further points out that the age limit, as affecting jurisdiction of juvenile courts under the Juvenile Court Act (Sec. 1705 Burns Annotated Indiana Statutes, Revision of 1926) is "before he has completed his sixteenth year."

I would call your attention again to the opinion of July 10, 1929, in which I fully concur. It is my opinion that Donald Brumbaugh should be accepted as an inmate of your institution, if there is available room, and if the boy is not feeble minded or physically unfit.

PURDUE UNIVERSITY: Concerning branding of fresh fruits and vegetables packed or offered for sale in closed containers within this state.

May 18, 1933.

Mr. F. C. Gaylord,
Associate in Horticulture,
Purdue University,
Lafayette, Indiana.

Dear Sir:

I have before me your letter of May 4, 1933, requesting an official opinion of this office regarding the interpretation of certain provisions of House Bill 400 of the recent legislature, which is chapter 171 of the Acts of 1933. This act has for its purpose the branding of fresh fruits and vegetables, packed or offered for sale in closed containers within this state, for the purpose of preventing fraud and deception.

Your question deals particularly with section 2 of this act and the third provision of section 2, so much of the section reading as follows:

"Every person, firm or corporation who, by himself, or by his agent or employee, packs or repacks fresh fruits or vegetables in closed containers, intended for sale, either privately or on the open market, shall cause the same to be marked in a plain and indelible manner as follows: * * * Third. The grade, in accordance with the standards established by this act."

Section 7 of this act provides that existing federal grades, or future federal grades, are adopted by this state as the standard grades referred to in the third provision of section 2 above quoted.
In view of the provisions referred to, you asked the following question:

"Do I understand that if the grower uses some such terms as 'finest,' 'prime,' 'selected,' that the specific information in regard to the grade as established by the federal government must also be stamped upon this container, as stated under section 2, part 3?"

The writer is not familiar with the grades established by the federal government as a part of the regulations of the department concerned, and no such information accompanied your letter. However, I presume that the federal grades are designated by letters as "A," "B," "C," etc., or according to figures, as "1," "2," "3," etc. If this assumption is correct, it is my opinion that the third provision of section 2 as hereinabove set out contemplates that the letter or figure designating the grade to which the fruit or vegetable in each such container belongs, should be stamped thereon, and the stamping of the letter or figure, or word used to designate each such grade is sufficient compliance with the third provision of section 2, chapter 171, Acts of 1933.

Section 4 of the same act reads as follows:

"No person shall sell, offer, expose or have in his possession for sale, any fresh fruits or vegetables, packed in a closed or open package, upon which package is marked any designation which represents such fruit as "No. 1," "Finest," "Best," "Extra Good," "Fancy," "Selected," "Prime," "Standard" or other name denoting superior grade or quality, unless such fruit or vegetables consist of well grown specimens, sound, of nearly uniform size, normal shape, good color for the variety, and not less than ninety per cent free from injurious or disfiguring bruises, diseases, insect injuries or other defects, natural deterioration and decay in transit or storage excepted."

As I understand section 4, it does not refer particularly to any federal grade, but requires that, in addition to the container being stamped with the proper federal grade designation, as provided by section 2, that any merchandise which is described by the merchant by such words as the section sets out in illustration, must also meet the requirements set out in
section 4. In other words, I do not think that section 4 is intended to relate to any particular grade, but is merely an additional guarantee to the consumer against fraud or deceit, where fruits or vegetables are designated as of superlative quality by any such words or phrase as are quoted in section 4.

EXCISE DIRECTOR: Duties of director with reference to disposition of various license fees and excise taxes collected by him.

Hon. Paul P. Fry,
Excise Director,
Indianapolis, Indiana.

May 18, 1933.

Dear Sir:

I have before me your letter requesting an official opinion as to your duties under chapter 80 of the Acts of 1933, with reference to the disposition of the various license fees and excise taxes collected by you.

Section 8 (f) of said act provides that the director shall pay the license fees collected by him upon the issuance of permits to manufacture alcoholic malt beverages “monthly into the state treasury.” Acts of 1933, page 502. The same section provides that one-half of the fees collected by him for the issuance of permits to wholesalers and retailers, for the sale of alcoholic malt beverages, shall be paid “monthly into the state treasury for credit otherwise provided in this act.” (Our italics.) Acts of 1933, page 503.

The fees collected under section 9 of said act are required to be paid by the director “to the state treasury.” Acts of 1933, page 503.

The portion of the fees collected for the issuance of permits to restaurants, hotels and clubs (section 12 of said act) are required to be paid by the director “into the state treasury”; and the fees collected for the issuance of permits for dining cars and boats are required by the same section to be paid “to the treasurer of state”, it being provided that when the same is paid, “it becomes a part of the general fund.” Acts of 1933, page 506.

All license fees and excise taxes collected under section 13 of said act are required to be paid “monthly into the general fund of the state treasury.” Acts of 1933, page 509.