville, Ohio, have reached an out-of-court settlement following a pair of lawsuits pertaining to an advertising campaign waged by Pursell in 1993.

The ads, which compared Pursell's Polymer fertilizer technology with Scotts' Poly-S technology, appeared in several trade magazines during a four-month period in 1993. Scotts brought suit in September of that year, claiming the ads were misleading. Shortly thereafter, Pursell countersued on similar grounds.

Both suits were settled on Sept. 28 of this year. The U.S. District Court for the Southern District of Ohio dismissed them Sept. 30. As part of the settlement, Pursell and Scotts agreed not to publish — for a period of four years — any advertisements comparing any Scotts coated fertilizer, including Poly-S, with any Pursell coated fertilizer product, including Polymer, unless they have first run a series of agreed-upon tests.

"It's a joint settlement agreement," said Chris Schmenk, associate general counsel for Scotts. "I'm not at liberty to discuss any more about the settlement. We had some confidential provisions.

Continued on page 50

**International PVP law takes effect in spring 1995**

_BY MARK LESLIE_

ASHINGTON, D.C. — A new Plant Variety Protection law, which had split many in the American seed industry, was signed by President Bill Clinton on Oct. 6, and will take effect next April. The legislation will make the United States the first nation to come into compliance with the new International Union for Protection of Varieties (UPOV) treaty.

Four other countries must join the United States in order for the UPOV treaty to take effect. UPOV was first passed by 21 countries in 1978 and rewritten in 1991. "Some are very close but no one has officially signed on yet," said Leslie Cahill, American Seed Trade Association vice president of governmental affairs.

Public Law 103-349 passed the Senate May 25, passed the House with minor modifications on Aug. 12, and went back to the Senate for final approval before Clinton's signature.

"Overall, this was very good for not only the seed industry but, most importantly, ensuring the seed in a bag is exactly what its label states.

Continued on page 52