



# **COMMONWEALTH of VIRGINIA**

*Office of the Attorney General*

Mark R. Herring  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071  
804-371-8946 TDD

## **MEMORANDUM**

**To:** Robert Trimmer  
Program Supervisor  
Dairy Services Program  
Virginia Department of Agriculture and Consumer Services

Sandra J. Adams  
Commissioner  
Virginia Department of Agriculture and Consumer Services

**From:** Justin I. Bell  
Assistant Attorney General

**Date:** April 27, 2016

**Subject:** Letter of Assurance for Periodic Review of Rules and Regulations Governing the Production, Processing, and Sale of Ice Cream, Frozen Desserts, and Similar Products, 2 VAC 5-510.

---

Pursuant to the Code of Virginia and Executive Order 17 (2014), a periodic review of a regulation every four years shall include an examination by the Office of the Attorney General to ensure statutory authority. In that regard, I have reviewed the Department of Agriculture and Consumer Services's Regulations referenced above. In my view, as counsel to the Department of Agriculture and Consumer Services, these regulations may be retained without change pursuant to Title 3.2 of the Code of Virginia. The 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 currently in effect.

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.