

Responsibility for Accurate Scales and Live Poultry Weights

When weights are used to determine payment for live poultry, the use of accurate scales, and honest weighing practices protect the poultry grower and seller's right to fair value. Using accurate scales and weights also guards the live poultry dealer's right to equity.

Who is Responsible for Accurate Scales and Weights?

You must use accurate scales and ensure that those scales provide accurate weights for live poultry and feed, whenever you use weights as a factor in the purchase, sale, acquisition, payment, or settlement of live poultry (chickens, turkeys, ducks, geese, and other domestic fowl). You must record complete and accurate information about weights on the scale tickets, and other documents issued for these transactions.

Persons employed or contracted by you to perform 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 and feed without prejudice or favor to any person. They must also do so without regard for poultry ownership, price, condition, fill, shrink, or other considerations.

How Does the PSD Promote Accurate Weighing?

The Packers and Stockyards Division (PSD, we, or our), part of the Fair Trade Practices Program within the Agricultural Marketing Service, enforces the P&S Act. We promote accurate weighing in the live poultry industry in the following ways:

Scale Installation and Maintenance

All scales you use 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

We require you to have a competent agency test scales for accuracy 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. In the event that scales do not maintain accuracy between tests, we may require

greater frequency of testing. With an exception: If you use the scale on a limited seasonal basis, you may use it within an 8-month period following each test. You must forward scale tests to one of our Regional Offices. You may not use any scale found to be inaccurate, according to accepted tolerances, until you have the scale repaired, retested, and it is deemed accurate.

Actual Weight

You must base payment or settlement on the actual weight of the live poultry or feed shown on the scale ticket whenever you buy, sell, acquire, pay, or settle live poultry transactions on a weight basis, or whenever the weight of feed is a factor in determining payment.

If you do not obtain the actual weight of live poultry or feed used for settlement purposes on the date, location and transfer of possession, or if there were any adjustments to the actual weights, you must disclose this information. Include the date, location of the weighing, and the reason for the adjustment(s) on the accounting, bills, or statements issued.

Qualified Weighers

You must employ or contract qualified persons to operate scales for weighing live poultry or feed.

Scales and Weighing Training

We provide instructions for weighing live poultry. All weighers you employ or contract to provide weighing services 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

Exercise reasonable care and promptness in weighing or otherwise handling live poultry to prevent waste of feed, shrinkage, injury, death or other avoidable loss. You must transport the poultry promptly after loading whenever you obtain live poultry under a poultry growing arrangement. The process of obtaining the gross weight must begin 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

You must keep all accounts, records, and memorandum necessary to disclose, fully and correctly, all transactions involved in the business, including the true ownership.

The scale ticket is a legal document. Every record you issue in which weight is a factor of settlement depends on a complete and accurate scale ticket. In instances where your computer system automatically records weight values directly on the account of purchase, account of sale, or other basic transaction record, this record may serve in place of a scale ticket. Additionally, you must keep all accounts, records, and memorandum necessary to disclose, fully and correctly, all transactions involved as supporting documentation. Each scale ticket for live poultry or feed must show the items listed, as applicable to the specific transaction, in Section 201.49(c) and (d) of the regulations.

Reweighing

Poultry growers, live poultry dealers, sellers, and others having legitimate interest in a load of poultry are all entitled to observe the scale balancing, weighing, and recording procedures on that load. Weighers must not deny such persons that right. Nor should weighers withhold from these persons 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.

You and the weighers you employ or contract for weighing services must comply with a request by any authorized PSD agent to reweigh live poultry. We use reweigh results to determine if the weight(s) recorded by the scale were accurate. False weighing is a criminal offense. We may initiate a legal enforcement action if we find incorrect weighing.

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

As a live poultry dealer, you are subject to administrative cease and desist orders, as well as civil penalties of up to \$81,633 for each violation of sections 207 or 410 of the P&S Act. Section 207 relates to the statutory trust for poultry. Section 410 relates to the final date for payment to a cash seller or poultry grower.

We may report any violation of the P&S Act by you to the Attorney General of the United States, and request civil or criminal prosecution, as appropriate.

Any person convicted of any of the following criminal offenses against the United States, is subject to a fine of at least \$1,000 and not more than \$5,000, imprisonment of not more than three years, 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.

Please direct comments or questions about this publication to:

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For more information about Responsibility for Accurate Scales and Live Poultry Weights please visit: <https://www.ams.usda.gov/rules-regulations/packers-and-stockyards-act>