

AGRICULTURE:
FEEDS:

Salt distributed to feed dealers which is either mixed in commercial feeds or sold directly to farmers for feeding to animals is not a commercial feed under the Missouri Commercial Feed Law of 1959.

December 4, 1963

Opinion No. 386

Mr. William L. Wyss, Director
Feed and Seed Division
Missouri Department of Agriculture
P.O. Box 630
Jefferson City, Missouri



Dear Mr. Wyss:

We render herewith our opinion in answer to your request of September 20, 1963, which was as follows:

"We would like to have an opinion as to whether or not salt which is distributed by salt companies to feed dealers and which is either mixed in commercial feeds or is sold direct to farmers for feeding to animals would be considered a commercial feed under the Missouri Commercial Feed Law. For your information, we refer you to Section 266.161, Subsection 4, which defines commercial feeds."

Common salt, the substance with which we are concerned, is a white crystalline compound of sodium and chlorine. It is taken from the earth in the form in which it is eventually used, although a certain amount of refining is necessary. Salt is used and consumed primarily in its natural state. Although salt is sold commercially for feed under different brand names, an analysis would show each product to be the same except for a small amount of neutral additives to make the salt "flow". If any ingredients are added to the salt other than such neutral additives, it is no longer salt and is not within the purview of this opinion.

The Missouri Commercial Feed Law of 1959 is set out in Sections 266.151 to 266.171, RSMo 1959. An analysis of this law indicates it was intended to cover substances which may vary in chemical content rather than a single chemical compound such as salt whose composition is fixed and unchangeable.

The term "commercial feeds" is defined in subsection 4 of Section 266.161 as follows:

"All materials which are distributed for use as feed for animals other than man except:

- (a) Unmixed whole seed and meals made directly from the entire seeds;
- (b) Unground hay; and
- (c) Whole or ground straw, stover, silage, cobs, and hulls when not mixed with other materials."

Although salt was not specifically listed, the materials excepted, like salt, are all unmixed ingredients whose composition does not change.

Subsection 5 of Section 266.161 defines a feed ingredient as: "Each of the constituent materials making up a commercial feed". Contrasting this definition with the definition of a commercial feed contained in the preceding subsection, salt would more closely be identified as a feed ingredient rather than a commercial feed.

Other sections of the act indicate it was intended to cover combinations of several ingredients rather than a single ingredient which does not vary in composition. Section 266.181 requires that any commercial feed shall be accompanied by a registration label bearing certain information including:

"* * *(3) The guaranteed analysis of the commercial feed, listing the minimum percentage of crude protein, minimum percentage of crude fat, and maximum percentage of crude fiber. For mineral feeds the list shall include the following if added: Minimum and maximum percentage of calcium (Ca), minimum percentage of phosphorus (P), minimum percentage of iodine (I), and minimum and maximum percentages of salt (NaCl).* * *"

The fact that salt is only one of the ingredients of a mineral feed and, within the limits set forth on the label, may be added to or taken from a feed without requiring re-registration, Section 266.171-3, or re-labeling, supports our reasoning that salt is a feed ingredient and is not itself a commercial feed.

Section 266.211 provides that no person shall distribute an adulterated feed. It also defines the conditions under which a feed shall be deemed adulterated. In each circumstance, the adulteration occurred because a substance had been added to the feed or taken from it. Nothing could be added to or taken from salt without changing the entire character of the substance.

The Commercial Feed Law was enacted to provide government supervision over feed mixtures and to protect stock owners from feeding their animals adulterated or unwholesome feeds. The reason for the law and the provisions thereof do not appear applicable to the sale of salt which is not a variable mixture of several elements but is a compound sold in its natural state whose composition does not vary to any appreciable degree. The fact that a very small percentage of neutral additives may be put in the salt does not change the basic nature of the substance.

It is therefore our opinion that the sale of salt to feed dealers is not covered by the Commercial Feed Law of Missouri. If salt is sold by feed dealers as an ingredient in commercial feeds, it is the responsibility of these dealers to comply with the law.

In this opinion, we do not pass on the question of whether salt that has been treated or other single substances in their natural state are commercial feeds as defined in the Commercial Feed Law.

CONCLUSION

It is the opinion of this office that salt distributed to feed dealers which is either mixed with commercial feeds or sold directly to farmers for feeding to animals is not a commercial feed as used in the Missouri Feed Law of 1959.

The foregoing opinion, which I hereby approve, was prepared by my Assistant John H. Denman.

Very truly yours,

THOMAS F. EAGLETON
Attorney General