

**Opinion No. 98.****Milk Control Board—Retail Prices,  
Board May Fix When Sold  
by Stores.**

HELD: The board may fix minimum retail prices for milk when sold by stores to customers, except for consumption on the premises where sold.

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May 10, 1937.

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

Dear Mr. Norris:

You have asked my opinion upon the question of whether a store selling fluid milk and cream over the counter to customers is required to abide by the minimum prices fixed by the board.

Section 2639.7, R. C. M. 1935, provides:

“ \* \* \* 1. The board after making such investigations, may fix by official order: \* \* \*

“(b) The minimum wholesale or retail prices to be charged for milk handled within the state for fluid consumption and wheresoever produced, when sold by milk dealers to consumers; by stores to consumers except for consumption on the premises where sold; by milk dealers to other milk dealers.”

It will be seen, therefore, by express provision of the statute, that your question should be answered in the affirmative.