

# The Farmers' Market Workshop



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Presented by:  
Missouri Department of Agriculture  
Division of Weights and Measures



# Missouri Department of Agriculture

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- Missouri Department of Agriculture  
Division of Weights & Measures  
1616 Missouri Blvd  
P O Box 630  
Jefferson City, MO 65102  
573-751-5639 573-751-4278  
Steve Gill  
Jean Kliethermes



# W & M Inspectors – small capacity – up to 1000 lb.

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- Brent Hensley – South West corner
- Randy Dent – South/East Central
- Chris Eilermann – St. Louis &  
Jefferson County
- Russell Fish – Bootheel
- Glenn Raef – South Central
- Steve Lybyer – South Central
- Martha Orr – St. Charles – North Central \*\*\*



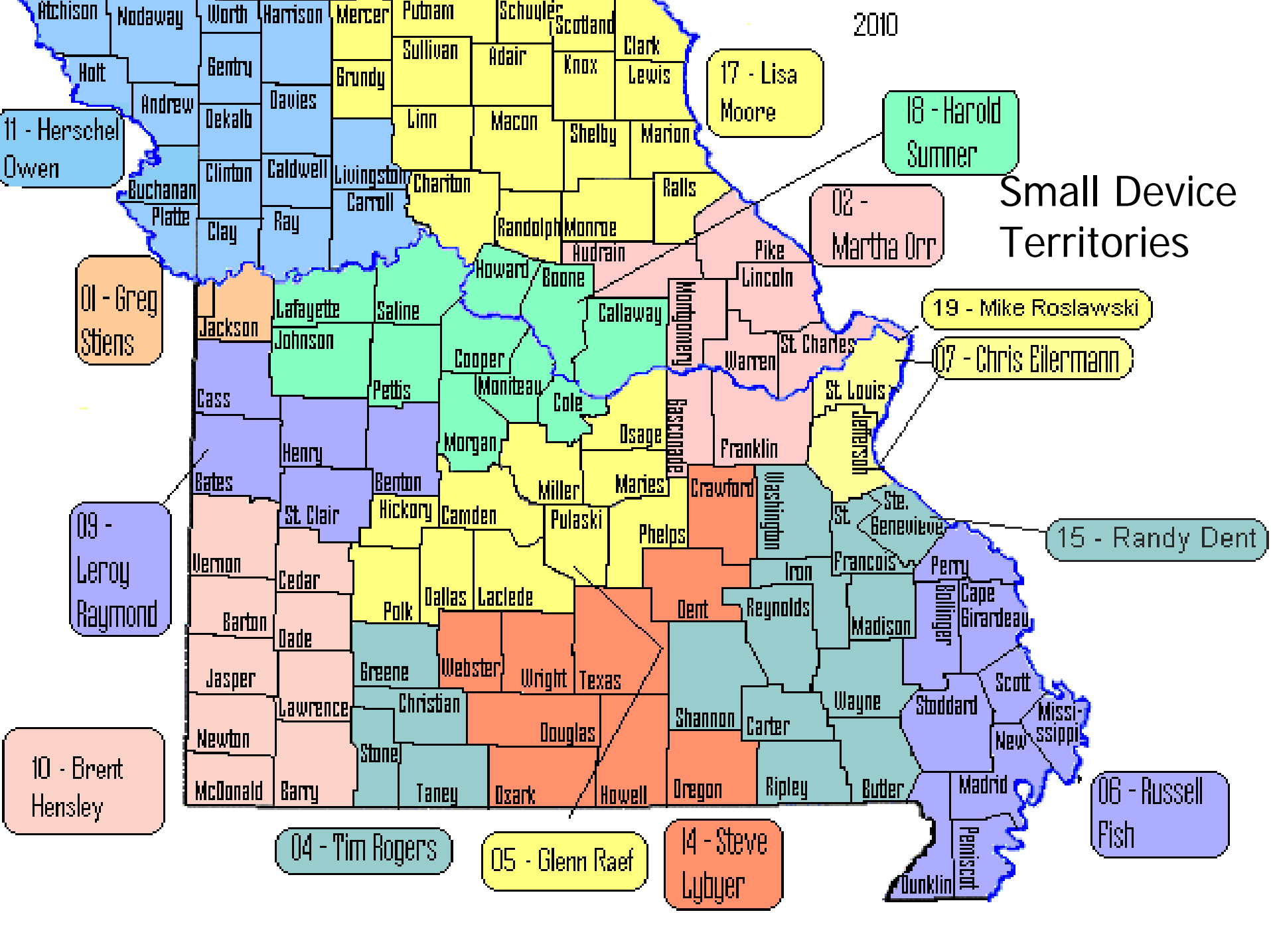
# W & M Inspectors – small capacity – up to 1000 lb.

