

HOUSE BILL NO. 2607

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KNIGHT.

6602H.011

D. ADAM CRUMBLISS, Chief Clerk

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Section A. Sections 265.490 and 265.494, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 265.490 and 265.494, to read as follows: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 forward 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 the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

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

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

29 [~~(5)~~] (7) "Person" means individual, partnership, firm, corporation, association, or other
30 entity;

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

32 [~~(6)~~] (9) "Represent" means the use of any form of oral or written statement,
33 advertisement, label, display, picture, illustration or sample;

34 [~~(7)~~] (10) "Seller" means any person, individual or business entity, corporation, league,
35 franchise, franchisee, franchisor or any authorized representative or agent thereof who offers
36 meat, or combinations of such items, for retail purchase to the public for preparation and
37 consumption off the premises 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 a carcass or food
2 plan shall engage in any misleading or deceptive practices, including, but not limited to, any one
3 or more of the following:

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

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

13 (3) Using any price list or advertisement subject to changes without notice unless so
14 stated, and which contains prices other than the seller's current billing prices, unless changes are
15 subject to consumer's advance acceptance or rejection at or before the time of order or delivery;

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

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

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

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

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

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

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

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

38 (a) Prime;

39 (b) Choice;

40 (c) Good;

41 (d) Standard;

42 (e) Utility;

43 (f) Commercial;

44 (g) Canner;

45 (h) Cutter;

46 and within each quality grade the following yield grade:

47 a. Yield grade 1 - extra lean;

48 b. Yield grade 2 - lean;

49 c. Yield grade 3 - average waste;

50 d. Yield grade 4 - wasty;

51 e. Yield grade 5 - exceptionally wasty;

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

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

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

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

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

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

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

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

75 (20) Advertising or offering a free, bonus, or extra product or service combined with or
76 conditioned on the purchase of any other product or service unless the additional product or
77 service is accurately described, including, whenever applicable, grade, net weight or measure,
78 type and brand or trade name. The words "free", "bonus" or other words of similar import shall
79 not be used in any advertisement unless the advertisement clearly and conspicuously sets forth
80 the total price or amount which must be purchased to entitle the buyer to the additional product
81 or service.

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