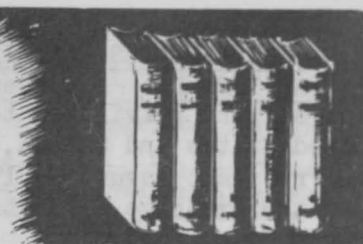




FEDERAL ACTIONS



Food and Drug Administration

JUDICIAL REVIEW OF ORDERS REGARDING CANNED OYSTERS: A summary of the judicial review of the orders under Section 701 of the Federal Food, Drug, and Cosmetic Act (Willapoint Oysters, Inc., v. Oscar R. Ewing, Administrator, and J. Donald Kingsley, Acting Administrator, Federal Security Agency) was recently issued by the Food and Drug Administration (J.R. 701 /f/ N.J., F.D.C. 10). This case concerns the petition to circuit court of appeals for review of orders promulgating regulations fixing and establishing a definition and standard of identity and a standard of fill of container for canned oysters. Petition was granted in part and denied in part. Certiorari denied by Supreme Court.

On May 22 and September 12, 1948, Willapoint Oysters, Inc., filed in the United States Court of Appeals for the Ninth Circuit, petitions for judicial review of orders of the Administrator of the Federal Security Agency, dated, respectively, March 10, 1948, and August 3, 1948, establishing a definition and standard of identity and a standard of fill of container for canned oysters. The principal issues were whether the requirement of the standard that the No. 1 EO can shall contain at least $6\frac{1}{2}$ ounces of oyster meat should apply to Western oysters, and whether Western oysters should be identified as "Pacific Oysters" on the can labels. The court dismissed the petition with respect to the standard of fill of container, but set aside the requirement of the standard of identity that the can be labeled as "Pacific Oysters."

The petitioner filed for rehearing or for certification of questions to the Supreme Court, which was denied on June 3, 1949. The petitioner then filed a motion for a stay of issuance of mandate, pending application to the Supreme Court for a writ of certiorari, which motion was allowed over the Government's objection, on July 18, 1949. A petition for a writ of certiorari was subsequently filed with the Supreme Court, and on October 24, 1949, the petition was denied.

On November 4, 1949, the circuit court of appeals issued a final decree, ordering that the portion of the standard of identity which specifies that Western canners label their product "Pacific Oysters" be set aside, and denying in all other respects the application of the petitioner.

The petitioner filed for rehearing of its petition for a writ of certiorari to the Supreme Court, which petition was denied on April 24, 1950.

NOTE: Copies of "Notice of Judgement," J. R. 701 (f) N.J., F. D. C. 10, are available from the Food and Drug Administration, Federal Security Agency, Washington 25, D. C.



Department of State

UNITED STATES-CANADIAN CONVENTION ON EXTENSION OF PORT PRIVILEGES TO HALIBUT FISHING VESSELS: A convention between the United States and Canada for the extension of port privileges to halibut fishing vessels on the Pacific Coasts of the United States and Canada, signed at Ottawa on March 24, 1950, was proclaimed by the President August 2, 1950. The convention entered into force on July 13, 1950, upon the exchange of instruments of ratification at Ottawa, the Department of State announced on August 4.

By this convention, fishermen of each country engaged in the halibut fishery of the North Pacific Ocean are granted privileges in the ports of entry of the other country to obtain supplies, repairs and equipment, and to land their catches of halibut and sablefish without the payment of duties, sell them locally on payment of the applicable customs duty, transship them in bond under customs supervision to any port of their own country, or sell them in bond for export.

United States fishing vessels have been accorded certain privileges in ports of British Columbia for over fifty years. For short periods in the past this Government has extended similar privileges, under wartime powers and by special legislation, to Canadian fishermen in Alaskan ports. Except for such periods, prior to the entry into force of this convention, Canadian fishing vessels could enter ports of the United States only when in distress or to secure supplies, repairs, or equipment.

