

Reweighing

Poultry growers, live poultry dealers, sellers, and others having legitimate interest in a load of poultry are entitled to observe the scale balancing, weighing, and recording procedures on that load. Weighers must not deny such persons that right or withhold from them any information related to the weight of that load. Weighers must check the zero balance of the scale or reweigh a load of poultry when requested by such persons.

Live poultry dealers and the weighers they employ must comply with a request by any authorized P&SP agent to reweigh live poultry, so P&SP can determine if the weights recorded by the scale are accurate. False weighing is a criminal offense. Legal action may be brought if incorrect weighing is found.

What are the Penalties for Violations under the P&S Act?

Administrative and civil penalties for violations of the P&S Act include cease and desist orders, civil penalties not more than \$11,000 for each violation, and suspensions of registrations under the P&S Act. Any person found guilty of any of the following criminal offenses against the United States is subject to a fine, imprisonment, or both:

- Makes false entries in records or accounts;
- Neglects to make true; correct entries;
- Mutilates, alters, or falsifies any documentary evidence required to be kept;
- Refuses to allow inspection of records by authorized agents.

Weighers who willfully print or enter a false weight on a scale ticket or other record of a live poultry dealer are subject to the penalties under the P&S Act.

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Jurisdiction: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming.

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Please direct comments or questions about this publication to:

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USDA

**Grain Inspection,
Packers and Stockyards
Administration**

**Responsibility
for Accurate
Scales and
Live Poultry
Weights**

**United States
Department of Agriculture**

www.gipsa.usda.gov



Why are Accurate Scales and Weights Important?

In the world of poultry marketing, when weights are a factor used to determine payment, accurate scales and honest weighing protect the poultry grower's and seller's right to fair value and guard the live poultry dealer's right to equity.

Who is Responsible for Accurate Scales and Weights?

Live poultry dealers must use accurate scales, and ensure that they determine and use accurate weights in the purchase, sale, acquisition, payment, or settlement of live poultry (chickens, turkeys, ducks, geese, and other domestic fowl). Live poultry dealers must record complete and accurate information about weights on the scale tickets and other documents issued for these transactions.

Persons employed by these regulated entities performing weighing services (weighers) also have responsibility under the Packers and Stockyards Act (P&S Act) and regulations. Weighers must determine and record the true weight of live poultry without prejudice or favor to any person and without regard for poultry ownership, price, condition, fill, shrink, or other considerations.

How does the P&SP Promote Accurate Weighing?

The Packers and Stockyards Program (P&SP) enforces the P&S Act. P&SP promotes accurate weighing in the live poultry industry in the following ways:

Scale Installation and Maintenance

All scales used by live poultry dealers for weighing live poultry or feed for purchase, sale, acquisition, payment, or settlement must be installed and maintained in accordance to National Institute of Standards and Technology (NIST) Handbook 44 as incorporated by reference into the regulations.

Scale Testing

Such scales must be tested for accuracy by a competent agency at least twice during each calendar year—once between January 1 and June 30, and once between July 1 and December 31. There must be a minimum of 120 days between the two tests. More frequent testing will be required in cases where the scale does not maintain accuracy between tests. *Except that* if scales are used on a limited seasonal basis (during any continuous 8-month period) the live poultry dealer using the scale may use it within an 8-month period following each test. Reports of each test must be forwarded to P&SP. Any scale found to be inaccurate according to accepted tolerances, must not be used until it is repaired, retested and found accurate again.

Actual Weight

Whenever live poultry dealers buy, sell, acquire, pay, or settle live poultry transactions on a weight basis, payment or settlement must be based on the actual weight of the live poultry shown on the scale ticket. Similarly, whenever the weight of feed is a factor in determining payment or settlement to a poultry grower when live poultry is produced under a growing arrangement, live poultry dealers must base payment or settlement on the actual weight of feed shown on the scale ticket. If the actual weight used is not obtained on the date and at the place of transfer of possession

this information must be disclosed with the date and location of the weighing on the accountings, bills, or statements issued. If there are any adjustments to the actual weight, this information and the reason must be disclosed on the accountings, bills, or statements issued.

Qualified Weighers

Live poultry dealers must employ qualified persons to operate scales for weighing live poultry or feed.

Scales and Weighing Training

P&SP provides instructions for weighing live poultry. All weighers must sign an acknowledgement indicating that they have received and read the instructions for weighing live poultry issued under the P&S Act, and they agree to follow the instructions.

Care and Promptness in Weighing and Handling Live Poultry

Live poultry dealers must exercise reasonable care and promptness in weighing or otherwise handling live poultry to prevent waste of feed, shrinkage, injury, death or other avoidable loss. Whenever live poultry is obtained under a poultry growing arrangement, poultry must be transported promptly after loading and the gross weight for grower payment determined immediately upon arrival at the processing plant, holding yard, or other scale normally used for such purpose.

Scale Ticket Requirements for Live Poultry and Feed

Every live poultry dealer must keep all accounts, records, and memorandum necessary to fully and correctly disclose all transactions involved in the business transaction, including the true ownership.

The scale ticket is a legal document. Every record that is issued where weight is a factor of settlement depends on a complete and accurate scale ticket.

Each scale ticket for live poultry must show:

(1) Name of the agency performing the weighing service; (2) Name of the live poultry dealer; (3) Name and address of the grower, purchaser, or seller; (4) Name or initials or number of the live poultry weigher, or if required by State law, the signature of the weigher; (5) Location of the scale; (6) Gross, tare, and net weights; (7) Date and time gross and tare weights are determined; (8) Number of poultry weighed; (9) Weather conditions; (10) Whether the driver was on or off the truck at the time of weighing; and (11) License number of the truck or truck number.

Each scale ticket for feed, where the weight of feed is a factor in determining payment or settlement to a poultry grower, must show:

(1) Name of the agency performing the weighing service; (2) Name and address of the poultry grower; (3) Name or initials or number of the feed weigher, or if required by State law, the signature of the weigher; (4) Location of the scale; (5) Gross, tare, and net weight of each lot assigned to an individual grower, if applicable; (6) Date and time gross and tare weights determined, if applicable; (7) Whether the driver was on or off the truck at the time of weighing; and (8) License numbers on the truck and trailer, if weighed together, or trailer if only the trailer is weighed, if applicable.

Additional information may be shown on the scale ticket if desired, such as price paid, etc. However, the information listed above must be shown to make a complete legal record.