

AGRICULTURE- SWINE BUYING STATIONS:
LIVESTOCK MARKETING LAW - SWINE:
BUYING STATIONS:

Swine Buying Stations are livestock
markets.

July 21, 1965

Opinion No. 226

George C. Stiles, D.V.M.
State Veterinarian
Department of Agriculture
Jefferson Building
Jefferson City, Missouri



Dear Doctor Stiles:

Reference is made to your letter of May 14, 1965, wherein you requested an opinion from this office as follows:

"I respectfully request a formal opinion on whether or not swine buying stations are considered as livestock markets.

"At the present time there are approximately 100 swine buying stations in the state of Missouri which are unlicensed and un-inspected. Originally these buying stations bought slaughter swine only.

"It has been brought to my attention recently that several are selling stocker and feeder pigs for return to Missouri farms unvaccinated and un-inspected.

"Missouri is cooperating in the National Hog Cholera Eradication Program and I feel that buying stations presently are a threat to the Hog Cholera Eradication Program."

From telephone conversations with you in regard to this matter, we understand that swine buying stations came into being by operators of packing houses. A particular packing house would establish a station in a community with an employee in charge. Swine producers in the area could then sell their swine to the packing house for slaughter.

However, this basic format whereby swine were sold to the packing house through a local way station has been added to and modified. In some instances, stocker and feeder pigs sold to or at a swine buying station have been resold and returned to farms. Furthermore, swine buying stations have been established by persons or associations other than packing houses. Swine purchased at such stations are sometimes resold directly to packing houses for slaughter and sometimes resold to farmers as stocker and feeder pigs.

Section 277.020 (1), RSMo 1959, defines livestock to include swine. Section 277.020 (2), RSMo 1959, defines livestock sale or market as follows:

"A place of business or place where livestock is concentrated for the purpose of sale, exchange or trade made at regular or irregular intervals, whether at auction or not, except this definition shall not apply to markets operating under the supervision of the Federal Public Stockyards Inspection Service or to any public farm sale or purebred livestock sale, or to any sale, transfer, or exchange of livestock from one person to another person for movement or transfer to other farm premises or directly to a licensed market;"

A swine buying station is a place where livestock is concentrated for the purpose of sale. Therefore, such stations are within the scope of the cited statute unless one of the exceptions thereto applies. The only exception which might be applicable to swine buying stations is that part of the statute which refers to a sale of livestock from one person to another person for movement or transfer to other farm premises or directly to a licensed market. However, as noted in the description of swine buying stations, sales made through such stations are not limited to sales for movement from one farm premise to another farm premise and are not limited to sales from one person to another person for movement directly to a licensed market.

A survey of the provisions of Chapter 277, the Missouri Livestock Marketing Law, reflects that one of the principal purposes of the act is to prevent the spread of livestock diseases. The act does not attempt to supervise the sale of livestock from farmer to farmer when the transfer of such livestock is made directly from farm premises to farm premises. Also, the act does not attempt to supervise the sale of livestock by a farmer when made for movement directly from the farm premises to slaughter. However, it appears that the act does attempt to supervise the sale of livestock if the livestock is concentrated at one place, gathered from many farms, and may be returned to other farms for stocker or feeder purposes. Supervision of such sales is essential to prevent livestock disease from spreading.

CONCLUSION

It is the opinion of this office that swine buying stations, as described herein, are livestock sales or markets as defined by Section 277.020 (2), RSMo 1959.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Thomas J. Downey.

Very truly yours,


NORMAN H. ANDERSON
Attorney General