

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

January 26, 1939.

Mr. W. Howard Willet,
Dairy Commissioner,
Phoenix, Arizona.

Dear Sir:

In your letter of January 18th you ask an opinion with reference to the following proposition:

"There are a great many dairies just outside of the city limits that are advertising their milk, and selling it on their premises. Some of these dairies have from three to fifteen cows. They are not delivering, as their customers come to their door and get this milk. Under the dairy laws of the state, is there any way whereby I may be able to have those people pay a license to the state, and force them to equip their place as a dairy? They claim so long as they are selling their milk at their door, they are not classed as a dairy."

In answer to your proposition we call attention to the definition of terms contained in section 928, Revised Code of Arizona, 1928, as amended by chapter 82, session laws of 1931. A dairy is there defined as "premises wherein or whereon three or more cows or goats shall be kept or milked for the purpose of producing milk to be sold for human consumption, whether as market milk or manufactured milk product." Market milk or cream is defined as "such milk or cream as shall be used or intended for use as food for human consumption, as a beverage either with or without the addition of other foods, or for use in the culinary preparation of foods."

Section 932, as amended by session laws of 1931, chapter 82, section 5, provides no person shall produce market milk without a permit to do so. However, any person holding a permit from any municipality operating under standard milk ordinance of the United States Bureau of Health is deemed as having sufficient permit for the requirements of the act.

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Mr. W. Howard Millet

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Section 932 provides for inspection and regulations with reference to dairies producing market milk.

In our opinion under the facts stated in your letter such owners of dairies would be subject to the provisions of section 932.

Yours very truly,

JOE CONWAY,
Attorney General.

LIN ORME, JR.,
Assistant Attorney General.

EARL ANDERSON,
Special Assistant
Attorney General.

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