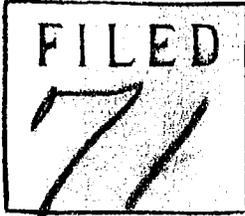


FOOD AND DRUGS: MEAT:
WHEN OWNER MAY LEGALLY SELL
MEAT FROM HOME BUTCHERED
LIVESTOCK:

One who butchers and sells meat from own livestock in grocery store in incorporated city may legally do so; a farmer may legally sell meat from his livestock directly to a grocery store or meat market.



September 8, 1954

Honorable W. H. Pinnell
Prosecuting Attorney
Barry County
Cassville, Missouri

Dear Sir:

This department is in receipt of your recent request for an official opinion which reads as follows:

"I would like an opinion from your office as to whether a man who owns a Grocery Store may butcher his own livestock and sell the meat therefrom at his place of business without violating any State law. Further, may a farmer sell meat from livestock which he has butchered directly to a Grocery Store or meat market without violating any State law.

"Thanking you, I am, * * *."

The statement of facts is very general in nature and at our request a clarification of same has been given. We now understand the facts regarding the first inquiry to be substantially as follows:

An individual owns and operates a grocery store in an incorporated city and is also engaged in the operation of a farm in the same county. Livestock is kept on the farm, which livestock is butchered and the meat sold at the store of the owner in the city.

The first inquiry is whether or not the merchant-farmer can, under these facts sell the meat from the livestock kept on his

Honorable W. H. Pinnell

farm at his store without violating any state law.

Chapter 196, RSMo 1949, consisting of Sections 196.010 to 196.890, inclusive, has been called the "Missouri Food and Drug Act," and provides for the regulation, inspection, manufacture, and sale of all foods, drugs and cosmetics within the state as well as providing for the manufacture, processing and sale of human food under strictly sanitary conditions provided in said chapter.

Paragraph 7, Section 196.010, RSMo 1949, defines the term food as follows:

"(7) The term 'food' means articles used for food or drink for man or other animals, chewing gum, and articles used for components of any such article;"

From this definition it is readily seen that meat is a food and as such its processing or sale is subject to the applicable sections of said Chapter 196.

The violation of different sections of Chapter 196, particularly, those providing for sanitary requirements in the production and sale of foods are declared to be criminal offenses and punishable as such. For example, we call attention to Sections 196.015, 196.020, and 196.025, RSMo 1949.

In the instant case, assuming that the merchant who butchers livestock on his farm and then sells the meat at his store has complied with every applicable provision of Chapter 196, RSMo 1949, relating to the manufacture, production, inspection and sale of such meats as to the sanitation of the meat itself, and the place where it is butchered, and is sold, or offered for sale to the public, such merchant may sell meat thus produced on his farm since no Missouri statute prohibits him from so doing.

Assuming that the farmer referred to in the second inquiry has complied with the applicable provisions of Chapter 196, RSMo 1949, he may sell meat butchered from his livestock directly to a grocery store or meat market, since no Missouri statute prohibits him from so doing.

Honorable W. H. Pinnell

CONCLUSION

It is the opinion of this department that no Missouri statutes prohibit:

(1) A grocery store owner from butchering his livestock and selling the meat therefrom in such grocery store.

(2) A farmer from butchering his livestock and selling the meat therefrom directly to a grocery store or meat market.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Paul N. Chitwood.

Very truly yours,

JOHN M. DALTON
Attorney General

PNC:vlw:jm