

AGRICULTURE: Mixed whole grains are not "commercial
FEEDS: feeding-stuffs" and, therefore, not subject
to Missouri Feed Law.

9-19-50.

September 16, 1950

Mr. James P. McGinnis
Director of Feed Division
Department of Agriculture
State of Missouri
Jefferson City, Missouri



Dear Sir:

This is in answer to your letter of recent date requesting an official opinion of this department and reading as follows:

"Will you please give us an opinion on Section 14319, Revised Statutes of Missouri, 1939, specifically as to whether or not mixed whole grains is classed as a commercial feed and covered by the Missouri Feed Law.

"You will note that Section 14319 lists feeds that are not covered by the Missouri Feed Law and does not include a mixture of whole grains or seeds.

"We have a dealer who contends that mixed whole grains is not a commercial feeding-stuff and should not be required to abide by the Feed Law and Feed Regulations."

Section 14319, Revised Statutes of Missouri, 1939, provides as follows:

"The term 'commercial feeding-stuffs' shall be held to include all feeding-stuffs used for feeding livestock and poultry, except whole seeds or grains, the unmixed meals made directly from the entire grains of corn, wheat,

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rye, barley, oats, buckwheat, flaxseed, kaffir, and milo, whole hays, straws, cotton seed hulls and corn stover, pure corn chops and pure ground ear corn, when the same are not mixed with other materials, but the term shall not apply to other materials containing sixty (60) per cent or more of water."

It is to be noted that in such section "whole seeds or grains" are excepted from the definition of "commercial feeding-stuffs." Nothing is said in such section as to whether or not such whole seeds or grains may consist of mixtures. However, the following provision relative to meals made directly from the entire grains of certain specified crops does apply only to the "unmixed meals."

Since it is specifically provided that only the unmixed meals made from whole grains of certain crops are excepted from the definition of "commercial feeding-stuffs" and no provision is found relative to "whole seeds or grains" we believe that whole seeds or grains mixed or unmixed do not come under the classification of "commercial feeding-stuffs" and are, therefore, not covered by the Missouri Feed Law.


CONCLUSION

It is the opinion of this department that mixed whole grains do not come within the definition of "commercial feeding-stuffs" as such term is used in Section 14319, Revised Statutes of Missouri, 1939, and that such grains, therefore, do not come within the provisions of the Missouri Feed Law.

Respectfully submitted,

C. B. BURNS, JR.
Assistant Attorney General

APPROVED:



J. E. TAYLOR
Attorney General

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