

**Opinion No. 37-1729**

August 5, 1937

**BY:** FRANK H. PATTON, Attorney General,

**TO:** Mrs. Elizabeth F. Gonzales Secretary of State Santa Fe, New Mexico

{\*145} This is to acknowledge receipt of your request of even date relative to questions propounded in an inquiry from the Transparent Package Company. Briefly, you wish to know (1) the laws of this State on the subject of coloring hydrocellulose casings used to wrap meats and (2) the law regulating the coloring of meats.

We have no specific statutory regulation covering the coloring of packages. As to the coloring of meats, I call your attention to Section 53-103, New Mexico Statutes Annotated, 1929 Compilation, which makes it a misdemeanor to mix, color or stain any food products in a manner which would be injurious to the public health. The statute is general in nature and not specific. Whether or not a particular coloring would violate the terms of the statute would be a matter of fact, depending on whether or not the constituent elements and coloring compound are injurious.

I likewise call your attention to Paragraph 17 of Section 4, Chapter 39, Laws of 1937, giving the Department of Public Health power to regulate the sale and consumption of foods and drugs. This grant of power, in my opinion, could probably be carried to the extent of regulating the type of colorings or wrappings for meats. Whether or not the Public Health Department has made such regulation, we do not know as we do not have a copy of their rules and regulations.

Trusting this answers your questions, I am

By: RICHARD E. MANSON,

Asst. Atty. Gen.