



Supporting Documentation

APS Commercial Plant Vendor Code of Ethics

(APS Bylaw Article IV, Section 5)

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Introduction

The American Peony Society (APS) has a long history with a mission to provide education and resources to the public with a focus on peony nomenclature (naming), culture and history. Throughout much of the last century, peony cultivars in commerce have often been the subject to a number of problematic marketing issues, including: distribution under incorrect names, misinformation, gimmicks and poor use of nomenclature. While APS is unable to control commercial practices, the Society believes Commercial Members can make a positive impact in commerce by offering consistent, factual and clear information to the public through their practices.

Commercial Members are on the front line when it comes to peony information and APS thanks our members for their diligent efforts to educate their clientele and users through their marketing and educational initiatives (guides, presentations, catalogs, advertisements, websites, etc.). The Commercial Plant Vendor Code of Ethics (Code) is directed toward continuing good practices by our Commercial Members and at the same time providing guidance which may be helpful to both the consumer and the Commercial Plant Vendors' interests.

APS treats the Code as a **'Good Faith'** document, meaning APS has confidence in its Commercial Plant Vendors to make efforts toward meeting and implementing it to the best of their abilities. That said, APS does not serve as legal entity in solving business problems the Code may present. Commercial Plant Vendors must decide individually how they can integrate the Code into their business. In most instances Commercial Plant Vendors are already practicing the Code and for them it may serve only as a review and formality. If a Commercial Plant Vendor is unable to, or does not desire to meet the Code, APS membership as a Commercial Plant Vendor Member may not be a good fit, in this case individual membership may still be an option.

How it Works

1. All Commercial Members who distribute plant material, are encouraged to practice the Code, where applicable.
2. By agreeing to the Code (signing, submitting an Agreement), the Commercial Plant Vendor:
 - Shows their support for transparent, factual and consistent practices which forward the peony.
 - Will be recognized within the Vendors listing on the APS website as a practitioner of the American Peony Society Commercial Plant Vendor Code of Ethics.
 - May advertise in The APS Bulletin. Commercial Plant Vendors who do not have an agreement on file with the APS will not be considered for advertising.
3. Failure to meet the ethical obligations of the Code in "Good Faith" may result in BOD and Commercial Grower Committee action; which may include:
 - notification of non-ethical practice(s) with the expectation those practices will be addressed;
 - loss of Commercial Member designation with a change to an individual member designation without remuneration;
 - or in severe cases, expulsion without remuneration from the American Peony Society for unethical practices.

Code

(APS Bylaw Article IV, Section 5)

Commercial Plant Vendors will in good faith:

1. **Guarantee true to name cultivars** and provide a replacement or refund upon verified complaint.
2. **Introduce and list cultivars to commerce under precedent name**, established by registration and publication with the APS as the International Cultivar Registration Authority (ICRA) for peonies as provided for under the International Code of Nomenclature for Cultivated Plants (ICNCP) of the International Society for Horticultural Science (ISHS).
3. **Offer list/catalog descriptions and associated cultural support documents** to be written using standard APS terminology. This is primarily directed toward flower forms, but may also include other terminology.
4. Provide descriptive **information for end users to determine possible problems a cultivar or group may exhibit**. This may include requirements for special care.
5. Provide photographs in offering lists/catalogs which are representative of a cultivar's mature performance. Photos are optional; however, when in use, photos should be accurate.
6. **Cite APS awards**, these may include the Gold Medal, Award of Landscape Merit and Flower Show Awards; as appropriate for the cultivar being described. Citing awards is optional, but is helpful for the consumer.
7. **Avoid commercial synonyms**, but if used, then follow the commercial synonym in print with the established name in parentheses as specified in the ICNCP.

Supporting Information and Examples

See numbered Commercial Plant Vendors Code for associated statement. The following examples cover a fraction of possibilities.

1. Guarantee true to name cultivars.
 - APS support is available chiefly through the APS website, wherein the current historical list of precedent cultivar names can be found. These resources assist growers, sellers and consumers of peonies who research cultivars for correct nomenclature and associated characteristics.
 - Commercial Members occasionally make unintentional mistakes and APS realizes incorrectly labeled cultivars are sometimes supplied by accident. The method by which the mistake is addressed is at the discretion of the Commercial Member. In cases in which incorrectly identified cultivars are sent to a customer(s), APS suggests a reputable Commercial Plant Vendor do one or more of the following:
 - replace the peony with the correct cultivar;
 - supply the name of the misidentified peony, if acceptable to the customer;
 - refund the customer.
 - It is helpful for the Commercial Member to ask the consumer making a claim of mistaken identity to supply an image(s) of the plant in question for grower verification. Images of both the flower and the entire plant may assist in the elimination of questionable information supplied by a consumer.
2. Introduce and list cultivars to commerce under precedent name.
 - A cultivar is a selection which is propagated under a specific name.
 - Cultivars may be registered or unregistered
 - Registered cultivars are those which have been submitted, approved and published by the ICRA (International Cultivar Registration Authority). For peonies, the ICRA is the American Peony Society. Registered cultivars may be seen in APS' Registry of Peonies at: <https://americanpeonysociety.org/cultivars/peony-registry/>.
 - Unregistered cultivars are any peonies not registered with ICRA. These can fall into several categories.
 - APS highly recommends unregistered peonies which are being distributed to be noted as: UNREGISTERED SEEDLING or UNREGISTERED HISTORIC CULTIVAR or UNREGISTERED TRADE NAMED CULTIVAR. A good description and image are helpful when distributing unregistered plants, since their descriptions are not available in the Peony Registry.

- Using unregistered names (garden names) is problematic on many levels and not advised due to the confusion it may cause in commerce. Unregistered names are not secure, and an unregistered name may ultimately be attached to a completely different cultivar if registered with the ICRA in the future.
- “Seedling” is not descriptive of the age of the plant, but is a reference to it being grown from seed and not registered with the ICRA. Seedlings are often given garden names and distributed under this name, and there will likely be no enduring historical or descriptive information available for consumers to research in the future through the Peony Registry. A number of APS Commercial Members offer seedlings under number, which avoids cluttering the market with garden named plants with no long term documented reference. If a seedling number is known for a plant, APS recommends listing it. Example: Seedling #SDR-2014j.
- Some peony cultivars are not registered with the ICRA, but may be found in another registry. A number of countries have their own registries and provide online information about their cultivars. In such cases, provide a link or other information that may be helpful in locating further information through a non-APS registry. While APS believes it would be beneficial for all peonies in commerce be registered with the ICRA and listed in the Peony Registry, it is not realistic to assume all originators/growers will do so. Thus, the use of other registries may be helpful in accomplishing the task of providing references and information.
- There are some hybridizers who do not register any of the plants they distribute. These plants are often garden named and will not show up in the Peony Registry, thus will have no enduring reference. Since many of these cultivars are available in commerce, Commercial Plant Vendors are expected to list as much information as reasonably possible when distributing.
- Commercial Plant Vendor’s seedlings, which are determined to be suitable for mass distribution, shall be registered with the ICRA by the Commercial Plant Vendor. This is helpful to the peony world for research purposes and helps to prevent confusion and mix-ups. Registration information may be found on the APS website at:
<https://americanpeonysociety.org/cultivars/peony-registration-info/> and
<https://americanpeonysociety.org/cultivars/registration-procedures/>

