

2167.

APPROVAL, FINAL RESOLUTION FOR ROAD IMPROVEMENTS, HARRISON COUNTY, OHIO.

COLUMBUS, OHIO, June 15, 1921.

HON. LEON C. HERRICK, *State Highway Commissioner, Columbus, Ohio.*

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2168.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS, WAYNE, HENRY AND MONTGOMERY COUNTIES, OHIO.

COLUMBUS, OHIO, June 15, 1921.

HON. LEON C. HERRICK, *State Highway Commissioner, Columbus, Ohio.*

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2169.

"VAN-CO"—EVAPORATED SKIMMED MILK COMPOUND—CANNOT BE MANUFACTURED IN OHIO FOR EXCLUSIVE SALE IN OTHER STATES.

*Under the provisions of section 12725 G. C., "Van-Co" is not only a substance which cannot be sold in Ohio, but is also one that cannot be manufactured here for exclusive sale in other states.*

COLUMBUS, OHIO, June 16, 1921.

*Department of Agriculture, Bureau of Dairy and Food, Columbus, Ohio.*

GENTLEMEN:—In your communication of recent date you request my opinion upon a statement of facts which, based upon your letter, with enclosures, is understood to be as follows:

An Illinois packing company maintaining Ohio plants desires to manufacture in the state an evaporated skimmed milk compound known as "Van-Co". Said compound is conceded to be identical with the substance known as "Hebe", a compound which was the subject of litigation in the case of Hebe Co. vs. Colvert, 246 Federal Reports, 711, and also the Hebe Co. vs. Shaw, 248 U. S. Reports, page 297.

It is conceded by the company that its said substance known as "Van-Co", under the decisions above referred to, cannot be legally sold within the state. The question now for consideration is whether or not the compound may be manufactured within the state for the purpose of sale without the state.

The question presented arises by reason of the provisions of sections 5774 and 12725 and other related sections of the General Code of Ohio, which