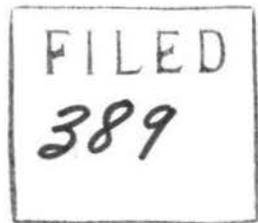


August 16, 1971

OPINION LETTER NO. 389
Answer by letter-Wieler



Mr. Dexter D. Davis
Commissioner of Agriculture
Department of Agriculture
P. O. Box 630
Jefferson City, Missouri 65101

Dear Mr. Davis:

This is in response to your request for an opinion as to the authority of the Commissioner of Agriculture to register a brand consisting of arabic numerals only or arabic numerals in combination with letters or figures.

As you have stated in your request, House Bill No. 134, 76th General Assembly, has been signed by the Governor and will become law on September 28, 1971. This bill repealed Chapter 268, RSMo 1969, relating to marks and brands of animals and enacted in lieu thereof eighteen new sections dealing with the same subject. Under the new law, the Commissioner of Agriculture shall be responsible for registering brands in this state. Section 4 of this act provides that any person desiring to adopt a brand shall forward to the Commissioner proper brand application forms of the desired brand together with the proper fee and that such brand shall be filed and recorded by the Commissioner unless the brand is of record as that of some other person or conflicts with or closely resembles the brand of another person. The only other restriction contained in this act with respect to the composition of a registered brand is the requirement of Section 9 that no single letter or single figure be accepted as a registered brand.

The provisions of Section 7 do not restrict the Commissioner from registering brands containing arabic numerals. Section 7 provides that brands consisting of arabic numerals only may be used in conjunction with recorded brands for in-herd identification and as such shall not be recorded. The sole purpose of this provision

Mr. Dexter D. Davis

is to allow an individual to mark, for identification purposes, any animal within his herd by use of an arabic numeral in addition to his recorded brand without recording the same. See Section 8 which provides that any brand used for in-herd identification must be located at least ten inches apart from the recorded brand.

Therefore, it is our opinion that the Commissioner of Agriculture may accept and record any brand application consisting of more than one arabic numeral or a combination of arabic numerals and letters or figures as long as such brand does not conflict with or closely resemble the brand of another person.

Yours very truly,

JOHN C. DANFORTH
Attorney General