

Opinion No. 324.**Weights and Measures—Inspector of
Weights and Measures—Sec-
retary of State.**

HELD: The State Sealer of Weights and Measures, his deputy or inspector of weights and measures and municipal sealers of weights and measures have the authority and duty of examining all commodities sold and offered for sale, and testing them for correct weight, measure or count.

July 10, 1936.

Mr. A. P. Bruce
Commissioner of Agriculture
The Capitol

You have requested my opinion as to who has authority to check up on the weights of packages in stores, shops and places where commodities are bought and sold.

By Section 3575.1, R. C., the Commissioner of Agriculture shall employ an expert tester of scales, known as the state scale expert, whose duty it shall be to test all scales with the exception of scales, weights and balances not used for public weighing, unless by request.

By Section 4235 the Secretary of State is declared ex-officio State Sealer of Weights and Measures. He, the deputy state sealer or his inspectors

of weights and measures or municipal sealers of weights and measures have power to inspect, test, try and ascertain if they are correct, all weights, scales, beams, measures of any kind, etc., (Section 4243, R. C.), and they have the authority and duty to examine all commodities sold and offered for sale, and to test them for correct weight, measure, or count. (Section 4244.) The state sealer of weights and measures, his deputy or inspectors of weights and measures and municipal sealers of weights and measures, therefore, rather than the state scale inspector or his deputy or deputies, have the authority and duty of examining all commodities sold and offered for sale, and testing them for correct weight, measure, or count.