



Legal Information for Broiler Growers

How Much Did Your Feed *Really* Weigh?

Many growers complain that it is impossible for them to know how much feed their company delivers to them. The weight of the feed is important, because under most broiler growing arrangements, your pay will be based in part on how much feed your birds consumed.

Does the Packers & Stockyards Act address feed weighing practices?

The federal Packers & Stockyards Act (P&S Act) makes it unlawful for any live poultry dealer to “engage in or use any unfair, unjustly discriminatory, or deceptive trade practice or device” with respect to live poultry. USDA enforces the P&S Act by passing regulations with more detailed language that sets forth what poultry companies may and may not do under the Act.

New regulations for feed weighing practices in the poultry industry took effect on May 5, 2000. The regulations are modeled after the rules for weighing birds. Under the regulations, your company must weigh the feed it delivers to you if the weight of feed consumed is a factor in determining your payment.

Maintenance and operation of scales

All scales used by poultry companies to weigh feed for the purposes of payment and settlement must be installed, maintained, and operated to insure accurate weights. There are detailed regulations for the proper operation of scales on which feed is to be weighed for purposes of settlement. They include:

1. The scales must be inspected about every six months.
2. The company must report on tests and inspections to USDA.
3. If a scale fails a test, it may not be used again until it passes one.
4. All vehicle scales must be long enough and have enough capacity to weigh the truck and trailer together at one time. A trailer may be weighed by itself, as long as the gross weight and tare weight are both of the trailer alone.
5. The company must employ qualified people to operate the scales used to weigh feed.
6. The company must require scale operators to comply with federal regulations for weighing feed for payment purposes.

Is it legal for the company to hand write scale tickets?

The weight on a scale ticket should not be written by hand. All scales used to weigh feed for payment purposes must be attached to a printer, which must be used to print weight values on a scale ticket or other document. Your payment must be based on the actual weight of feed, as shown on the scale ticket.

What information must be included on a scale ticket?

The feed scale ticket must show certain information. That information includes:

1. The name of the agency performing the weighing service,
2. The name and address of the grower,
3. The name or initials of the person who weighed the poultry (state law may require a signature),
4. The location of the scale,
5. The gross weight, tare weight, and net weight,
6. The date and time when the gross weight and tare weight were measured,
7. The identification of each lot of feed assigned to the grower, by vehicle trailer or compartment number and seal numbers, if applicable,
8. Whether the driver was on the truck at the time of weighing, and
9. The license number and other identification numbers on the truck and trailer weighed.

Are there other requirements for scale tickets?

There should be at least two copies of the scale ticket. Scale tickets should be serially numbered, and they should be used in order. You should be given one copy of the scale ticket, and the other one should be kept by the company.

Returned feed

Any feed that is picked up from or returned by a poultry grower must be weighed whenever the weight of feed is a factor in determining payment. If the feed is not weighed, its weight must be reasonably determined using a method that is mutually acceptable to the company and you. The company must document and account for the picked up or returned feed.

Are there any other laws governing feed deliveries by the company?

Many states have laws respecting the manufacture, sale, or distribution of commercial feed. Some of these laws require labels or packing slips which announce the net weight of the feed or feeds delivered. You may want to find out whether your state has laws that apply when a company provides commercial feed to contract growers.

