

## Chapter 583

### Milk Marketing, Production and Distribution

#### Chapter 583

##### NOTES OF DECISIONS

In relying upon the preamble to the Milk Marketing Act, 1933 (2d s.s.) c. 72, in construing the Act, the ordinary rules of construction should be observed. *Safeway Stores v. State Bd. of Agriculture* (concurring opinion adopted in majority opinion), (1953) 198 Or 43, 255 P2d 564.

**FURTHER CITATIONS:** *United States v. Sunshine Dairy, Inc.*, (1954) 215 F2d 879; *Curly's Dairy, Inc. v. State Dept. of Agriculture*, (1966) 244 Or 15, 415 P2d 740.

**ATTY. GEN. OPINIONS:** Producer of fluid milk selling to distributor as a "shipper," 1948-50, p 98; constitutionality of dealer's license measured by amount of buttermilk received and handled, 1952-54, p 104; authority to promulgate regulations regarding unfair trade practices, 1952-54, p 209; disbursing funds in General Fund, Milk Control Account, 1960-62, p 255; validity of department regulations authorizing off-premises processing and bottling, 1964-66, p 219; constitutionality of proposed bill to assess milk producers, 1966-68, p 203.

#### 583.007

##### NOTES OF DECISIONS

Under a former similar section, specifically including "cooperative organizations," made defendant subject to the jurisdiction of the department to order payments to be made to producers. *State Dept. of Agriculture v. Tillamook Cheese and Dairy Assn.*, (1968) 251 Or 393, 439 P2d 592, 442 P2d 608, cert. denied, 393 US 904.

**FURTHER CITATIONS:** *Arden Farms Co. v. State Dept. of Agriculture*, (1966) 245 Or 214, 420 P2d 379.

**ATTY. GEN. OPINIONS:** Regulation of off-premises processing or bottling by producer-distributor, 1964-66, p 219.

#### 583.016

**CASE CITATIONS:** *State Dept. of Agriculture v. Tillamook Cheese and Dairy Assn.*, (1968) 251 Or 393, 439 P2d 592, 442 P2d 608.

**ATTY. GEN. OPINIONS:** Regulation of off-premises processing or bottling by producer-distributor, 1964-66, p 219

#### 583.046

**ATTY. GEN. OPINIONS:** As not in conflict with subsection (4) of ORS 561.150, 1958-60, p 132.

#### 583.076

**CASE CITATIONS:** *State Dept. of Agriculture v. Watkins*, (1966) 244 Or 484, 419 P2d 26; *State Dept. of Agriculture*

*v. Tillamook Cheese and Dairy Assn.*, (1968) 251 Or 393, 439 P2d 592, 442 P2d 608.

#### 583.086

**CASE CITATIONS:** *State Dept. of Agriculture v. Watkins*, (1966) 244 Or 484, 419 P2d 26; *State Dept. of Agriculture v. Tillamook Cheese and Dairy Assn.*, (1968) 251 Or 393, 439 P2d 592, 442 P2d 608.

#### 583.096

**CASE CITATIONS:** *State Dept. of Agriculture v. Tillamook Cheese and Dairy Assn.*, (1968) 251 Or 393, 439 P2d 592, 442 P2d 608.

#### 583.106

##### NOTES OF DECISIONS

This section permits a civil action to enforce compliance with ORS 583.530. *State Dept. of Agriculture v. Watkins*, (1966) 244 Or 484, 419 P2d 26.

**FURTHER CITATIONS:** *State Dept. of Agriculture v. Tillamook Cheese and Dairy Assn.*, (1968) 251 Or 393, 439 P2d 592, 442 P2d 608.

#### 583.116

**CASE CITATIONS:** *State Dept. of Agriculture v. Tillamook Cheese and Dairy Assn.*, (1968) 251 Or 393, 439 P2d 592, 442 P2d 608.

#### 583.166

**ATTY. GEN. OPINIONS:** As not in conflict with subsection (4) of ORS 561.150, 1958-60, p 132.

#### 583.410 to 583.565

**CASE CITATIONS:** *Arden Farms Co. v. State Dept. of Agriculture*, (1966) 245 Or 214, 420 P2d 379.

#### 583.410

**CASE CITATIONS:** *Curly's Dairy, Inc. v. State Dept. of Agriculture*, (1966) 244 Or 15, 415 P2d 740; *Arden Farms Co. v. State Dept. of Agriculture*, (1966) 245 Or 214, 420 P2d 379.

**ATTY. GEN. OPINIONS:** Attempt to regulate price paid to out-of-state producers for milk imported into Oregon as interference with interstate commerce, 1962-64, p 171; regulation of off-premises processing or bottling by producer-distributor, 1964-66, p 219.

## 583.415

ATTY. GEN. OPINIONS: Validity of excepting interstate commerce, 1962-64, p 171.

## 583.505

CASE CITATIONS: State Dept. of Agriculture v. Watkins, (1966) 244 Or 484, 419 P2d 26; Arden Farms Co. v. State Dept. of Agriculture, (1966) 245 Or 214, 420 P2d 379; State Dept. of Agriculture v. Tillamook Cheese and Dairy Assn., (1968) 251 Or 393, 439 P2d 592, 442 P2d 608.

ATTY. GEN. OPINIONS: Attempt to regulate price paid to out-of-state producers for milk imported into Oregon as interference with interstate commerce, 1962-64, p 171.

## 583.510

## NOTES OF DECISIONS

The department could establish separate market pools for producers and producer-distributors. Curly's Dairy, Inc. v. State Dept. of Agriculture, (1966) 244 Or 15, 415 P2d 740.

This section was ambiguous and required construction by the court. Id.

FURTHER CITATIONS: Arden Farms Co. v. State Dept. of Agriculture, (1966) 245 Or 214, 420 P2d 379.

## 583.515

CASE CITATIONS: Arden Farms Co. v. State Dept. of Agriculture, (1966) 245 Or 214, 420 P2d 379.

ATTY. GEN. OPINIONS: Attempt to regulate price paid to out-of-state producers for milk imported into Oregon as interference with interstate commerce, 1962-64, p 171; initial quota of new dairyman, 1962-64, p 342.

## 583.525

CASE CITATIONS: State Dept. of Agriculture v. Tillamook Cheese and Dairy Assn., (1968) 251 Or 393, 439 P2d 592, 442 P2d 608.

## 583.530

## NOTES OF DECISIONS

This section compels handlers making purchases from other handlers to pay the minimum prices established for sales from a producer to a handler. State Dept. of Agriculture v. Watkins, (1966) 244 Or 484, 419 P2d 26.

ATTY. GEN. OPINIONS: Attempt to regulate price paid to out-of-state producers for milk imported into Oregon as interference with interstate commerce, 1962-64, p 171.

## 583.540

## NOTES OF DECISIONS

This section permits a civil action to enforce compliance with ORS 583.530. State Dept. of Agriculture v. Watkins, (1966) 244 Or 484, 419 P2d 26.