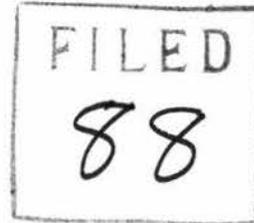


AGRICULTURE:
COMMERCIAL FEED:

"Ground Grain Screenings" is a "Commercial Feeding-stuff" as defined by Section 14319, R. S. Missouri, 1939, and the Missouri Feed Law, Sections 14319 to 14333, is applicable.

January 24, 1950



Honorable Robert T. Thornburg
Commissioner
Department of Agriculture
Jefferson City, Missouri

Dear Sir:

This is in answer to your letter of recent date requesting an opinion of this department, and reading as follows:

"Will you please give us an opinion on Section 14319, Revised Statutes of Missouri, 1939,--specifically as to whether or not 'Ground Grain Screenings' is classed as a 'Commercial Feed' and covered by the Missouri Feed Law. You will note that Section 14319 lists feeds that are NOT covered by the Missouri Feed Law, and does not include 'Ground Grain Screenings.'

"We have a feed manufacturer who contends that screenings have not been manufactured or processed, and are not to be fed to poultry and livestock as a feed, but are to be used as an ingredient to be mixed with other ingredients."

Section 14319, R. S. Missouri, 1939, provides as follows:

"The term 'commercial feeding-stuffs' shall be held to include all feeding-stuffs used for feeding livestock and poultry, except whole seeds or grains, the unmixed meals made directly from the entire grains of corn, wheat, rye, barley, oats, buckwheat, flaxseed, kaffir, and milo, whole hays, straws, cotton seed hulls and corn stover, pure corn chops and pure ground ear corn, when the same are not mixed with other

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materials, but the term shall not apply to other materials containing sixty (60) per cent or more of water."

It is to be noted that "Ground Grain Screenings," that is, the residue that is left when grain has been cleaned, is not among the feeding stuffs exempted from the definition of "Commercial Feeding-Stuffs" in Section 14319, supra.

Section 14326, R. S. Missouri, 1939, provides as follows:

"For the purpose of defraying the expenses of the inspection of feeds, each manufacturer, distributor or seller of any feed shall annually, on or before January first or before offering such feed for sale, pay a registration fee of two dollars (\$2.00) for each brand of feed registered under the provisions of this article. On or before January fifteenth and July fifteenth of each year, each manufacturer, distributor or seller of any feed shall make a statement under oath to the commissioner, setting forth the number of net tons of feed sold in the state during the preceding six months, ending January first and July first of each year, and upon such statement shall pay an inspection fee of eight (8) cents per net ton of two thousand (2,000) pounds. Any feed shall be exempted from the inspection fee when labeled with (a) the name and address of the manufacturer, (b) the brand name, (c) a declaration stating that such feed is to be used for mixing for resale purposes only, and (d) that the inspection fee is not to be paid thereon. All registrations shall expire on the last day of the calendar year for which issued."

Such section shows recognition by the Legislature that feeding stuffs used for feeding livestock and poultry may be used with other components to form another feeding stuff. Therefore, we believe, that the fact that the "Ground Grain Screenings" are to be used with other ingredients in producing a commercial feed does not preclude the "Ground Grain Screenings" coming within the definition of "Commercial Feeding-Stuffs." Section 14326, supra, provides that the feeding stuff which is to be mixed with other ingredients is not subject to the inspection fee provided in such section, if a specified label is placed thereon. Obviously, the purpose of this provision is to exempt the feed which is to be mixed

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with other ingredients from two inspection charges, since the resultant feed, or the mixture, is subject to the inspection fee as provided in such section. Section 14326 does not purport to exempt any feed from the operation of the act, but merely exempts certain feeds from double inspection fees when properly labeled.

CONCLUSION

It is the opinion of this department that "Ground Grain Screenings" constitute a "Commercial Feed-Stuff" as such term is defined in Section 14319, R. S. Missouri, 1939, and that persons selling, offering or exposing for sale or distribution, such "Ground Grain Screenings" within the State of Missouri must comply with the provisions of the Missouri Feed Law.

Respectfully submitted,

C. B. Burns, Jr.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General