

Pure Food Law, Construed. Confectionery, Defined. Bakery, Defined.

A store selling candies in original packages, would not be classed as a confectionery store within the meaning of Chapter 130, Laws of 1911.

A private boarding or rooming house is not a hotel or restaurant within the meaning of Chapter 130, Laws of 1911.

A bakery is a place of manufacture, and Chapter 130, Laws of 1911, does not apply to a place simply handling the manufactured products.

Helena, Montana, August 7, 1911.

Dr. T. D. Tuttle, Secretary,
Department of Public Health,
Helena, Montana.

Dear Sir:

I acknowledge receipt of your letter of the 1st inst., in which you ask my opinion upon the following questions all pertaining to Chapter 130, Laws of 1911: "Would a store selling cigars and tobacco, etc., also candies, be classed as a confectionery store?" "Would a general store carrying candies be classed as a confectionery store?" In my opinion neither of the classes above mentioned, under the provisions of said Chapter 130, would be classed as a confectionery. Confectionery, as defined by Webster and also in "Words and Phrases," is "a place where sweetmeats and similar things are made and sold." In neither of the places referred to by your inquiry are confections made, but are simply sold in the original package as furnished by the manufacturing or jobbing confectioneries, and for that reason would not come within the provisions of said Chapter 130.

"Would a housekeeper serving meals to a regular number of boarders be classed as conducting a hotel or restaurant?" "Would a housekeeper having two or four regular roomers and boarders be classed as conducting a hotel?" In answer I would state that in my opinion neither housekeeper could be classed as conducting either a hotel or restaurant. "A hotel is a place kept for the entertainment of casual guests; a boarding house is kept principally for the residence of permanent boarders." (From "Words and Phrases," p. 350). "A restaurant is a place to which a person resorts for the temporary purpose of obtaining a meal," ("Words and Phrases," p. 6181). In both of the instances cited by your inquiry the establishment is a private con-

cern and is not such as is contemplated by the provisions of Chapter 130, Laws of 1911.

"Would a grocery store selling bread and pies, milk and cream be classed as a bakery or dairy, or both?" The provisions of said Chapter 130, Laws of 1911, apply to a bakery, pure and simple, and its provisions would not apply to a store handling the manufactured product. (See Section 10, Chapter 130, Laws of 1911.)

"Would a grocery store handling fowls, live or dead, be classed as a meat market?" In my opinion a store handling live fowls would come within the provisions of said Chapter 130, Laws of 1911, but any place of business handling dressed fowls, would, in my opinion, be classed as a meat market, and would come within the provisions of Section 10, Chapter 130, Laws of 1911.

Yours very truly,

ALBERT J. GALEN,

Attorney General.