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- Herschel Owen – North West
- Leroy Raymond – West – Central
- Tim Rogers – Springfield – South West
- Mike Roslawski – St. Louis
- Greg Stiens – KC area
- Harold Sumner – Central Missouri
- Lisa Moore – North East

2010

# Small Device Territories



11 - Herschel Owen

17 - Lisa Moore

18 - Harold Sumner

02 - Martha Orr

01 - Greg Stiens

19 - Mike Roslawski

07 - Chris Eilermann

09 - Leroy Raymond

15 - Randy Dent

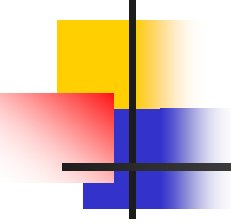
10 - Brent Hensley

04 - Tim Rogers

05 - Glenn Raef

14 - Steve Lybier

06 - Russell Fish



# Weights & Measures - insurance of equity in the marketplace.

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- Businesses need to compete fairly.
- Consumers need to be treated fairly in transactions involving commercial trade.



# Weights and Measures: A Partnership

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- Weights & Measures is a partnership between industry and government to provide:
  - Accurate and honest commercial trade based on measurements.
  - Fair marketplace exchanges demand accurate devices.



**COLE COUNTY  
FARMERS MARKET**  
**OPEN-4:00 PM**  
(NO EARLY SALES)  
TUE. AND FRI. 4-6-  
SAT. 2:30-4:30-  
LOCAL GROWERS WELCOME MAY-OCT.







# Commercial Weighing and Measuring Equipment

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- Definition:

Devices commercially used in or employed to establish the size, quantity, extent, area or measurement of quantities, things produced or articles for distribution or consumption, purchased offered or submitted for sale, hire or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure...



# Scales used in direct sales must:

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- Be inspected and approved.
  - An approval seal is placed on a scale indicating it is certified.
- Approvable, legal for trade type devices.
- National Type Evaluation Program (NTEP) approved.
- Grandfathered device (previously approved by the state of Missouri).



# Purchasing a New or Used Device

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- Obtain the make and model number of the device and call the Division of Weights & Measures to be certain a device can be approved before you make a purchase.
- If you have questions or you want to know if your scale can be approved, call the Missouri Department of Agriculture, Division of Weights & Measures at 573-751-5639.



# Annual Inspection

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- All commercial scales must be inspected and approved once per calendar year by a Weights & Measures Official.
- There will be a \$5.00 fee charged for each approvable type device tested and approved or rejected for commercial use. A seal will be placed on all devices that are tested and approved.
- There are no additional fees for retests of rejected or repaired devices, if rechecked in the same calendar year.

MAY

JUN

JUL

AUG

APR

**2010**

**Jeremiah W. (Jay) Nixon**  
**Governor**

SEP

MAR

OCT

FEB

NOV

JAN

DEC



**Division of Weights & Measures**  
**Tested & Approved**

CONSUMER COMPLAINT: (573) 751-4278

(800) 735-2966 (TT/TDD)

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**DO NOT DETACH OR REMOVE UNDER PENALTY OF LAW**



# Scales NOT Approved

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- Bathroom Scales
- Baby Scales
- Restaurant portion scales
- These devices are not manufactured to meet the standards necessary for commercial trade and certification.





# Scales NOT Approved

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- These devices will be rejected, not approved legal for trade.
- It is illegal to sell by weight using an unapproved scale.



STATE OF MISSOURI  
DEPARTMENT OF AGRICULTURE  
DIVISION OF WEIGHTS AND MEASURES  
P.O. BOX 638  
JEFFERSON CITY, MISSOURI 65102  
573-751-3628

## REJECT TAG

This device is **REJECTED AND SHALL NOT BE USED** until it is placed into service by a registered service technician or a weights and measures official.

**ATTENTION:** This portion must remain attached to device until removed by a registered service technician or a weights and measures official.

**REGISTERED TECHNICIAN:** Send complete tag, copy of test report, and placing in service report to above address.

**WARNING:** Unauthorized removal of this portion is a criminal offense Chapter 413, RSMO.

**OWNER/USER:** Detach here and mail this stub to above address if repaired by other than registered service technician.

**INSPECTOR:** Fill out back of tag and sign here.

This device has been repaired and is ready for reinspection.



# Presumptive Evidence

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- Missouri Statute 413.215:
- Whenever there shall exist a weight or measure or weighing or measuring device in or about any place in which or from which buying or selling is commonly carried on, there shall be a rebuttable presumption that such weight or measure or weighing or measuring device, is regularly used for the business purposes of that place.



