

BRIEFS



**LESTER TO HANDLE MULCH MAGIC**

AMES, Iowa — Brent Lester, a graduate of Iowa State University, was promoted from his specialty sales position at Becker-Underwood to Mulch Magic PF sales manager. Lester has been employed at Becker-Underwood for two years and has worked extensively with Mulch Magic. Lester can be reached at 1-800-232-5907.

**ANCHOR, ARMOR CHANGE LOCALES**

Changes in scenery for two industry suppliers: Anchor Wall Systems can now be reached at 6101 Baker Road, Suite 201, Minnetonka, MN 5545-5973; phone — 1-800-473-4452, 612-933-8855; fax — 612-933-8833. Meanwhile, Armor Systems Inc. has moved to 1626 W. Airport Blvd., Sanford, FL 32773-4814; phone — 407-323-9787; fax — 407-330-0442.

**STIDHAM MOVES UP AT CYANAMID**

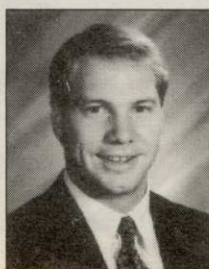
WAYNE, N.J. — Brian W. Stidham has been promoted to national sales manager for the Turf and Ornamental and Pest Control Products Group at American Cyanamid Co. Previously, Stidham directed all Midwest Sales accounts for golf course, lawn care, landscape and nursery markets. Before joining Cyanamid in 1993, Stidham was the professional products manager for Terra International, Inc.

**MONTANO THE NEW VP AT WESTERN**

THOUSAND PALMS, Calif. — Aaron R. Montano has been promoted to vice president of Western Golf, Inc., a manufacturer of golf course accessories, driving range equipment and miniature golf supplies. Montano has been national sales manager since 1990 and will now assume responsibility over operations, marketing and sales. Montano currently serves on the Southern California District Export Council.

**HENDRICKSON BROS. TAP SHEPPARD**

CORONA, Calif. — Richard Sheppard has been appointed the new marketing director for Hendrickson Bros., the micro-irrigation manufacturer. Sheppard will coordinate representative and OEM sales, while assisting in market and product development. For more information, contact Sheppard at 909-737-6822.



Richard Sheppard

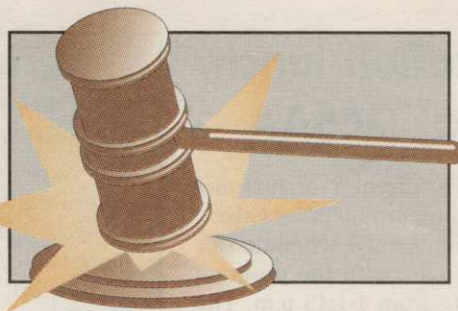
**Scotts & Pursell settle their differences**

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 Polyon 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 Polyon, 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

**Claiming breach of Hydroject patent, Toro sues Landpride**

The Minneapolis-based Toro Co. has filed a lawsuit in the Federal District Court of Minnesota against Assaria, Kan.-based Great Plains Manufacturing, Inc. for alleged patent infringement of Toro's HydroJect 3000 turf injector.

In its suit, Toro alleges that Great Plains, through its Land Pride division, has infringed four U.S. patents. Toro indicated it is seeking compensatory damages and an injunction against Great Plains.

At the Dallas GCSAA show this year, Land Pride did display a liquid injector. The company could not be reached for comment.



**NEW PRODUCT OF THE MONTH**

The new Ultima golf car from Yamaha is ready for shipment. In fact, the Country Club of South Carolina in Florence and Franklin (Mass.) Country Club — two of the first courses to purchase the new Ultima — give it high marks. Both clubs cited the Ultima's Sentry Body Protection System, featuring vinyl-covered side sills made of durable heavy-gauge material. The worm gear and pitman pin steering is designed to emulate power steering. For more information on the Ultima, call Yamaha at 404-254-4150. For more new product information, see page 49.

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

By MARK LESLIE

WASHINGTON, 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.

UPOV's purpose is to ensure quality control; truth in advertising; and enforcement, ensuring the seed in a bag is exactly what its label states.

"Overall, this was very good for not only the seed industry but, most impor-

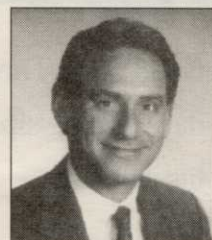
Continued on page 52

**Jacobsen names Florida distributor, realigns sales & marketing**

FT. LAUDERDALE, Fla. — Kilpatrick Turf Equipment has been named the Jacobsen dealer in South Florida. Kilpatrick Turf Equipment will be responsible for Lee, Glades, Hendry, Collier, and Charlotte counties along Florida's West coast; and Indian River, Okeechobee, St. Lucie, Martin, Palm Beach, Broward, Dade and Monroe counties along the state's East coast. Kilpatrick can be reached at 1-800-432-0066.

RACINE, Wis. — Officials at Jacobsen Division of Textron Inc. have announced a realignment of the company's sales and marketing departments, now combined under the direction of Harold Pinto, vice president sales and marketing.

Ralph Nicotera, director of North



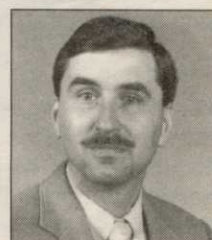
Harold Pinto



Ralph Nicotera



Laura Kozenski



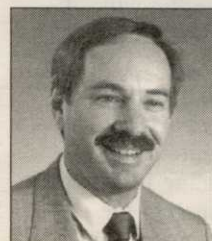
Gene Majewski

American Sales, is now responsible for product sales to golf and non-golf markets through Jacobsen dealers and company-owned retail outlets.

Jacobsen has also announced personnel changes in the company's service parts and whole goods distribution areas.

Steve Nelson has been named direc-

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Steve Nelson



Wayne Whitehead



## PVP legislation

Continued from page 47

tantly, the plant-breeding community and agriculture in general," Cahill said. "This reaffirmed our bond with the American farmer and made certain people know the rules of the game.

Turfgrass, clover and alfalfa are exempted from the controversial Variety Not Stated portion of the law, according to Tom Salt, plant variety protection examiner with the U.S. Department of Agriculture.

"If soybean, cotton or other products fail the grade, they can be used for other purposes, but that is not the case with turfgrass," Salt said.

Thus, the law states a turfgrass must be sold by variety name — if it has a certificate of protection — unless someone walks away from a contract and doesn't make payment within 30 days of the contract's specified date. Seed companies have the option to buy the seed from the farmer and recondition it to bring it up to standard, or to allow the farmer to sell the seed as VNS, Salt said.

ASTA members, split over the issue of VNS, came out of their convention in June with "a strong and united front," Cahill said. "People were very pleased with the progress we were making, and felt that advancing the principles of the legislation was important — not only to our membership but the plant-breeding community in general."

The big change in UPOV for ASTA? "It was a recognition of the importance of farmers to be able to save seed for use on their own holdings, which we've always supported," said Cahill. "But to withhold sales of new protected varieties unless there is permission of the owner of that variety."

Also, the new document advances the concept of and introduces the term "essential derivation" (ED), which is "very important to the plant-breeding community," Cahill said. ED is "that minimum distance between varieties... It all rests upon the issue of dependence of one variety on another. And that will be determined by the breeders."

The law did not specify any parameters or recipes for each crop. That will be ongoing because there is no agreement right now and it is a very new concept, Cahill said.

# Golf Course Marketplace

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