OHIO DEPARTMENT OF AGRICULTURE

JOHN M. STACKHOUSE
Director

JAMES A. RHOD
Gover

May 27, 1976

RETURN
RECEIPT
REQUESTED

Mr. Joseph Schulte
Route #1
Ottawa, Ohio, 45875

Dear Mr. Schulte:

Official analysis of milk picked up by Inspector Harold H. Jump, on May 18, 1976, and recorded on Ohio Department of Agriculture Laboratory report #81154 showed that it contained 28 ppm on a fat basis of P.C.B. (calculated as Aroclor 1254). The allowable tolerance for P.C.B. on a fat basis is 2.5 ppm. Therefore, we are excluding your milk from the market until such time as the P.C.B. content of your milk is again below the 2.5 ppm on a fat basis. The exclusion will be effective on receipt of this letter.

The following laws and regulations apply to the sale and offering for sale of adulterated milk:

Section 3715.52 of the Ohio Revised Code states:

The following acts and the causing therof are hereby prohibited:

(A) The manufacture, sale, or delivery, holding or offering for sale of any food, drug, device, or cosmetic that is adulterated or misbranded,

(C) The receipt in commerce of any food, drug, device, or cosmetic that is adulterated or misbranded, and the delivery or proferred delivery of, for pay or otherwise,

Section 3717.31 of the Ohio Revised Code states:

No person shall sell, exchange, deliver, or have in his possession with intent to sell or exchange milk from deceased or sick cows, adulterated milk, or milk to which water, or any foreign substance has been added.....

MONS 094093

AG-33-03.2 (B) (3) states:

The mixed milk from each producer shall be tested as often as deemed required for the presence of pesticides, insecticides, and fungicides. Such tests shall be run in accordance with methodology proposed by a recognized and reputable agency. Adulteration of milk by this type of product shall constitute cause for exclusion of the producer until the product is free of adulteration.

AG-33-02.5 (B) Rejection of milk, states:

A plant shall reject any milk from a producer that fails to meet the requirements for sight, taste, or odor, or if it is classified No.4 sediment content, or if the milk is found to be adulterated with water, or by any other means.

AG-33-02.5 (D) Reacceptance of producers milk, states:

Milk from a producer who has been excluded from the market because of high bacterial counts, high sediments, adulteration, or failing to meet minimum farm requirements may be reaccepted by the plant only after the cause for the exclusion has been corrected.....

This office will assist you in any way it can in order to help you correct this unfortunate situation. One of our inspectors will contact you in the very near future and explain what assistance we are able to offer.

Should you have any questions concerning this correspondence please feel free to call us at 614-866-6361, Extension #210.

Yours truly,

OHIO DEPARTMENT OF AGRICULTURE

John E. Taylor, Chief
Foods, Dairies, & Drugs

JET:ds

Enclosure

MONS 094094