PACKERS AND STOCKYARDS DIVISION: "Buyer" as used in Chap. 203, Acts 1935, defined.

January 30, 1936.

George H. Newbauer, Director,
Packers and Stockyards Division,
Department of Commerce and Industries,
Indianapolis, Indiana.

Dear Sir:

Receipt is hereby acknowledged of your request of January 13, 1936, for an official opinion as to whether W. A. Morlock, Secretary-Traffic Manager of the Buffalo Live Stock Exchange, in his letter dated July 8, 1935, to Olander Meredith, properly informed the shipper in regard to concentration points and the necessity of such shippers to take out licenses for the buying of livestock in this State, in compliance with the terms of Chapter 203 of the Acts of the General Assembly of 1935, Section 2, subsection (d). Said subsection (d) defines the word "buyer" as follows:

"(d) The word 'buyer' whenever used in this act, shall be construed to mean any person, or his employees, agents and/or representatives, who operate or maintains a concentration point as herein defined."

In order to understand the meaning of the word "buyer" it is necessary to define "concentration point." Subsection (c) of Section 2 of the above Act defines the "concentration point" as follows:

"(c) The words 'concentration point' whenever used in this act, shall be construed to mean any stockyards, place, establishment or facility other than a stockyards which is posted as a stockyards by the secretary of agriculture of the United States of America, where livestock intended for slaughter is bought or sold or assembled wholly or in part, for shipment or reshipment or delivery directly or indirectly to a packing house and/or stockyards, or graded or weighed for the purpose of establishing a basis for sale or reshipment."

A careful analysis of the meaning according to our interpretation reveals the following: First, That "concentration
point" pertains to any stockyards, place, establishment or facility "* * *" where livestock intended for slaughter is (1) bought or sold or assembled wholly or in part, for shipment or reshipment or delivery directly or indirectly to a packing house and/or stockyards, or (2) graded or weighed for the purpose of establishing a basis for sale or reshipment."

From this analysis it will follow that if Olander Meredith or any individual like situated, comes within the definition of the word "buyer" he is subject to the provisions of the Act and must obtain a license under the Act. Under our analysis, (1) if a person buys from farmers, livestock intended for slaughter, pays them for their stock, has this stock assembled at his yards, and he buys this stock for shipment or reshipment or delivery directly or indirectly to a packing house and/or stockyards, he must comply with the law, as the evident purpose and intent of the Act was to include his class of operation, as the same did not come under the provisions of the Act known as the Packers and Stockyards Act of 1921. (42 U. S. Statutes at Large, p. 149, and laws amending thereto.) These same answers apply if Mr. Meredith or any person like situated is classified under our subdivision 2. If this man to whom the letter was addressed was in the habit of purchasing livestock for a purpose other than slaughter, etc., as set out in subsection (c) of Section 2 of the Act, he would not be subject to the provisions thereof. In other words, his intention in purchasing this stock could be or was for feeding purposes.

Insofar as the observations hereinabove are made, it is my opinion that the shipper has not been informed correctly in regard to concentration points and the necessity of such shippers to take out a license for the buying of livestock in this State.