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LETTER

Originator	60-67-L
I Concur	H.B. DANIELS
I Concur	WADE CHURCH
I Concur	LES HARDY

April 21, 1960

Mr. H. J. Shouse
Chief Deputy
State Dairy Commissioner
Room 410, State Office Building
Phoenix, Arizona

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ARIZONA ATTORNEY GENERAL

Dear Mr. Shouse:

This is in response to your communication of April 6, 1960, which presents the following questions:

1. May a private organization use the seal of the State of Arizona in advertising its product?

2. Is it necessary for a carton containing sweet cream butter to designate the grade of the cream used in the manufacture of such butter?

The answers to these questions are as follows:

1. Yes.
2. No.

The only reference in the law regarding the Seal of the State of Arizona is found in Article 22, Section 20, of the Constitution of Arizona, which describes the Seal. No law prohibits its use by private persons or organizations in the advertisement of their products, if no deception is used. We have searched the Arizona Revised Statutes for further enlightenment on this subject but we are unable to find anything helpful. It thus seems clear that if a private organization desires to use the Seal in the advertisement of its product, without a purpose to deceive, it may do so.

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As to Question No. 2, Public Health Service, Code of 1953, adopted by our Legislature as a guide in the milk industry, defines "milk products" as follows:

"Milk products - Milk products shall be taken to mean and to include cream, sour cream, half and half, whipped cream, concentrated milk, concentrated milk products, skim milk, nonfat milk, flavored milk, flavored reconstituted milk, flavored reconstituted drink, buttermilk, cultured buttermilk, cultured milk, Vitamin D milk.

Interpretation - This definition is not intended to include such products as * * * butter, * * * except when they are combined with other substance to produce reconstituted milk or cream or any other product defined herein."
(Emphasis supplied).

Since butter is not a milk product, in the sense used in A.R.S. § 3-627(B), the Act does not require producers to indicate the grade of cream used in the production of butter. As indicated by the Milk Code and Ordinance, A.R.S. § 3-627 are not applicable to butter making. The answer to Question No. 2 is "no".

We trust the foregoing information will be of service to your office. If we can be of additional help to you, please let us know.

Respectfully yours,

WADE CHURCH
The Attorney General

H. B. DANIELS
Assistant Attorney General

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