



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Matthew Lohr
Commissioner
Virginia Department of Agriculture and Consumer Services

From: Steven P. Jack
Assistant Attorney General

Date: December 14, 2010

Subject: Memorandum of Authority for Proposed Repeal of Regulations concerning Carbonated and Still Water Bottling Plants and Beverages, 2 VAC 5-540 *et seq.*

I reviewed the proposed amendments to the regulations concerning Carbonated and Still Water Bottling Plants and Beverages, 2 VAC 5-540-10 *et seq.*, by the Board of Agriculture and Consumer Services (hereinafter "Board"). In my view, as counsel to the Virginia Department of Agriculture and Consumer Services, the Board has authority to promulgate these regulations, pursuant to § 3.2-5121 of the *Code of Virginia*. The proposed regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed as a comment for or against the merits of the proposed regulations.