tirely upon the language and intent of the Securities Act itself, and an examination of this Act discloses that there is neither any expressed nor implied prohibition against the sale in this state of the stock of a foreign corporation which is engaged in a business that could not be conducted in this state; in fact, as already pointed out, that under certain circumstances such stock may become an exempt security.

I am, therefore, of the opinion that the fact that a foreign corporation is lawfully engaged in a business in the state of its origin that a domestic corporation could not lawfully conduct in this state, is not sufficient grounds in itself to disqualify the registration and sale of stock lawfully issued by such foreign corporation.

FOOD AND DRUGS: Cold Storage Law. Refrigerating firm in renting part of plant to another for storage purposes not exempt from Indiana Cold Storage Law of 1911.

December 8, 1936.

Hon. Martin L. Lang, Commissioner,
Bureau of Food and Drugs,
State House Annex,
Indianapolis, Indiana.

Dear Sir:

Receipt is acknowledged of your letter dated November 24, 1936, requesting an opinion on the following, to-wit:

“I should appreciate receiving your opinion as to whether or not a refrigerating firm renting a room in their cold storage establishment to another firm on a strictly month to month basis would be exempt from the requirements of the Indiana Cold Storage Law of 1911. (Cold Storage Law on page 23 enclosed booklet).

“The firm in question is discontinuing their cold storage business with the exception of renting one room to a meat market company for storage of meat on a month to month basis. This firm contends they do not come within the cold storage law, which law requires a license.

“I should also appreciate receiving your opinion as to whether or not the storage company would be com-
pelled to report to the State Board of Health any merchandise held over the nine months period.

"Thanking you for your consideration of this matter, I am"

I note what you say in your second paragraph concerning the discontinuing of the cold storage business. The firm in question says it is discontinuing its cold storage business with the exception of renting one room to a meat market company for storage of meat on a month to month basis. From the very language itself, the firm is not discontinuing its business but rather is receiving remuneration for cold storage service. The fact that this service is based on a contract for part of their establishment and on a month to month basis does not make them any the less amenable to the Cold Storage Law of 1911.

It appears from your letter, which is quoted above, that the storage company is seeking by their action for relief from the licensure provisions of Chapter 71 of the Acts of 1911. It further appears that there may be a lack of agreement between the storage company and the person storing the meats as to the duties of each, that is, that the storage company seeks to have the person storing the meat comply with the law.

The opinion is that the law provides for no exemption to this firm under the conditions described in your letter and that the storage company should be compelled to report to the Board of Health any merchandise held over the nine-month period in accordance with Section 2 of the above Act and in the neglect on the part of the storage company to so comply with the law, it will be the duty of your department under the terms set out in Section 9 to enforce compliance.

DENTISTS: Anaesthetics—may administer same but limited to dental anaesthetics.

December 8, 1936.

Hon. J. B. Carr, President,
Indiana State Board of Dental Examiners,
706 Hume-Mansur Building,
Indianapolis, Indiana.

Dear Sir:

Receipt is acknowledged of your letter, dated December 5th, which reads as follows: