

- Sec. (c) Effect of dishonored instruments.
- (d) Preservation of trust benefit by seller or poultry grower.
- (e) Definition of cash sale.

SUBCHAPTER III—STOCKYARDS AND STOCKYARD DEALERS

- 201. “Stockyard owner”; “stockyard services”; “market agency”; “dealer”; defined.
- 202. “Stockyard” defined; determination by Secretary as to particular yard.
- 203. Activity as stockyard dealer or market agency; benefits to business and welfare of stockyard; registration; penalty for failure to register.
- 204. Bond and suspension of registrants.
- 205. General duty as to services; revocation of registration.
- 206. Rates and charges generally; discrimination.
- 207. Schedule of rates.
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 - (e) Determination of lawfulness; hearing; suspension.
 - (f) Suspension of operations; compliance.
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 - (h) Intentional violations; penalty.
- 208. Unreasonable or discriminatory practices generally; rights of stockyard owner of management and regulation.
- 209. Liability to individuals for violations; enforcement generally.
- 210. Proceedings before Secretary for violations.
 - (a) Complaint; response; satisfaction or investigation.
 - (b) Complaints forwarded by agencies of a State or Territory.
 - (c) Inquiries instituted by Secretary.
 - (d) Damage to complainant not required.
 - (e) Award and payment of damages.
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- 211. Order of Secretary as to charges or practices; prescribing rates and practices generally.
- 212. Prescribing rates and practices to prevent discrimination between intrastate and interstate commerce.
- 213. Prevention of unfair, discriminatory, or deceptive practices.
- 214. Effective date of orders.
- 215. Failure to obey orders; punishment.
- 216. Proceedings to enforce orders; injunction.
- 217. Proceedings for suspension of orders.
- 217a. Fees for inspection of brands or marks.
 - (a) Authorization by Secretary; registration as market agency.
 - (b) Applicability of section.
 - (c) Collection and payment of charges.
 - (d) Revocation of authorization or registration.

SUBCHAPTER IV—LIVE POULTRY DEALERS AND HANDLERS

218 to 218d. Repealed.

SUBCHAPTER V—GENERAL PROVISIONS

- 221. Accounts and records of business; punishment for failure to keep.
- 222. Federal Trade Commission powers adopted for enforcement of chapter.
- 223. Responsibility of principal for act or omission of agent.
- 224. Attorney General to institute court proceedings for enforcement.
- 225. Laws unaffected.
- 226. Powers of Interstate Commerce Commission unaffected.
- 227. Powers of Federal Trade Commission and Secretary of Agriculture.

- Sec. (a) Omitted.
- (b) Jurisdiction of Federal Trade Commission.
- (c) Limitation of Federal Trade Commission jurisdiction.
- (d) Jurisdiction of Secretary of Agriculture except for poultry products.
- (e) Jurisdiction of Secretary of Agriculture regarding poultry products.
- (f) Information to be included in annual reports.
- 228. Authority of Secretary.
 - (a) Rules, regulations, and expenditures; appropriations.
 - (b) Deductions from proceeds for financing promotional, educational, and research activities.
 - (c) Budget estimate; testimony of Secretary before Congressional committees.
 - (d) Development and promulgation of rules governing hearings.
 - (e) Definitions.
- 228a. Authority of Secretary to request temporary injunction or restraining order.
- 228b. Prompt payment for purchase of livestock.
 - (a) Full amount of purchase price required; methods of payment.
 - (b) Waiver of prompt payment by written agreement; disclosure requirements.
 - (c) Delay in payment or attempt to delay deemed unfair practice.
- 228b-1. Final date for making payment to cash seller or poultry grower.
 - (a) Delivery of full amount due.
 - (b) Delay or attempt to delay collection of funds as “unfair practice”.
 - (c) Definition of cash sale.
- 228b-2. Violations by live poultry dealers.
 - (a) Written complaint by Secretary; hearing; intervention; amended complaint.
 - (b) Report on findings of fact by Secretary; cease and desist order; assessment of civil penalty; action by Attorney General upon live poultry dealer’s failure to pay penalty.
 - (c) Amendment or setting aside of report or order.
 - (d) Service of complaints, orders, and other processes.
- 228b-3. Judicial review of order regarding live poultry dealer.
 - (a) Finality of order unless appeal to court of appeals; time limit; bond.
 - (b) Notification of appeal to Secretary; filing of record with court.
 - (c) Issuance of temporary injunction.
 - (d) Evidence in record as evidence in case; expedited proceedings.
 - (e) Action by court.
 - (f) Taking of additional evidence; modified or additional findings by Secretary.
 - (g) Affirmance or modification of order as injunction.
 - (h) Exclusive jurisdiction of court of appeals; finality of decree; appeal to Supreme Court; stay of decree.
- 228b-4. Violation of final order by live poultry dealer; penalty.
- 228c. Federal preemption of State and local requirements.
- 229. Separability.

SUBCHAPTER VI—CHARGE FOR INSPECTION

- 231. Omitted.

