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October 11, 1951

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Yes
How
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Mr. Claude Evans
Secretary, Livestock Sanitary Board
Capitol Annex Building
Phoenix, Arizona

Dear Mr. Evans:

We have your oral request asking for an interpretation of subsection (d) of Section 50-804, as amended by Chapter 147, Laws of 1951. Your problem is: Must a licensed slaughter house pay a separate license fee for each truck used by it in delivering meat to customers? Said subsection reads:

"Every peddler, retailer, jobber or handler, excepting only a home consumer, of any meat or meat product, other than canned meat or meat product, shall, before offering such meat or meat product, for sale or exchange, procure a license therefor from the livestock sanitary board, for which he shall pay an annual license fee of ten dollars for each place of business, store, stand, market or vehicle wherein or wherefrom such meat is to be sold or exchanged, and shall keep a record of the name and address of each person from whom the purchaser obtained such meat or meat product, the date of purchase, quantity and kind of meat purchased, and time and place of purchase, and upon the request of an inspector or peace officer shall exhibit the same to such inspector or peace officer.

Every peddler, jobber or handler, excepting a restaurant or retailer, shall keep a record of the name and address of every person to whom any meat or meat product is sold, the date of sale, the quantity and kind of meat sold, and the time and place of sale, and upon the request of an inspector or peace officer shall

exhibit the same to such inspector or peace officer. The records hereinabove required shall be maintained for a period of one year." (Emphasis supplied)

It is impossible to give an opinion to fit each situation. Each case must depend on the facts in the particular instance.

You will note the section provides that before a peddler, retailer, jobber or handler offers any meat or meat product for sale or exchange, he must procure a license for each establishment or vehicle wherein or wherefrom meat is sold. Under this statute a vehicle used exclusively to deliver meat previously ordered from a licensee would not come within the act because the operator would not be offering for sale or selling meat from a vehicle from which the delivery was made; on the other hand, if the operator of the vehicle carries meat not previously ordered and which meat may be sold to purchasers independently of previous orders or in addition to the meat previously ordered, then the truck or vehicle would have to be licensed under the act.

In other words, you must determine in each case whether the vehicle was used only to deliver orders for meat previously taken or whether the vehicle was used in making sales of meat from the vehicle as customers desired to purchase the same.

Very truly yours,

FRED O. WILSON
Attorney General

EARL ANDERSON
Assistant Attorney General

EA: f