

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of  
the Maine Attorney General as transferred to  
the Maine State Law and Legislative Reference  
Library on January 19, 2022**

✓  
-  
September 7 1967

Walter B. Steele, Jr., Executive  
Secretary  
Robert G. Fuller, Jr., Assistant

Maine Milk Commission  
Attorney General

H. P. Hood & Sons Premium Offer - Me. Rev. Stat. Ann., Tit. 7, §§ 2901 -  
3104 (1964) -

I have examined the letter dated August 22, 1967 signed by H. L. Wildasin, Ph. D., Director of Laboratories and Quality Control of H. P. Hood & Sons and material thereto appended, all dealing with a proposed premium offer of Hood to its retail milk customers. In essence, Hood proposes to give the customer who mails in a sum of money and a Hood cow head label, or "reasonable facsimile," one of three premiums: a ball point pen, an atlas, or a flashlight, in accordance with the customer's preference. The proposed advertising would lead the consumer to believe that he obtains these items at a substantial saving if he accepts Hood's offer.

Hood has requested your approval of the proposed premium offer and you have in turn asked this office for an opinion as to whether such offer violates any section of the Maine Milk Commission Law, Me. Rev. Stat. Ann., Tit. 7, §§ 2901 - 3104 (1964).

Hood's proposal closely parallels the scheme of a dealer who gave away prizes to children who turned in the most bottle caps from the dealer's milk bottles. When this practice was challenged under a prior law substantially similar to Me. Rev. Stat. Ann., Tit. 7, § 2954 (1964), this department gave opinion that such action was in effect an illegal selling of milk at less than the minimum price. 1955-56 Me. Atty. Gen'l Rep. 25. The opinion is applicable to the factual situation here. Hood offers the consumer a discount on the premiums which is in effect a rebate to the consumer accepting Hood's offer, and such a practice appears equally as destructive of minimum milk prices as the bottle-cap giveaway disapproved earlier by this department.

Robert G. Fuller, Jr.  
Assistant Attorney General

RGFjr/slf