

SECOND REGULAR SESSION

SENATE BILL NO. 977

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

Read 1st time January 31, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6256S.011

AN ACT

To repeal sections 265.490 and 265.494, RSMo, and to enact in lieu thereof two new sections relating to meat.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 265.490 and 265.494, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 265.490 and 265.494, to read as follows:

265.490. As used in sections 265.490 to 265.499:

(1) "Bulk meat" means beef sold by hanging weight, consisting of whole carcasses and the following primal cuts:

(a) "Side of beef", one-half of a split beef, comprising the frontquarter and hindquarter;

(b) "Frontquarter of beef", the foreward portion of a side, back to and including the twelfth rib;

(c) "Back of beef", chuck and rib with plate and brisket removed;

(d) "Arm chuck of beef", arm chuck with brisket removed, back to and including the fifth rib;

(e) "Rib of beef", from the sixth to the twelfth rib, inclusive, not to exceed ten inches from tip of chine bone to top of rib without plate;

(f) "Hindquarter of beef", the rear section of a side from and including the thirteenth rib, consisting of round, loin and flank;

(g) "Trimmed loin of beef", short loin and hip (sirloin), and that section of hindquarter including thirteenth rib and separated one inch to two inches below aitchbone, without flank or kidney;

(h) "Full loin of beef", loin of beef, including flank and kidney;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 (i) "Round of beef", that portion of hindquarter separated from loin one
20 inch to two inches below aitchbone back to the shin bone;

21 (2) "Buyer" means both actual and prospective purchasers but does not
22 include persons purchasing for resale;

23 (3) "Food plan" means any plan offering meat for sale or the offering of
24 such product in combination with each other or with any other food or nonfood
25 product or service for a single price;

26 (4) **"Livestock", means the same as defined in section 265.300;**

27 (5) **"Meat", means the same as defined in section 265.300;**

28 (6) "Misrepresent" means the use of any untrue, misleading or deceptive
29 oral or written statement, advertisement, label, display, picture, illustration or
30 sample;

31 [(5)] (7) "Person" means individual, partnership, firm, corporation,
32 association, or other entity;

33 (8) **"Poultry", means the same as defined in section 265.300;**

34 [(6)] (9) "Represent" means the use of any form of oral or written
35 statement, advertisement, label, display, picture, illustration or sample;

36 [(7)] (10) "Seller" means any person, individual or business entity,
37 corporation, league, franchise, franchisee, franchisor or any authorized
38 representative or agent thereof who offers meat, or combinations of such items,
39 for retail purchase to the public for preparation and consumption off the premises
40 where sold or for direct purchase by an individual at his residence.

265.494. No person advertising, offering for sale or selling all or part of
2 a carcass or food plan shall engage in any misleading or deceptive practices,
3 including, but not limited to, any one or more of the following:

4 (1) Disparaging or degrading any product advertised or offered for sale by
5 the seller, displaying any product or depiction of a product to any buyer in order
6 to induce the purchase of another product or representing that a product is for
7 sale when the representation is used primarily to sell another product, or
8 substituting any product for that ordered by the buyer without the buyer's
9 consent. Nothing in this subdivision shall be construed to prohibit the
10 enhancement of sales of any product by the use of a gift;

11 (2) Failing to have available a sufficient quantity of the product
12 represented as being for sale to meet reasonable anticipated demands, unless the
13 available amount is disclosed fully and conspicuously;

14 (3) Using any price list or advertisement subject to changes without notice

15 unless so stated, and which contains prices other than the seller's current billing
16 prices, unless changes are subject to consumer's advance acceptance or rejection
17 at or before the time of order or delivery;

18 (4) Misrepresenting the amount of money that the buyer will save on
19 purchases of any products which are not of the same grade or quality;

20 (5) Failing to disclose fully and conspicuously in any printed
21 advertisement and invoice in at least ten-point type any charge for cutting,
22 wrapping, freezing, delivery, annual interest rate or financing and other services;

23 (6) Representing the price of any product to be offered for sale in units
24 larger than one pound in terms other than price per single pound. Nothing in
25 this subdivision shall be construed to prevent the price of such units from also
26 being represented by individual serving, by fluid measure or by other meaningful
27 description;

28 (7) Misrepresenting the cut, grade, brand or trade name, or weight or
29 measure of any product, **or misrepresenting a product as meat that is not**
30 **derived from harvested production livestock or poultry;**

31 (8) Using the abbreviation "U.S." in describing a product not graded by
32 the United States Department of Agriculture, except that a product may be
33 described as "U.S. Inspected" when true;

34 (9) Referring to a quality grade other than the United States Department
35 of Agriculture quality grade, unless the grade name is preceded by the seller's
36 name in type at least as large and conspicuous as the grade name;

37 (10) Misrepresenting a product through the use of any term similar to a
38 government grade;

39 (11) Failing to disclose in uniform ten-point type, when a quality grade
40 is advertised, a definition of the United States Department of Agriculture quality
41 grade in the following terms:

42 (a) Prime;

43 (b) Choice;

44 (c) Good;

45 (d) Standard;

46 (e) Utility;

47 (f) Commercial;

48 (g) Canner;

49 (h) Cutter;

50 and within each quality grade the following yield grade:

51 a. Yield grade 1 - extra lean;

52 b. Yield grade 2 - lean;

53 c. Yield grade 3 - average waste;

54 d. Yield grade 4 - wasty;

55 e. Yield grade 5 - exceptionally wasty;

56 (12) Advertising or offering for sale carcasses, sides or primal cuts as
57 such, while including disproportionate numbers or amounts of less expensive
58 components of those cuts, or offering them in tandem with less expensive
59 components from other carcasses, sides or primal cut parts;

60 (13) Failing to disclose fully and conspicuously the correct government
61 grade for any product if the product is represented as having been graded;

62 (14) Failing to disclose fully and conspicuously that the yield of
63 consumable meat from any carcass or part of a carcass will be less than the
64 weight of the carcass or part of the carcass. The seller shall, for each carcass or
65 part of carcass advertised, use separately and distinctly in any printed matter,
66 in at least ten-point type, the following disclosure: "Sold gross weight subject to
67 trim loss.";

68 (15) Misrepresenting the amount or proportion of retail cuts that a carcass
69 or part of carcass will yield;

70 (16) Failing to disclose fully and conspicuously whether a quarter of a
71 carcass is the frontquarter or hindquarter;

72 (17) Representing any part of a carcass as a "half" or "side" unless it
73 consists exclusively of a frontquarter and hindquarter. Sides or halves must
74 consist of only anatomically natural proportions of cuts from frontquarters or
75 hindquarters;

76 (18) Representing primal cuts in a manner other than described in
77 subdivision (1) of section 265.490;

78 (19) Using the words "bundle", "sample order" or words of similar import
79 to describe a quantity of meat unless the seller itemizes each type of cut and the
80 weight of each type of cut which the buyer will receive;

81 (20) Advertising or offering a free, bonus, or extra product or service
82 combined with or conditioned on the purchase of any other product or service
83 unless the additional product or service is accurately described, including,
84 whenever applicable, grade, net weight or measure, type and brand or trade
85 name. The words "free", "bonus" or other words of similar import shall not be
86 used in any advertisement unless the advertisement clearly and conspicuously

87 sets forth the total price or amount which must be purchased to entitle the buyer
88 to the additional product or service.

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Bill

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