

Meat Markets—Licenses—State Board of Health.

A meat market is any place where the business of selling meat to the buying public is carried on.

Glenn D. Wiles, Esq.,
Director Division of Foods and Drugs,
Department of Public Health,
Helena, Montana.

My dear Mr. Wiles:

You have inquired whether under Section 2589, R. C. M. 1921, a person handling meat under the following conditions is subject to the license fee therein mentioned:

1. When a man operating a grocery store buys fresh cut meat from a butcher shop and retails same at his place of business from refrigerator display case.

2. When a man operating a grocery store takes orders over the telephone for fresh meat and purchases the fresh cut meat from a local market and brings it to his store where it is displayed in refrigerator display case until grocery delivery is made, said meats being sold only by special order.

A meat market is any place where the business of selling meat to the buying public is carried on. In both of the above instances it is apparent that meat is sold to any and all persons desiring to purchase it, and the transaction is a sale of meat by a person who is engaged in the business of selling it to the public. The fact that the meat delivered is purchased from some other meat market is of no significance, except to emphasize the fact that the person making the sale to the public is an independent seller and not an agent of the dealer from whom he gets the meat.

It is, therefore, my opinion that in both of the instances mentioned by you, the person selling meat is subject to the license provided by Section 2589, R. C. M. 1921.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.