

RESTAURANTS: Fried chicken sold for consumption off  
MEALS: premises and not part of complete meal  
READY-TO-EAT MEALS: must be sold by weight.  
MEAT:  
POULTRY:

August 12, 1964

Opinion No. 276



Mr. Don Thomason, Commissioner  
Department of Agriculture  
Jefferson Building  
Jefferson City, Missouri

Dear Mr. Thomason:

This is in answer to your letter of July 22, 1964,  
requesting an opinion of this office which reads as follows:

"The Missouri Restaurant Association has asked this office for an opinion from the Attorney General's Office on Section 413.275, Missouri Weights and Measures Law, in order to determine whether the product sold by various business establishments, namely, chicken sold by the piece and removed from the premises, supposedly for a ready to eat meal, is in violation of Section 413.275, Missouri Weights and Measures Law."

Section 413.275, RSMo 1959, as far as here pertinent provides:

"Except for immediate consumption on the premises where sold, or as one of several elements comprising a ready-to-eat meal sold, as a unit, for consumption elsewhere than on the premises where sold, all meat, meat products, poultry, and all sea food except shellfish, offered or exposed for sale or sold as food, shall be offered or exposed for sale and sold by weight."

It is my understanding that this request was prompted by certain advertisements which advertise the sale of fried chicken at a specific price per number of pieces rather than by weight as required by Section 413.275.

To come within the statutory exception, the chicken would have to be sold for immediate consumption on the premises or, "as one of several elements comprising a ready-to-eat meal sold, as a unit, for consumption elsewhere than on the premises where sold, \* \* \*". The words "several elements" and "as a unit" indicate that a ready-to-eat meal must consist of more than one item of food. Certainly fried chicken is usually not considered a meal in itself. It is therefore our opinion that fried chicken alone is not a ready-to-eat meal and does not come within the second exception in Section 413.275.

#### CONCLUSION

The sale or advertisement for the sale of a certain number of pieces of fried chicken for a specified price is in violation of Section 413.275, unless the chicken is sold for immediate consumption on the premises where sold.

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

Very truly yours,

  
THOMAS F. EAGLETON  
Attorney General