## Louisiana

**Weights and Measures Law**

**&**

# **Rules and Regulations**

“Relative to Seafood Products”



Louisiana Department of Agriculture and Forestry

mike strain dvm, Commissioner

Office of Agro-Consumer Services

Division of Weights and Measures

P. O. Box 3098

Baton Rouge, LA 70821-3098

We here at **Louisiana Seafood Exchange** remain committed to educating our customers, and conducting our business within the framework of the law. One of the most misunderstood areas of seafood is the laws concerning it. As a consumer, having a basic understanding of seafood laws can actually help you protect your business and your bottom line from those who, still to this day will go out of their ways to deceive, defraud, and take advantage of their customers.

We have taken the liberty to put together some of the various state laws (taken verbatim from the Louisiana Department of Agriculture’s Weights and Measures Laws), that govern seafood below. Please take the time to peruse some of the laws as they apply to you. If you have any questions about them and their relativity to seafood you use in your establishment, please feel welcomed to call one of our professional seafood consultants.

* *Please note, some of these passages below may require additional context from other portions of the Rules and Regulations Handbook.*

§4615. Meat, poultry, fish, and seafood; ready-to-eat food

1. Meat, poultry, fish, and seafood shall be sold by weight, except the whole shellfish in the shell may be sold by weight, measure, or count. Shellfish are aquatic animals having a shell, such as mollusks, which includes scallops, or crustaceans, which includes lobster and shrimp.

§4617. Fraud by vendors or by purchaser

A.  No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

B.  No one shall take more than the quantity represented of any commodity, thing, or service, when, as buyer, he furnishes the weight, measure, or weighing or measuring device by means of which the amount of the commodity, thing, or service is determined.

C.  No one shall misrepresent the name, or type of any fruit, vegetable, grain, meat, or fish, including catfish, sold, or offered or exposed for sale, to any actual or prospective consumer.  "Catfish" shall mean only those species within the family Ictaluridae or the family Anarhichadidae and grown in the United States of America.

**PART II. PARTICULAR PRODUCTS**

**SUBPART A. OYSTERS**

§4631. Oyster labeling and packaging; sale of shell stock oysters

A. Oyster meats may be sold by fluid volume or net drained weight at wholesale or retail. Oyster meats may also be sold by count at retail but only at the time of final sale. Prepackaging of oysters being sold by count is prohibited unless the prepackaged item itself is labeled with the net weight of oyster meat contained in such package.

B. Shell stock oysters shall be sold by volumetric measure, weight, or count.

C. Oysters removed from the shell shall be labeled clearly by volume or weight. A maximum of fifteen percent free liquid by weight is permitted for oysters sold by weight or by volume.

D. Any person packaging, labeling, or distributing shucked oysters shall follow the guidelines set forth in the NIST Handbook 130 adopted by the National Conference on Weights and Measures.

E. Oysters shall be shucked and prepackaged only in facilities which are certified by the Department of Health and Hospitals and which meet the requirements of the National Shellfish Sanitation Program.

F. This Section shall not apply to those oysters, which are shucked in a restaurant for immediate consumption on the premises.

Acts 1992, No. 55, § 1; Acts 1995, No. 379, § 1.

§4632. Inspection and stamping of basket

Each basket may be inspected by the commissioner as provided for in Part I of Chapter 30 of Title 3 and the accuracy of the measure stamped thereon.

Acts 1992, No. 55, § 1.

§4633. Inspection of sacks and barrels; standards contents

A. The department may also inspect the sacks and barrels in which the oysters arrive.

B. Each sack of oysters shall contain one basket; each barrel shall contain two baskets. Sacks and barrels shall contain correct measurements at the time of delivery to the consignee, buyer, or importer and at the time of delivery to any subsequent buyer after arrival.

Acts 1992, No. 55, § 1.

§4634. Duty of having baskets and oysters inspected

All buyers, sellers, importers, and exporters of oysters may, upon arrival have their baskets inspected and stamped and the oysters inspected and measured, in accordance with R.S. 3:4632 and 4633.

Acts 1992, No. 55, § 1.

§4635. Powers of inspectors

The inspecting officer may board any boat arriving with oysters in order to make the inspection and measurement provided by this Subpart and to ascertain the number of sacks, barrels, and baskets arriving and the names and addresses of the sellers, exporters, consignors, buyers, importers, and consignees of the oysters to be inspected and measured and the quantity consigned to each buyer, importer, and consignee, and any other information necessary to perform the duties imposed upon him by law. The owner or other person in charge of the boat or of its manifest shall produce the manifest and allow him to examine it, if he so demands.

Acts 1992, No. 55, § 1.

§4636. Certificate of inspection

The department may issue a certificate of inspection and measurement after its inspection. This certificate is prima facie evidence of the inspection and measurement of the oysters under the provisions of this Subpart.