3. List/Catalog descriptions.

- APS recommends using both accepted botanical terminology and that which is found within APS documentation (flower forms, plant forms, etc...).
- See APS website for plant structure terminology at:
<https://americanpeonysociety.org/learn/glossary/#glossary-a-g>
- See APS website for Flower Forms: <https://americanpeonysociety.org/learn/herbaceous-peonies/#flower-types-anatomy>
- Avoid using terminology lacking widespread acceptance and/or that which might otherwise be deemed ambiguous. Examples:
 - Chrysanthemum form – this is not a recommended description and has not been in use by APS. It may be found in some descriptions, but has no reference within APS or accepted materials. It is also an ambiguous description – Chrysanthemums have many forms.
 - Tuber – An incorrect term often used to describe the root system of a peony. Peonies do not produce tubers.
 - Fernleaf Peony – This term may refer to numerous cultivars with similar fern-like leaf structure and is ambiguous. It is recommended that “fern-like foliage” be used in the description, but avoid using the terminology that names a peony “Fernleaf Peony”.
 - Woodland Peony – This term may refer to numerous cultivars/species which may be grown in more shaded conditions and is ambiguous. It is recommended that “may be used as a woodland planting” be used in the description, but avoid terminology which names a peony “Woodland Peony”.

- Whenever possible supply a description of the cultivar being distributed. Items recommended for inclusion within a description:
 - If not registered with APS, indicate the cultivar is unregistered.
 - Hybridizer (person who produced the seed or plant).
 - Originator (person who registered the peony) *Originator and Hybridizer may be the same person(s).
 - A good general description, which could include: name derivation, historical information, or unique qualities that may be of interest.
 - Ancestry/parentage (if known), and fertility.
 - Floral and Plant characteristics: flower form, stigma shape/color, filament shape/size/color, petal shape, bud characteristics, cut flower use (if applicable), stem strength (is support needed?), foliage color, leaf shape, landscape use (if applicable), height and width of mature specimen, etc...
 - Cultivar name should be listed in the original language or the Romanized version of the original language. A translation of the name can be added but should not be the precedent name.
 - EXAMPLE: “Auten 1816”. Auten. Herbaceous hybrid. Unregistered and in commerce under name “Auten 1816”. Flower form: Japanese. The large rounded petals are a clear brilliant red. At the center of the flower are a grouping of red petaloids of various lengths and shapes, mixed with gold edged stamenodes. As flower structures mature, they become larger and obscure most of stamenodes, producing the appearance of an overall red double bloom. Foliage is medium green and leaflets are of typical *P. officinalis plena* hybrid appearance. Plants stand about 28" in height and stems lean, but do not lay on the ground. A most unusual and attractive cultivar that is seldom available in the trade. Mid-season bloom period. No fertility noted.
 - EXAMPLE: “Shima-Nishiki”. Japan. Japanese suffruticosa group. Unregistered Historic Cultivar. 'Shima-Nishiki' means “Island Brocade” in English. Flower form: Semi-double. Red & white striped flowers. Sometimes all red, many color variations, very inconsistent. Reported as a mutation of “Taiyo”. One of the best variegated flowers among woody peonies. Fertile both ways.
4. Provide descriptive information for end users to determine possible problems.
- Special growing requirements, if applicable. Examples:
 - plant resents water in winter
 - requires special siting to avoid adverse climate damage
 - prone to frost damage
 - plants begin to go dormant in mid-summer
 - plants require stable climate conditions to be productive (often species and Suffruticosa Group plants, but may include cultivars from other groups)
 - Flower properties
 - do not open well in hot weather
 - may be inconsistent from year to year or within a single plant
 - buds may be damaged during development in wet seasons
 - flowers will express different colors due to climate (typical of lutea hybrids)
 - Note the need for support if necessary for good display.
 - Plants may not perform well in all growing zones in which peonies are commonly grown.
5. Images should be true to life as possible.
- Flower color. Flower color should be representative of what can be expected in the garden or vase. Avoid using photo editing programs to alter flower colors beyond that which is naturally occurring.
 - Flower form. Select images which are representative of expected flower form. Avoid using abnormal or seldom observed flower forms.
 - Plant habit. Provide images of plants which are natural and not staged. Many cultivars require mechanical support, make sure to note in any images of plant which are using support to create an unnatural display.

