

**Opinion No. 55-6216**

July 7, 1955

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** Mr. Charlie B. Whigham, Chief Inspector, New Mexico Egg Inspection Department,  
State College, New Mexico

We have your letter of June 7th in which you requested an opinion concerning Regulation 7 of Chapter 275, Laws of 1955, as to whether "Not produced in New Mexico" which by the terms of the said Regulation 7 must be stamped upon all egg cartons shipped into the State of New Mexico, is a violation of the Federal Constitution as being an illegal restraint on interstate trade.

It is our opinion that the State of New Mexico has the right to make inspection of eggs within the State and those coming into the State, and as a part of that inspection has the right to make such reasonable regulations as will indicate to the consumer the freshness of the eggs that are offered for sale. This stamp "Not produced in New Mexico" would indicate to the purchaser that such eggs may have traveled a great distance, and therefore there would be a certain risk in purchasing the same. This appears to us to be a reasonable regulation and not an interference with interstate commerce. See *Re Miner E. Bear*, 15 P. 2d 482, 83 A.L.R., 1402, also see the Annotation at 124 A.L.R. 572.

Trusting we have answered your question, we remain

By: Paul L. Billhymer

Assistant Attorney General