Though the United States under this convention extends privileges to Canadian halibut fishermen in all West Coast ports, the exercise of the privileges will, for geographical reasons, be confined mainly to Alaskan ports and to Seattle, Washington.



Eighty-first Congress (Second Session)

JULY 1950

Listed below are public bills, resolutions, etc., introduced and referred to committees, or passed by the Eighty-First Congress (Second Session) and signed by the President during July 1950, which affect in any way the fisheries and allied industries. Public bills, resolutions, etc., are mentioned under this section only when introduced and, if passed, when they are signed by the President.

PUBLIC BILLS AND RESOLUTIONS INTRODUCED AND REFERRED TO COMMITTEES:

Senate:

- S. 3888 (Johnson) - A bill to provide that the United States shall aid the States in fish and restoration and management projects, and for other purposes; to the Committee on Interstate and Foreign Commerce.
- S. 3936 (Maybank) - A bill to establish a system of priorities and allocations for materials and facilities, authorize

the requisitioning thereof, provide financial assistance for expansion of productive capacity and supply, strengthen controls over credit, regulate speculation on commodity exchanges, and by these measures facilitate the production of goods and services necessary for the national security, and for other purposes; to the Committee on Banking and Currency.

House of Representatives:

- H. R. 9074 (Miller) - A bill to amend chapter 61 (relating to lotteries) of title 18, United States Code, to make clear

that such chapter does not apply to nonprofit contests wherein prizes are awarded for the species, size, weight, or quality of fish caught by the contestant; to the Committee on the Judiciary.

H. R. 9113 (Weichel) - A bill to prevent the shipment in interstate commerce of undersized fish; to the Committee on Merchant Marine and Fisheries.

H. R. 9134 (Nicholson) - A bill to amend title 46, United States Code, section 251; to the Committee on Merchant Marine and Fisheries. (After the word "fisheries" will add: "Except as otherwise provided by treaty or convention to which the United States is a party, no foreign-flag vessel shall, whether documented as a cargo vessel or otherwise, land in a port of the United States its catch of fish or fish products, or any fish or fish products taken on board such vessel on the high seas from a vessel engaged in fishing operations or in the processing of fish or fish products.")

H. R. 9141 (Cooley) - A bill to encourage the improvement and development of marketing facilities for handling perishable agricultural commodities; to the Committee on Agriculture.

H. R. 9176 (Spence) - Same as S. 3936; to the Committee on Banking and currency.

H. R. 9276 (Marcantonio) - A bill to prevent further price increases and to reduce present prices to price levels consistent with a stable economy and the welfare of the American people; to the Committee on Banking and Currency.

H. J. Res. 503 (Klein) - Joint resolution to restore to the President all powers of the Price Control Act of 1942, including those of rationing or allocation; to the Committee on Banking and Currency.

H. J. Res. 515 (Javits) - Joint resolution to provide for the appointment by the President of a Mobilization Production Board and a Food Conservation Agency; to the Committee on Armed Services.

H. Res. 715, providing for the consideration of and 2 hours debate on H. R. 5967, to clarify the status of freight forwarders and their relationship with motor common carriers (H. Rept. 2598).

SIGNED BY THE PRESIDENT:

Public Law 614 (S. 2658) - An act to establish rearing ponds and a fish hatchery in the State of Kentucky. Signed July 18, 1950.

Public Law 590 (S. 3550) - An act extending import-control authority over fats and oils and rice and rice products for a 1-year period from June 30, 1950. Signed June 30, 1950.

