

Dealer Gets Conviction For 'Bootlegging' Milk

PITTSBURGH, Dec. 18.—A test case designed to halt alleged "bootlegging" of milk into Pittsburgh without the required permit today had ended in conviction of Samuel Breakstone, Pittsburgh.

Breakstone was accused of shipping milk from Lima, O., to Rochester, Pa., by train and hauling it from Rochester to Pittsburgh by truck. A jury returned a verdict of guilty in his trial late yesterday.

Complaint was made against the dealer by Leicester Patton, Assistant Superintendent of the Food Inspection Bureau here. He charged Breakstone imported 15 ten-gallon cans of cream without a city or state permit.

Two employes of Breakstone, Jerome Smith, and Theodore Matthew, negro, both of Pittsburgh, were acquitted by the jury.

Under cross examination Breakstone admitted he had resorted to that method of hauling the milk because he had been unable to get a permit. Lima is beyond the city milk inspection area, it was said.

Defense Attorney Warren H. Van Kirk arranged to have Breakstone's bond continued pending a new trial motion. Van Kirk said he would seek a retrial on the ground the act calling for milk permits is unconstitutional "because it interferes with interstate commerce."