

Opinion No. 44-4492

April 3, 1944

BY: EDWARD P. CHASE, Attorney General

TO: Mr. J. R. Poe, State Bee Inspector, New Mexico College of Agriculture & Mechanic Arts, State College, New Mexico

We are in receipt of your letter of April 1, 1944, in which you ask our opinion as to whether or not a groceryman in the state violates Section 11 of Chapter 211 of the Laws of 1941 if he sells unstamped honey. This section reads, in part, as follows:

"There shall be attached to each and every container or package of honey offered for sale within the state of New Mexico a label permit upon which shall be printed a facsimile of the Seal of the New Mexico College of Agriculture and Mechanic Arts and the denomination of the respective stamp. Said stamps may be procured from the office of the State Bee Inspector * * *"

It is noted that this section does not provide who shall place the label upon the honey, but merely provides that when the container of honey is offered for sale a label permit shall be attached thereto. Thus, it is my opinion that if any retailer offers honey for sale without this label he violates this section and is punishable under section 16 of this act.

Your attention is called to Opinion No. 3813, addressed to you, in which Mr. Hunker advised you, as a practical matter, to have the retailers a fix the label permit.

By ROBERT W. WARD,

Asst. Atty. General