

AGRICULTURE:  
COMMERCIAL FEEDING-  
STUFFS:

"Sun-cured Alfalfa Meal" and "Dehydrated Alfalfa Meal" are commercial feeding-stuffs, as defined in Section 14319, R. S. Mo. 1939, and require registration and payment of tonnage inspection fees, as required by Section 14326, R.S. Mo. 1939.

January 7, 1947



Mr. Norman I. Dickey  
Director, Feed Division  
Department of Agriculture  
Jefferson City, Missouri

Dear Sir:

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

"We are in need of a written opinion from your office interpreting Section 14319, Article 22, R. S. Missouri, 1939, as it applies to Suncured Alfalfa Meal and Dehydrated Alfalfa Meal. Specifically, does 'Suncured Alfalfa Meal' require registration as a commercial feeding-stuff and the subsequent payment of tonnage inspection fees under Section 14326, R. S. Missouri, 1939?"

"The enclosed copies of correspondence and records explain the contention of some alfalfa processors that alfalfa meals do not come under the jurisdiction of our Missouri Feed Law."

Section 14319, R. S. Mo. 1939, reads 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 materials, but the term shall not apply to other materials containing sixty (60) per cent or more of water."

Two questions must be answered in order to determine whether or not "Sun-cured Alfalfa Meal" is a commercial feeding-stuff, as such term is defined in Section 14319, quoted supra: (1) Does the exception of unmixed meals in said section apply to "whole hays," or does it apply only to "the entire grains of corn, wheat, rye, barley, oats, buckwheat, flaxseed, kaffir, and milo?" (2) If the answer to the first question be that the exception does apply to unmixed meals of whole hays, does the term "whole hays" include "Sun-cured Alfalfa Meal?"

A great many states have commercial feeding-stuff laws similar to those of Missouri. The definition of "commercial feeding-stuffs," as defined in the laws of the State of Kansas, is found in Section 2-1001 of the General Statutes of Kansas, 1935, and reads as follows:

"The term 'commercial feeding stuffs' shall be held to include all feeding stuffs used for feeding livestock and poultry, except the following: (a) whole seeds or grains. (b) The unmixed meals made directly from and consisting of the entire grains of corn, wheat, rye, barley, oats, buckwheat, flaxseed, kaffir, and milo. (c) Whole hays, straws, cottonseed hulls and corn stover, when unmixed with other materials. (d) All other materials consisting of 60 per centum or more of water."

The definition of "commercial feeding stuffs," as found in the Statutes of Idaho, is found in Section 24-2501 of the Idaho Code of 1932, and 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, milo, peas and beans; whole hays, straws, cotton seed hulls, corn stover and ground or whole mill screenings when unmixed with other materials."

Similar statutes are found in the West Virginia Code of 1937, at Section 2077, in the Wyoming Statutes of 1931, at Sec-

tion 5-901, and in the Louisiana General Statutes (Dart), at Section 106.2, in all of which statutes the phrase "unmixed meals made directly from the entire grains," etc., is separated by a semicolon from the phrase beginning "whole hays," etc.

In the Mississippi Code of 1942, at Section 4436, and in the Wisconsin Statutes of 1945, at Section 94.72, we find that the phrase beginning "The unmixed meals," etc., is written as a complete sentence and is separated by letter from the phrase beginning "whole hays," as is found in Section 2.1001 of the Kansas Statutes, set out above.

We believe that it is clear from the definition of "commercial feeding-stuffs," as set out in Section 14319, R. S. Mo. 1939, that the phrase beginning "the unmixed meals" applies only to the entire grains of corn, wheat, rye, etc., and does not refer to meals made from whole hays, and that proper punctuation of the section would have placed a semicolon, instead of a comma, after "milo" in such section. We believe that this is clear because of the fact that in all of the states above listed, the definition of "commercial feeding-stuffs," which is very similar to that found in Section 14319, is punctuated so that it is clear that "unmixed meals" does not apply to meals made from whole hays.

It is said by the Circuit Court of Appeals, Eighth Circuit, in the case of Holmes v. Phenix Ins. Co. of Brooklyn, 98 F. 240, l. c. 242:

" \* \* \* The comma and semicolon are both used for the same purpose, namely, to divide sentences and parts of sentences, the only difference being that the semicolon makes the division a little more pronounced than the comma; but at the last it is the sense of the words, taken together, that dictates where the punctuation marks are to be placed, and what they shall be."