Acts 1992, No. 55, § 1.

§4637. Penalty

A. A violator of any provisions of this Subpart or of any rule or regulation adopted under the provisions of this Subpart shall be subject to a civil penalty of not more than five hundred dollars for each act of violation and for each day of violation. Each day on which a violation occurs shall be a separate offense.

B. Penalties may be assessed only by a ruling of the commissioner based upon an adjudicatory hearing held in accordance with the provisions of the Administrative Procedure Act.

C. In addition to civil penalties, the commissioner may assess the proportionate costs of the adjudicatory hearing against the offender. The commissioner shall determine the amount of costs to be assessed.

D. The commissioner may institute civil proceedings to enforce his rulings in the district court for the parish in which the violation occurred.

E. The commissioner may institute civil proceedings seeking injunctive relief to restrain and prevent the violation of the provisions of this Subpart, or of the rules and regulations adopted under the provisions of this Subpart, in the district court for the parish in which the violation occurred.

Acts 1992, No. 55, § 1.

**SUBPART C. FARM-RAISED CATFISH**

§4651. Weight determination procedures

A. Any processor engaged in the processing, handling, storing, preparing, manufacturing, packing, or holding of farm-raised catfish or catfish products shall weigh the catfish or catfish products as they are unloaded from the live haul truck at the processing plant.

B. All water shall be drained from the weighing baskets before the catfish or catfish products are weighed. No deductions for water in the weighing baskets shall be made.

Acts 1992, No. 55, § 1.

§4652. Weighing devices

A. A weighing device which has been approved by the department and which is of a type suitable for the weighing of farm-raised catfish or catfish products shall be used.

B. The weighing ticket shall include but is not limited to the following:

(1) The name and address of the processor.

(2) The name of the producer of the catfish or catfish products being weighed.

(3) The date the catfish or catfish products are weighed.

(4) The signature of the individual who weighed the catfish or catfish products.

(5) Any additional information the commissioner of agriculture and forestry deems necessary for the lawful and accurate recording of the weight of farm-raised catfish or catfish products.

C. Copies of all weight tickets shall be furnished to the producers along with settlement sheets.

Acts 1992, No. 55, § 1.

**SUBPART D. SHRIMP**

§4661. Count determinations for shrimp

Shrimp may be sold by count if the size of the shrimp in a container is within the specified count size listed on the container or invoice. Except as otherwise provided by this Section, shrimp shall be sold in accordance with the provisions of R.S. 3:4615.

Acts 2001, No. 394, § 1.

§107. Crawfish; Live; Boiled; Peeled

A. *Crawfish -* freshwater crustaceans of the genera *Cambarus* or *Astacus* common to Louisiana.

1. Live or Boiled Crawfish

a. *Live Crawfish -* any crawfish which are live at the time of purchase.

b. *Boiled Crawfish -* any crawfish, still in the shell, which have been processed by boiling or steaming.

c. Live or boiled crawfish may be sold in bags or sacks.

d. The net weight of crawfish in bags or sacks must be clearly labeled in indelible ink or otherwise waterproof lettering and in accordance with all other provisions of the Louisiana Weights and Measures Law and of these regulations.

e. The labels described in §107.A.4 must remain on all bags or sacks of live or boiled crawfish once they leave the possession of farmer or fisherman.

f. The net weight of boiled crawfish shall be the net weight after boiling.

g. Boiled crawfish when sold for immediate consumption on the premises are exempt from this section.

B. *Peeled Crawfish -* any crawfish which have been processed to remove the shells.

1. Peeled crawfish sold washed or cleaned.

a. Peeled crawfish which have been washed or cleaned of naturally adhering fat shall be labeled "cleaned" or "washed."

b. The net weight of the washed crawfish shall be the drained weight.

2. Peeled crawfish sold with naturally adhering fat.

a. Peeled crawfish may be packaged washed.

b. Naturally adhering fat content of packages of peeled crawfish shall not exceed 10 percent of the net weight of the crawfish in the package.

c. Testing for compliance with the fat content provisions shall be done in accordance with procedures outlined by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1532 (December 1993).

§109. Oysters - Method of Sale

A. Oysters Unshucked. The standards used for unshucked oysters is a barrel containing three bushels, a sack containing one and one-half bushels or a one and one-half bushel wire hamper containing 3225.63 cubic inches.

B. Oysters Shucked. Oysters shucked shall only be sold by liquid measure, containing not more than 15 percent of fluids, by numerical count or by net drained weight.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4631, R.S. 3:4613 and R.S. 3:4608 (formerly R.S. 55:72, R.S. 55:11 and R.S. 55:6).

HISTORICAL NOTE: Adopted by the Department of Agriculture, Commission of Weights and Measures, April 1953, amended April 1972, amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1532 (December 1993).