

No. 264

BUTTER, sale of—SALE OF BUTTER—CREAMERIES

Held: The standard measure for the sale of butter in Montana by creameries shall be 16 ounces avoirdupois weight to the pound, exclusive of the wrapper or container, and all butter sold or offered for sale by creameries in paper containers or wrappers shall be in packages of one or two pounds which may be made up of smaller component packages in multiples of four (4) or eight (8) ounces each.

October 9, 1941.

Mr. John D. Stafford
County Attorney
Cascade County
Great Falls, Montana

Attention: Mr. R. J. Nelson
Deputy County Attorney

Dear Mr. Stafford:

You have written this office as follows:

"One of the inspectors from the dairy division of the State Department of Agriculture recently discovered a creamery in Cascade County putting up butter in quarter pound packages. The creamery was not selling these quarter pound packages singly to the retailers, but was selling them in lots of not less than a pound.

"Section 2620.33, Revised Codes of Montana, 1935, relating to creameries, provides: **Standard Butter Measure.** The standard measure for the sale of butter, in the State of Montana, shall be sixteen (16) ounces (avoirdupois weight), to the pound, exclusive of the wrapper or container, no tolerance in deficiency being allowed. All butter sold, offered or exposed for sale in paper containers or wrappers, shall be in packages of one (1) or two (2) pounds, net standard avoirdupois weight, no tolerance for deficiency being allowed, provided, however, that packages of the weight herein specified may be made up of smaller component packages of wrapped butter in multiples of four (4) or eight (8) ounces each. Any violation of the provisions of this section shall constitute a misdemeanor and be punishable as provided in Section 2620.60 of the act hereby amended.

"We have advised the inspector that it was our opinion that even though the creamery did not sell the quarter pound cartons singly it was violating the law in that all butter sold must be in packages of one or two pounds and the creamery was packaging their butter in quarter pounds. He has asked us to obtain your opinion in the matter."

It is my opinion, after a study of the statute, that it is contrary to law for a creamery to sell butter in quarter-pound packages and I therefore agree with your opinion.

Sincerely yours,

JOHN W. BONNER
Attorney General