3368.

INDIGENT—STATE RELIEF COMMISSION AUTHORIZED TO LABEL CANNED GOODS AND RETAIN TITLE THERETO IN STATE OF OHIO WHEN—

SYLLABUS:

The State Relief Commission has the power to label canned goods to be distributed to indigent persons in such a manner as to retain the title to such goods in the State of Ohio until opened for consumption by the indigents and to forbid the sale or barter of the same by any person.

COLUMBUS, OHIO, October 31, 1934.

The State Relief Commission of Ohio, Pure Oil Building, Columbus, Ohio.

GENTLEMEN:—I am in receipt of your communication which reads as follows:

> "In Hamilton County, recipients of poor relief in the form of canned goods have exchanged, at grocery stores, goods so received, for other commodities, and merchants receiving the same are, in some instances, offering them for sale at less than current prices. Competitors of these merchants have complained to the State Relief Commission.
>
> "The Commission has under consideration the plan of attaching to each can of such goods, a label announcing that the property in the goods is retained by the Commission until the container has been opened for the purpose of immediate consumption of the contents; and that the sale or barter of the same, by any person is forbidden.
>
> "An opinion is requested as to the right of the Commission to follow such procedure."

The State Relief Commission, like other state boards and public officers, has those powers, and those only, that are conferred upon it by statute or are necessarily implied from the powers so expressly given. *State ex rel.* vs. *Commissioners* 8 N. P. (N. S.) 281, 20 O. D. (N. S.) 879; affirmed *Ireton* vs. *State ex rel.*, 12 C. C. (N. S.) 202; 21 C. D. 212; affirmed without opinion in *Ireton* vs. *State,* 81 O. S., 562; *State ex rel.* vs. *Kraft,* 19 O. A. R. 454, 456; *Peter* vs. *Parkinson, Treas.* 83 O. S. 36, 49; *Jones, Aud.* vs. *Commissioners of Lucas County,* 57 O. S. 189; *Elder* vs. *Smith, Aud. et al.* 103 O. S. 369, 370; *State ex rel. Copeland* vs. *State Medical Board,* 103 O. S. 369, 370; *Civil Service Commission* vs. *State ex rel.* 127 O. S. 261.

An analysis of your request indicates that some indigents are exchanging canned goods received from the State Relief Commission at grocery stores for other commodities, evidently at a considerable discount from the market price of such canned goods as you state in your request that many merchants after such exchange sell the canned goods at less than the current market prices. In substance, if not in form, by permitting such practices, poor relief funds are being diverted from their proper purpose of relief to indigent persons only. Such a pernicious practice should not be countenanced as relief money and canned goods bought by such funds should be distributed only to indigent persons.

Certainly from the express power given to the State Relief Commission to

grant relief in the form of canned goods to indigent persons there is included the implied power to label such canned goods in such a manner as to retain the title to such canned goods in the State of Ohio until the container has been opened for the purpose of consumption of the contents by the indigents and to forbid the sale or barter of the same by any person. Such implied power necessarily flows from the express power given to distribute poor relief to indigents in order that the State Relief Commission may be assured that the indigent persons and not others are the recipients of poor relief.

Consequently, in specific answer to your inquiry, it is my opinion that the State Relief Commission has the power to label canned goods to be distributed to indigent persons in such a manner as to retain the title to such canned goods in the State of Ohio until the container has been opened for the purpose of consumption of the contents by such indigents and to forbid the sale or barter of the same by any person.

Respectfully,
JOHN W. BRICKER,
Attorney General.

3369.

APPROVAL, BONDS OF PLEASANT TOWNSHIP RURAL SCHOOL DISTRICT, CLARK COUNTY, OHIO, $4,245.40.

COLUMBUS, OHIO, October 31, 1934.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

3370.

APPROVAL, BONDS OF GREEN TOWNSHIP RURAL SCHOOL DISTRICT, CLARK COUNTY, OHIO, $251.19.

COLUMBUS, OHIO, October 31, 1934.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

3371.

APPROVAL, BONDS OF TREMONT RURAL SCHOOL DISTRICT, CLARK COUNTY, OHIO, $154.76.

COLUMBUS, OHIO, October 31, 1934.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.