CONGRESSIONAL REPORTS:

Committee reports (of interest to the fisheries and allied industries) on bills reported in this section (available only from the committee submitting the report):

Senate:

Committee on Interstate and Foreign Commerce

Report No. 2168 (July 26, 1950), 2 p., printed, to accompany H. R. 7209, authorizing and directing the Secretary of the Interior to undertake continuing studies of Atlantic Coast fish species for the purpose of developing and protecting fish resources. Bill reported favorably without amendment by the Committee and passage recommended. (This bill as passed by the House is a combination of three bills introduced in the House: H. R. 7209, H. R. 6973, and H. R. 986. In its conclusion, the Senate Committee stated: "Your committee believes that the study authorized herein is highly important if our coastal area is to continue to be important as a fishing ground for either sportsmen or commercial fishermen. However, your commit-

tee feels that the studies contemplated under the authority of this bill should be carried on by specific annual appropriations in accordance with the recommendations of the Bureau of the Budget.)

Report No. 2169 (July 26, 1950), 5 p., printed, to accompany H. R. 7887, granting the consent and approval of Congress to an amendment to the Atlantic States Marine Fisheries Compact, and repealing the limitation on the life of such compact. Bill reported favorably without amendment by the Committee and passage recommended as previously amended. (This bill, which passed the House, amends the Atlantic States Marine Fisheries Compact (Public Law 539, 77th Cong.) to permit any two or more States ratifying the amendment to the compact to designate the Atlantic States Marine Fisheries Commission as a joint regulatory agency with such powers as they may jointly confer for the regulation of the fishing operations

of the citizens and vessels of such designating States with respect to specific fisheries in which such States have a common interest. Bill also eliminates the provision restricting the life of the Commission to 15 years, thus establishing it as a permanent organization, as are the Pacific Coast and Gulf States compacts.)

House of Representatives:

Committee on the Judiciary

Report No. 2536 (July 12, 1950), 3 p., printed, to accompany H. R. 9074, amending chapter 61 (relating to lotteries of title 18, United States Code) to make clear that such chapter does not apply to nonprofit contests wherein prizes are awarded for the species, size, weight, or quality of fish caught by the contestant. Bill reported favorably without amendment by Committee and passage recommended. (In approving the original measure, the committee saw fit to incorporate a qualification limiting the application of the exemption to fishing contests not conducted for profit.)

Committee on Foreign Affairs

Report No. 2757 (Implementation of the Tuna Conventions), July 27, 1950, 15 p., printed, to accompany H. R. 8945, a bill

to give effect to the Convention for the Establishment of an International Commission for the Scientific Investigation of Tuna, signed at Mexico City January 25, 1949, by the United States of America and the United Mexican States, and the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington May 31, 1949, by the United States of America and the Republic of Costa Rica, and for other purposes. Bill reported favorably with amendment by the Committee and passage recommended. (The report discusses the purpose of the legislation; the tuna industry; United States fisheries policy; the tuna conventions, including the purpose and differences in the two conventions, the provisions and costs of the bill; and contains an appendix which gives the texts of the two conventions. In its conclusions, the Committee reported that "If the tuna fishery is to have a stable economic basis, scientific investigation will be required. The United States cannot undertake action unilaterally, for the tuna industry is an international one. The fishery area and the bait supply lie off foreign shores. International action is required. International agreements to proceed with the investigative work have been ratified by the United States. This legislation provides the means for putting these agreements into effect. No new policy is involved, for the United States has taken substantially similar action in other fisheries.")

CONGRESSIONAL HEARINGS:

Printed Congressional hearings of interest to the fisheries and allied industries (available only from the committee holding the hearing):

Senate:

Small Business and Procurement, Economic Cooperation Administration (Hearing on June 21, 1950, before the Senate Select Committee on Small Business on participation of small business in Government procurement), 47 p., printed. Contains statements by Paul G. Hoffman and others as to what is being done by ECA to help small business to participate in ECA programs, and several reports submitted by ECA on this subject.

Northwest Atlantic Fisheries Convention (Hearings on April 4-5, 1950, before a Subcommittee of the Senate Committee on Interstate and Foreign Commerce on S. 2801, "A bill to give effect to the International Convention for the Northwest Atlantic Fisheries, signed at Washington under date of February 8, 1949, and for other purposes," 120 p., printed. Contains statements and reports presented at the hearings on S. 2801.

