

in this country (the term) means milk as it comes from a female cow, without adulteration or change in its condition."

In the milk control act, the legislature defined "milk" as follows: "Milk" means fluid milk and cream sold for consumption as such," (Section 2630.3 R. C. M. 1935.) There are other kinds of milk, however, such as the white juice of plants and the milk of the cocoanut.

It is my opinion, however, that the legislature used the word "milk" in the ordinary accepted sense and that it was their intent to control and regulate the sale of cows' milk only.

Opinion No. 119.

Milk Control Board—Goats' Milk Control of—Milk Defined—Milk Control Board, Jurisdiction of.

HELD: The Milk Control Act was intended to regulate and control the sale of cows' milk only.

July 16, 1937.

Mr. G. A. Norris
Commissioner, Milk Control Board
The Capitol

Dear Mr. Norris:

You have submitted the question whether or not the Montana Milk Control Board has jurisdiction over the fixing of prices for the goat milk industry.

As an article of food for mankind, the term "milk" ordinarily refers to the milk that comes from cows (40 C. J. 708). In *Fuqua v. Birmingham*, 17 Ala. A. 142, 82 So. 626, the court said:

"When applied to the ordinary milk sold for human consumption,