

In the Matter of C. R. HARWOOD AND M. J. HARWOOD, SPURGEON MEMORIAL FOUNDATION, DOING BUSINESS AS PURITY CREAMERY COMPANY, EMPLOYER *and* MILK DRIVERS AND DAIRY EMPLOYEES, LOCAL No. 637, AFFILIATED WITH INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, A. F. L., PETITIONER *and* LOCAL No. 1, INTERNATIONAL UNION OF OPERATING ENGINEERS, A. F. L., PETITIONER

Case Nos. 30-RC-59 and 30-RC-77.—Decided September 28, 1948

DECISION

AND

ORDER

Upon petitions duly filed, a consolidated hearing was held before a hearing officer of the National Labor Relations Board. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with these cases to a panel consisting of Board Members Houston, Reynolds,¹ and Gray.

Upon the entire record in the case, the National Labor Relations Board makes the following:

FINDINGS OF FACT

THE BUSINESS OF THE EMPLOYER

The Employer is a partnership located in Denver, Colorado, and has no affiliation with any other company or corporation. It is engaged in the manufacturing, processing, and distribution of ice cream, milk, and related products. In addition to its manufacturing and processing plant, the Employer operates nine retail stores, all located within the city and county of Denver, Colorado.

¹ Board Member Reynolds did not participate in these cases.

79 N. L. R. B., No. 132.

During the past year, the Employer purchased raw materials, consisting primarily of milk and cream, in an amount exceeding \$400,000. Approximately 5 percent of this amount was purchased outside the State of Colorado.

The Employer's sales, during the same period, exceeded \$500,000. None of its products were sold outside the State of Colorado.

While the Employer, as stated above, makes some purchases outside the State of Colorado, its activities are essentially local in character. Therefore, we are of the opinion that it would not effectuate the policies of the Act to assert jurisdiction in these cases. Accordingly, we shall dismiss the petitions.²

ORDER

IT IS HEREBY ORDERED that the petitions for investigation and certification of representatives filed herein be, and they hereby are, dismissed.

² *Matter of Fehr Baking Company*, 79 N. L. R. B. 440.