6. Cite APS Awards

- Providing awards which a cultivar has secured is helpful for the consumer in making selections. Providing a short description of the award, year of the award and other supporting information is always welcome. Avoid using awards which are not part of a specialty organization or are for **commercial marketing purposes** (generalist magazines and nurseries will often have their own awards). More often than not, marketing awards are directed toward profit and not quality. Typically mentioned awards are:
- GOLD MEDAL PEONY. A list of Gold Medal Peonies is available on the APS website at: <https://americanpeonysociety.org/learn/awards/#gold-medal>
- AWARD OF LANDSCAPE MERIT. A list of ALM Peonies is available on the APS website at: <https://americanpeonysociety.org/learn/awards/#award-of-landscape-merit>
- APS ANNUAL FLOWER SHOW AWARDS. Ribbons are awarded in numerous Divisions (generally not mentioned in descriptions). The highest quality flowers may be advanced to the “Court of Honor” from each division and are sometimes mentioned in descriptions. The “Queen of the Show” (best in show) is designated as the best flower at APS flower shows and common mention in descriptions. In 2023’s Syracuse, New York Flower Show and Exhibition, 'Sonoma Yedo' was awarded “Queen of the Show”. A list of Best in Show peonies can be found on the APS website at: <https://americanpeonysociety.org/learn/awards/#best-in-show>
- SEEDLING AWARDS. Some seedlings are exhibited for judging during the APS Annual Convention’s Flower Show and Exhibition. The best flowers in Division 301 may receive an “Honorable Mention” and those showing the most promise may be awarded a “Certificate of Merit”. A “Best Seedling” may be selected from the “Certificate of Merit” winner, which is generally advanced to the “Court of Honor”. The “Court of Honor” is not an award, but is a category in which the best flowers from each Division are advanced to. Seedling awards are usually referenced by the originator in the cultivar description after registration. Look up cultivars in the Peony Registry at: <https://americanpeonysociety.org/cultivars/peony-registry/>
- LOCAL PEONY SOCIETY SHOW AWARDS. These are not normally mentioned in descriptions, but doing so may serve an important purpose – they recognize plants which may perform well in a specific region.

7. Commercial synonyms are cultivar/species names which are distributed under another name, distinct from their registered or taxonomically accepted name. Examples:

- 'Black Beauty' was registered in 1924 by Berneche and is a Lactiflora Group cultivar, in recent years some commercial outlets have listed different cultivars under the same name (confusing and misleading). Thus, 'Black Beauty' exists as a registered cultivar and other cultivars (registered or unregistered) have been incorrectly sold under the same name. Avoid listing incorrect synonym names. Check the Peony Registry to verify plant names, if in question.
- “Takara” is the trade name for 'Smith Opus 2'. Trade names are often used to market peonies registered under a different name. These names are not generally recorded by the ICRA and may cause consumer confusion. There may also be legal ramifications for employing trademarked names without a license to do so, making them unusable for most commercial growers. Avoid using trade names and use the recognized ICRA name (registered name) if at all possible.
- “Molly the Witch”, “P. mlokosewitschii” and “Yellow Woodland Peony” are commonly used as names for the species *Paeonia daurica* ssp. *mlokosewitschii* (taxonomically accepted name). “Molly the Witch” and “Yellow Woodland Peony” do not describe any specific selection of the species, but are generic colloquialisms. Use of common names may cause confusion in commerce. The use of “P. mlokosewitschii”, alone, is incomplete. Historically, many commercial outlets have falsely marketed this plant as “yellow” in color, however, *Paeonia daurica* ssp. *mlokosewitschii* is a highly variable species, exhibiting a variety of colors and forms. Thus, common and incorrect naming practices have created a false understanding of its variable characteristics. It is recommended that the taxonomically accepted name be employed where possible.