Section 14319, R. S. Mo. 1939, excepts, we believe, from the classification of "commercial feeding-stuffs," (a) whole seeds or grains, (b) unmixed meals made directly from the entire grains of corn, wheat, rye, barley, oats, buckwheat, flaxseed, kaffir, and milo, (c) whole hays, straws, cotton seed hulls and corn stover, (d) pure corn chops, (e) pure ground ear corn, and (f) other materials containing sixty (60) per cent or more of water. Therefore, the exception of "unmixed meals," in Section 14319, does not apply to "Sun-cured Alfalfa Meal."

"Hay" is defined in Webster's New International Dictionary, Second Edition, as:

"1. a Grass mowed or ready for mowing; esp., grass cut and cured for fodder. b \* \* \* \* the entire herbage, sometimes including the seeds, of grasses and other forage plants, as legumes, harvested and dried esp. for feed; as, timothy, clover hay."

"Alfalfa meal" is defined in the Official 1946 Publication of the Association of American Feed Control Officials, Inc., which association consists of officers in charge of the execution of State, Dominion and Federal laws regulating the sale of commercial feeding-stuffs, and heads of experiment stations, bureaus, divisions, sections and laboratories charged by law with the examination of feeding-stuffs, as:

"The product obtained from the grinding of the entire alfalfa hay, without the addition of any alfalfa stems, alfalfa straw or foreign material, or the abstraction of leaves."

It is to be noted that "alfalfa meal" is defined as the product obtained from grinding alfalfa hay. From this definition, it is clear that the meal obtained from grinding alfalfa hay is not a "whole hay." Further, it is clear that in Section 14319, R. S. No. 1939, the Legislature specifically differentiated between meals made from the entire grains of certain named crops, and entire seeds or grains. This differentiation in Section 14319 between entire grains and meals made from entire grains applies equally to meals made from whole hays and whole hays. Therefore, we hold that "Sun-cured Alfalfa Meal" is not a "whole hay."

"Sun-cured Alfalfa Meal," as defined above, is the product obtained when alfalfa hay, from which the moisture content has been largely removed by drying in the sun, is ground. "Dehydrated Alfalfa Meal" is the product obtained when alfalfa hay, from which the moisture has been largely removed by the application of heat, is ground. The only difference between "Sun-cured Alfalfa Meal" and "Dehydrated Alfalfa Meal" is that dehydrated alfalfa meal contains more vitamins than does sun-cured alfalfa meal. However, as pointed out above, the process of grinding the alfalfa hay makes the resulting meal a commercial feeding-stuff. Therefore, both "Sun-cured Alfalfa Meal" and "Dehydrated Alfalfa Meal" are commercial feeding-stuffs, as such term is defined in Section 14319.

Section 14321, R. S. No. 1939, provides for the obtaining of a certificate of registration from the Department of Agriculture by any manufacturer, importer, jobber, firm, association, corporation, partnership, or individual, before he shall be permitted to sell, offer or expose for sale or distribution in this state any feed as defined in Article 22, Chapter 102, R. S. No. 1939, which article contains Sections 14319 to 14333, inclusive.

Section 14326, R. S. No. 1939, provides for the payment of an annual registration fee of \$2.00 on or before January 1st of each year, and for the making of a statement on or before January 15th and July 15th of each year, by each manufacturer, distributor or seller of any feed, which statement must be made under oath, listing the number of tons of feed sold in the state during the preceding six months, and upon such statement must pay an inspection fee of 8¢ per ton. The only feed that is exempt from the payment of this inspection fee is feed that is to be used only for mixing for resale purposes.

Section 14332, R. S. No. 1939, provides that "feed," as used in Sections 14321 and 14326, shall be "commercial feeding-stuffs."

#### CONCLUSION

It is, therefore, the opinion of this department that "Sun-cured Alfalfa Meal" and "Dehydrated Alfalfa Meal" are commercial feeding-stuffs, as defined in section 14319, R. S. No. 1939, and that the processors of alfalfa who offer such products for sale in the State of Missouri must obtain a certificate of registration, as required by Section 14321, R. S. No. 1939, must pay a registration fee of \$2.00 before offering such feed for sale, and must pay an inspection fee of 8¢ per ton on all such products sold in the State of Missouri.

Respectfully submitted,

C. B. BURNS, Jr.  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
Attorney General

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