# Farmers' Market Scales

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- We have available a list of scale companies that have new or used devices suitable for commercial trade at outdoor farmers' market.
  
- \*\* See Attachment



# No scale?

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- The Division of Weights & Measures can also make suggestions to stay within the law if you do not have a scale.



# PACKAGING AND LABELING

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METHOD OF SALE



# Package- Definition

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- “Package”, any commodity of standard package or random package enclosed in a container or wrapped in any manner in advance of wholesale or retail sales, or whose weight or measure has been determined in advance of wholesale or retail sale, and an individual item or lot of any commodity on which there is marked a selling price based on an established price per unit of weight or measure; shall be considered a package (or packages)



# NET WEIGHT - Definition

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- “Net weight”, the weight of a commodity excluding any materials, substances, or items not considered to be part of the commodity, which include but are not limited to containers, conveyances, bags, wrappers, packaging material, labels, individual piece coverings, decorative accompaniments and coupons;



# Method of Sale

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- Missouri Statute 413.095
- 2. The method of sale of any commodity shall provide sufficiently accurate and adequate quantity information to permit the buyer to make reasonable price and quantity value comparisons.



# Requirements for Shell Eggs Sold in Missouri

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- Eggs are defined as eggs in the shell from chickens.



# Requirements for Shell Eggs Sold in Missouri

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- A license is NOT required for those who sell only eggs produced by their own flocks, provided such eggs are not sold at an established place of business away from the premises of such producer.



# Requirements for Shell Eggs Sold in Missouri

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- Retail Egg License
- A retailer's license is required of any person who sells eggs to a consumer. A holder of a retail egg license shall not be permitted or authorized to buy eggs from persons other than licensed Dealers.



# Requirements for Shell Eggs Sold in Missouri

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- Any retailer desiring to buy eggs from persons other than licensed Dealers shall obtain a Dealer Egg License in addition to a Retail Egg License.



# Requirements for Shell Eggs Sold in Missouri

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- Dealer's Egg License
- A Dealer's license shall be required of any person who purchases eggs from producers thereof or another dealer, for the purpose of selling eggs to another dealer, processor, or retailer.



# Requirements for Shell Eggs Sold in Missouri

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- Any Dealer desiring to sell eggs to consumers shall obtain a Retail Egg license in addition to a Dealer's license.



# Requirements for Shell Eggs Sold in Missouri

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- A producer who sells to a consumer at a place other than their residence (i.e. farmer's market), needs to purchase a dealer's egg license in addition to a retail egg license.



# Requirements for Shell Eggs Sold in Missouri

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- Annual Fees for each license:
- Retail Egg License - \$5.00



# Requirements for Shell Eggs Sold in Missouri

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Dealer Egg license fees shall be determined on the basis of cases (30 dozen per case) of eggs sold in the shell in any one week, as follows

1 – 25 cases per week - \$5.00

26 – 50 cases per week - \$12.50

51 – 100 cases per week - \$25.00

More than 100 cases per week \$50.00



# Requirements for Shell Eggs Sold in Missouri

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- The license year shall be 12 months or any fraction thereof, beginning July 1 and ending June 30. All businesses selling eggs shall obtain an annual license for each separate place of business from the director.
- No license shall be transferable, but it may be moved from one place to another by the consent of the director.



# Requirements for Shell Eggs Sold in Missouri

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- Identification of Graded Eggs in Containers
- 1. Eggs packed in containers by licensed dealers for supply or sale to retailers must be identified on each container with either the name and address (city & state), or approved identification number of the dealer under...



# Requirements for Shell Eggs Sold in Missouri

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- ...whose authority the eggs were packed and the day, month, and year when said eggs were graded.
- Example: July 1, 2009, or 182-09; July 2, 2009 or 183-09.



# Requirements for Shell Eggs Sold in Missouri

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- 2. Only eggs to be sold to any consumer by any person shall be of the quality standard designated Grade and size established by USDA.
- Example – Grade A Large



# Requirements for Shell Eggs Sold in Missouri

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- No person shall sell or represent eggs from any other species of fowl as chicken eggs or sell mixed eggs from more than one species of fowl, or eggs from ducks, turkeys, geese, or any of species of fowl other than chickens, without marking the containers and sub containers of such eggs or otherwise indicating fully by sign or other inscription the species of fowl from which such eggs were produced.



# Requirements for Shell Eggs Sold in Missouri

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- Shell eggs to be sold at retail shall be placed under refrigeration at a temperature no greater than 45 ° F.
- Example – Cooler at Farmers' Market.



# Candling Eggs

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# Web Address

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**Missouri Department of Agriculture**

[mda.mo.gov](http://mda.mo.gov)



# Missouri State Web page

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- [www.missouri.gov](http://www.missouri.gov)