TRANSFER OF FUNCTIONS

Functions of Bureau of Animal Industry transferred to Secretary of Agriculture by 1947 Reorg. Plan No. 1,

§301, eff. July 1, 1947, 12 F.R. 4534, 61 Stat 952. See note set out under section 391 of this title.

By order of Secretary of Agriculture, Packers and Stockyards Administration abolished on July 1, 1927, and enforcement of Packers and Stockyards Act of 1921, which is classified to this chapter, was put under control of chief of Bureau of Animal Industry.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 11 section 525; title 15 sections 45, 1607, 1681s, 1691c, 1692i; title 28 section 2342.

SUBCHAPTER I—GENERAL DEFINITIONS

§ 181. Short title

This chapter may be cited as the “Packers and Stockyards Act, 1921.”

(Aug. 15, 1921, ch. 64, title I, §1, 42 Stat. 159.)

SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100-173, §1, Nov. 23, 1987, 101 Stat. 917, provided that: “This Act [enacting sections 197 and 228b-1 to 228b-4 of this title, amending sections 182, 192, 209, 221, 223, 227, and 228a of this title, repealing sections 218 to 218d of this title, and enacting provisions set out as notes under sections 182 and 227 of this title] may be cited as the ‘Poultry Producers Financial Protection Act of 1987.’”

§ 182. Definitions

When used in this chapter—

(1) The term “person” includes individuals, partnerships, corporations, and associations;

(2) The term “Secretary” means the Secretary of Agriculture;

(3) The term “meat food products” means all products and byproducts of the slaughtering and meat-packing industry—if edible;

(4) The term “livestock” means cattle, sheep, swine, horses, mules, or goats—whether live or dead;

(5) The term “livestock products” means all products and byproducts (other than meats and meat food products) of the slaughtering and meat-packing industry derived in whole or in part from livestock;

(6) The term “poultry” means chickens, turkeys, ducks, geese, and other domestic fowl;

(7) The term “poultry product” means any product or byproduct of the business of slaughtering poultry and processing poultry after slaughter;

(8) The term “poultry grower” means any person engaged in the business of raising and caring for live poultry for slaughter by another, whether the poultry is owned by such person or by another, but not an employee of the owner of such poultry;

(9) The term “poultry growing arrangement” means any growout contract, marketing agreement, or other arrangement under which a poultry grower raises and cares for live poultry for delivery, in accord with another’s instructions, for slaughter;

(10) The term “live poultry dealer” means any person engaged in the business of obtaining live poultry by purchase or under a poultry growing arrangement for the purpose of either slaughtering it or selling it for slaughter by another, if poultry is obtained by such person in commerce, or if poultry obtained by

such person is sold or shipped in commerce, or if poultry products from poultry obtained by such person are sold or shipped in commerce; and

(11) The term “commerce” means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession, or the District of Columbia.

(Aug. 15, 1921, ch. 64, title I, §2(a), 42 Stat. 159; Sept. 13, 1976, Pub. L. 94-410, §3(c), 90 Stat. 1249; Nov. 23, 1987, Pub. L. 100-173, §2, 101 Stat. 917.)

CODIFICATION

Section is composed of subsec. (a) of section 2 of act Aug. 15, 1921. Subsec. (b) of section 2 is classified to section 183 of this title.

AMENDMENTS

1987—Pars. (6) to (11). Pub. L. 100-173 added pars. (6) to (10) and redesignated former par. (6) as (11).

1976—Pars. (4), (5). Pub. L. 94-410 substituted “live-stock” for “live stock” in par. (4) and for “live-stock” in par. (5).

EFFECTIVE DATE OF 1987 AMENDMENT

Section 12 of Pub. L. 100-173 provided that: “This Act and the amendments made by this Act [enacting sections 197 and 228b-1 to 228b-4 of this title, amending this section and sections 192, 209, 221, 223, 227, and 228a of this title, repealing sections 218 to 218d of this title, and enacting provisions set out as notes under sections 181 and 227 of this title] shall take effect 90 days after the date of the enactment of this Act [Nov. 23, 1987].”

SAVINGS PROVISION

Section 10 of Pub. L. 94-410 provided that: “Pending proceedings shall not be abated by reason of any provision of this Act [enacting sections 196 and 228a to 228c of this title and amending this section and sections 183, 191-193, 201, 204, 207, 209, 210, 212, 213, 228, and 229 of this title], but shall be disposed of pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended [this chapter], and the Act of July 12, 1943 [section 204 of this title], in effect immediately prior to the effective date of this Act [Sept. 13, 1976].”

CROSS REFERENCES

Dealer, see section 201 of this title.

Definition of commerce as not limited by definition of transaction in commerce, see section 183 of this title.

Market agency, see section 201 of this title.

Packer, see section 191 of this title.

Stockyard, see section 202 of this title.

Stockyard owner, see section 201 of this title.

Stockyard services, see section 201 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 183 of this title; title 31 section 3903.

§ 183. When transaction deemed in commerce; “State” defined

For the purpose of this chapter (but not in anywise limiting the definition in section 182 of this title) a transaction in respect to any article shall be considered to be in commerce if such article is part of that current of commerce usual in the livestock and meat-packing industries, whereby livestock, meats, meat food products, livestock products, dairy products, poultry,