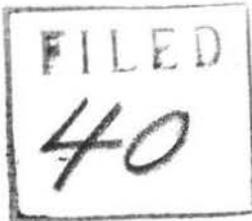


EGGS:  
EGG LAW:

A farmer selling eggs produced by his flock on his farm to customers in a town via door to door route need not grade or label said eggs nor does he need a license to sell said eggs as a door to door route is not an established place of business as referred to in Sections 196.313 and 196.328, RSMo Cum. Supp. 1955.



October 15, 1957

Honorable W. D. Hibler, Jr.  
State Representative  
Chariton County  
Brunswick, Missouri

Dear Sir:

This is in answer to your opinion request to this office dated August 7, 1957, and reading in part as follows:

"The question is whether a farmer is allowed to sell eggs which he produces on his farm to private customers in town for their own use without grading or and labeling them."

The statutory provisions to which you refer in your letter of request are Sections 196.313 and 196.328, Cum. Supp. 1955. These sections provide in part as follows:

"196.313--No person shall buy, sell, trade or traffic in eggs in this state without a license with the following exceptions:

"(1) Those who sell only eggs produced by their own flocks, provided such eggs are not sold at an established place of business away from the premises of such producer;"

"196.328--No markings are required on containers or subcontainers of eggs:

\* \* \* \* \*

"(2) When sales are made without advertising, by the producer, from eggs produced on his own premises and are not sold at an established place of business away from premises of such producer;"

Honorable W. D. Hibler, Jr.

As we interpret your opinion request, the farmer to whom you have reference therein is delivering eggs produced by his flock via a door to door route to consumers in a city. If this is the correct factual situation, then the farmer under the above statutes does not have to grade or label his eggs, nor does he have to have a license to sell said eggs. An "established place of business" as used in the above statutes referred to a permanent place of business such as a grocery store or produce market and does not include selling door to door.

CONCLUSION

It is the opinion of this office that a farmer selling eggs produced by his flock on his farm to customers in a town via a door to door route need not grade or label said eggs, nor does he need a license to sell said eggs as a door to door route is not an established place of business as referred to in Sections 196.313 and 196.328, RSMo Cum. Supp. 1955.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Richard W. Dahms.

Very truly yours,

John M. Dalton  
Attorney General

RWD:mw:hw