

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES AGRICULTURAL
CHEMISTRY
ADMINISTRATIVE CODE

CHAPTER 80-1-1
BULK SALES OF MEAT

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80-1-1-.01 Bait Advertisement Prohibited.

The following bait advertisement and bait and switch selling practices in the advertising, offering for sale or selling of any wholesale or bulk cut of meat to induce the sale of said meat are prohibited:

(a) Disparaging or degrading any meat advertised or offered for sale by the seller in order to induce the purchase of another product or different grade of the same product or representing that a product is for sale when such representation is used primarily to sell another product;

(b) Substituting any meat or meat product for that ordered by the buyer without the buyer's consent;

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

(d) Switching or changing grades or parts or cuts of meats from the kind advertised, offered for sale or purchased;

(e) Advertising a grade intended for steaks and roasts that is below the grade commonly used for that purpose by retail markets in Alabama or if the grade advertised is inappropriate or inadequately designates the grade that should be used for steaks and roasts.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §§2-2-16, 20-1-2.

History: Filed April 19, 1982.

80-1-1-.02 Pricing And Financing Prohibitions.

The following pricing and financing practices in the advertising, offering for sale, or selling of any wholesale or bulk cut of meat to induce the sale of said meat are hereby prohibited:

- (a) Misrepresenting or failing to disclose fully and conspicuously the terms of any financing arrangement, interest, service charge, credit investigation fee, time-price differential or any other costs.
- (b) Misrepresenting the total amount that the buyer will be obligated to pay.
- (c) Failing to disclose fully and conspicuously any extra charges for cutting, wrapping, freezing, delivery or other service.
- (d) Representing the price of a wholesale cut of meat in any terms other than price per pound. All sides, quarters or cuts of less than quarters must have the price shown thereon by label or otherwise as price per pound. Such price shall not be stated by dollar amount of any installment payment and number or period of such payment. Credit terms, if offered, shall be stated separately. No other figures can be larger than the figures of price per pound. Term figures cannot exceed the size of figures of price per pound.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §§2-2-16, 20-1-2.

History: Filed April 19, 1982 as Regulation 80-1-1-.01, same title. Rules reformatted - new Chapter 80-1-1 created incorporating above listed rule: Filed April 11, 1985.

80-1-1-.03 Prohibited Product Representations.

The following product representations in advertisement, offering for sale, or selling any wholesale or bulk cut of meat to induce the sale of said meat are prohibited:

- (a) Misrepresenting the cut, grade, brand, or trade name, or weight or measure of any meat or meat product;
- (b) Using the abbreviation **U.S.** in describing a meat product not graded by the United States Department of Agriculture except that meats may be described by **U.S.D.A. Inspected** when true and if such product has not been graded, it must be designated and described as **Ungraded**. Any order of meat or

portion thereof returned by the purchaser after sale shall not be resold;

(c) To misrepresent meat or a meat product through the use of any term similar to an official government grade;

(d) Failing to disclose fully and conspicuously the correct government grade for any meat or meat product if such product is represented as having been graded. Any reference to the grade of meat in advertisements made orally or upon invoice of sale must be stamped on the carcass, whether it is a U.S.D.A. term or packing house grade;

(e) Failing to disclose fully and conspicuously that the yield of consumable meat from any wholesale cut will be less than the weight of the wholesale cut;

(f) Misrepresenting the amount of proportion of retail cuts that a wholesale cut of meat will yield;

(g) Failing to furnish the buyer with a written statement of the total net weight of cut and packaged meat delivered. This statement shall state the grade of meat, if graded; if not graded, this fact shall be stated, and the different types of cuts shall be stated separately, such as T-bone steaks, hamburger, chuck roasts, etc. If the meat is weighed with the immediate wrappings, such fact shall be stated. Both the actual net weight of the wholesale cut prior to cutting and trimming and the delivered weight shall be disclosed to the buyer in writing at time of delivery;

(h) Failing to disclose fully and conspicuously whether a quarter of a carcass or a portion of a quarter is the front or hind quarter of any portion thereof removed prior to sale;

(i) Representing any wholesale cut as a **half** or **side** unless it consists of a front and hind quarter. Both quarters shall be from the same side of the same animal unless the seller discloses to the buyer fully and conspicuously that they are from different animals as the case may be. Each quarter shall be of the same grade or quality as the other quarters comprising the half or side and the seller shall advise the buyer of the weight of each quarter prior to sale. In selling quarters individually or as part of a half or side, if actual weights are not known or cannot be determined prior to sale, approximate weights may be used; provided, the buyer is informed that the weights are approximate, the weights are so identified on any purchase order or contract, and the seller agrees with the buyer in writing to make a cash refund or grant a credit on delivery for the difference between actual weight and the approximate weight on which the sale was made;

(j) Using the words **bundle, sample order**, or words of similar import to describe a quantity of meat or poultry unless the seller itemizes each cut and the weight thereof which the buyer will receive;

(k) To advertise or offer free, bonus or extra food combined with or conditioned on the purchase of any other product or service unless such additional food is accurately described including whenever applicable, grade, net weight or measure, and brand or trade name;

(l) Misrepresenting the breed, origin or diet of slaughtered animals or parts thereof offered for sale. Sellers making such claims shall have written records available to substantiate such facts. Any and all bills of sales, invoices or weights tickets shall not bear any statements that are not true and applicable to the place of business using such written statement.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §§2-2-16, 20-1-2.

History: Filed April 19, 1982.

Ed. Note: The following is a history by the Department of Agriculture and Industries prior to the enactment of the Alabama Administrative Procedure Act. HISTORY: This Chapter was first promulgated in 1973. It has had no amendments.