

LETTER

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ARIZONA ATTORNEY GENERAL

NEWMAN W. WHITE

November

1959

Mr. Floyd Roberts  
State Chemist  
Box 2127  
Mesa, Arizona

JOHN VANLANDINGHAM

Re: Fertilizer Grade Designation

Dear Mr. Roberts:

This will acknowledge receipt of your letter of October 22, 1959, in which you request an opinion as to whether the Arizona Fertilizer Materials Act requires the labels to show separately the grade and chemical analysis.

The statutes requiring that the grade and chemical analysis be shown are as follows:

A.R.S. §3-272 (B): "Any person who desires to sell or offer for sale, either by himself or through another person, commercial fertilizers or agricultural minerals in this state, shall first file with the state chemist, on registration forms supplied by him, a signed statement giving the following information with respect to each brand or grade:

1. Name and address of applicant.
2. Brand name and grade.
3. Chemical analysis stating the percentages of every constituent of agricultural value claimed to be therein, and the materials from which all of the constituents are derived."

A.R.S. §3-273 (A & B): " Any commercial fertilizer or agricultural mineral offered for sale, sold or distributed in this state in bags, barrels or other containers shall have placed on or affixed to the container

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"in printed form either on tags affixed to the end of the package on the sewed end or directly on the package the following information:

1. Name and address of registrant.
2. Brand name and grade.
3. Chemical analysis.
4. Net weight.

B. If distributed in bulk, a written or printed statement showing the net weight and the information required by paragraphs 1, 2 and 3 of subsection A of this section shall accompany the delivery and be supplied to the purchaser."

§3-262 Under the heading of "Definitions" in A.R.S. (B 4 a.) it states:

"4. "Grade" means:

(a) In case of fertilizers the minimum percentage of total nitrogen, available phosphoric acid and soluble potash stated in the order given in this definition and, when applied to mixed fertilizer shall be in whole numbers only."

The requirements of the chemical analysis are found in A.R.S. §3-275 (A) as follows:

"The chemical analysis of a commercial fertilizer shall state the percentages represented to be therein of nitrogen, available phosphoric acid and soluble potash...."

A reading of the definitions of the grade and chemical analysis as provided in the above two statutes shows that the same information is required for both the grade and chemical analysis.

Examination of labels filed with the State Chemist shows that most of the chemical analysis have additional numbers other than those of the grade. With these observations we turn to the rules of statutory construction as set forth by our Supreme Court.

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In Adams v. Bolin, 74 Ariz. 269, 247 P.(2d) 617,  
our Court stated:

"In the interpretation of a statute,  
city ordinance or city charter the  
cardinal principle is to give full  
effect to the intent of the lawmaker,  
and each word, phrase, clause and sentence  
must be given meaning so that no part will  
be void, inert, redundant or trivial. City  
of Phoenix v. Yates, 69 Ariz. 68, 208 P. 2d  
1147."

And in Board of Supervisors, 47 Ariz. 536, 57 P. 2d  
1220, it is stated:

"It is only where there is no doubt as  
to the intention of those who frame an  
amendment or statute that a court may  
modify, alter or supply words that will  
'obviate any repugnancy to or inconsistency  
with such intention', and by so doing per-  
mit 'particular provisions' to be read or  
construed otherwise than 'according to  
their literal meaning.' Clark v. Boyce, 20  
Ariz. 544, 185 Pac.136, 137."

In view of the above citations and inasmuch  
as the Act was designed to prevent deception, we believe  
that we must give full meaning to all of the provisions  
of the Act. It is therefore, the opinion of the Attorney  
General that the Fertilizer Materials Act requires the  
labels to show both the grade and the chemical analysis,  
even though the grade could be determined from the chemical  
analysis.

Cordially yours,

FKG:s

WADE CHURCH  
The Attorney General

FRANKLIN K. GIBSON  
Assistant Attorney General