



OPINION LETTER NO. 190

Answered by letter - Gardner

The Honorable Donald L. Manford  
Missouri Senate  
Jefferson City, Missouri 65101

Dear Senator Manford:

Reference is made to your inquiry as to what constitutes a "retailer" under the provisions of the present Missouri Meat Inspection Law.

This law is set forth in Sections 265.300 to 265.470, RSMo Supp. 1967. The term "retailer" is not used or defined in this law. However, Section 265.320 provides that:

"The commissioner shall exempt from the provisions of sections 265.300 to 265.470:

\* \* \* \* \*

"(c) Retail dealers, with respect to meat and poultry which has been inspected federally or by other approved inspection, sold directly to consumers in individual retail stores, if the processing by the dealer is limited to the cutting up of meat or poultry on his premises to supply his own customers; \* \* \*"

Legislation in which the word retail was used but not defined has been considered by the courts. In Fountain vs. St. Joseph Water Company, 180 S.W.2d 28, the Supreme Court of Missouri stated:

"\* \* \* In White Motor Co. v. Littleton, 5 Cir., 124 F.2d 92, 93, the Court said 'The word retail is not defined by the Act. Given its common and ordinary acceptance when used in sales parlance,

The Honorable Donald L. Manford -

it means a sale in small quantity or direct to the consumer, as distinguished from the word wholesale, meaning a sale in large quantity to one who intends to resell.' \* \* \* "

It appears therefore that a retail meat dealer may be defined as a person who sells meat to consumers, and whether or not he will be subject to the provisions of the Meat Inspection Law depends upon whether or not the meat has been inspected federally or by other approved inspection, and whether "the processing by the dealer is limited to the cutting up of meat or poultry on his premises to supply his own customers".

Yours very truly,

JOHN C. DANFORTH  
Attorney General