



# FEDERAL ACTIONS



## Interdepartmental Committee on Trade Agreements

### SUPPLEMENTAL LIST OF PRODUCTS ANNOUNCED FOR GENEVA NEGOTIATIONS:

The Interdepartmental Committee on Trade Agreements on December 11, 1955, supplemented its notice of September 21 to include a list of 34 additional products on which information is to be gathered concerning possible tariff modifications which might be offered by the United States.

The only fishery item contained in the list was fresh or frozen frogs and frog legs (Tar. Par. 1558). The import duty on this item was previously reduced to 5 percent ad valorem, the maximum permissible in the trade agreement negotiation with Japan. The listing is for the purpose of obtaining views of interested persons with respect to a possible additional binding of the 5-percent rate.

In the announcement of September 21, the United States Government had announced that it intends to participate, under the authority of the Trade Agreements Act of 1934 as amended, in multilateral tariff negotiations with 25 countries at Geneva beginning in January 1956.

Public hearings on the items on the supplemental list opened January 17, 1956. The U. S. Tariff Commission was scheduled to hold public hearings with respect to "peril-point" findings.



## Supreme Court of the United States

### RULING ON FISHERY CANNING EXEMPTION IN FAIR LABOR STANDARDS ACT:

The Supreme Court of the United States on November 14 reversed, without opinion, the decision of the 5th Circuit in Mitchell v. Myrtle Grove Packing Company and held that preliminary shucking and picking operations on a shrimp and oyster-canning line are "canning" rather than "processing" within the meaning of Section 13(a) (5) of the Fair Labor Standards Act. The effect of the decision is to deny the minimum wage exemption to most if not all preliminary processing operations on seafood in a canning plant when a substantial portion of the seafood thus processed is destined for canning.

The 1949 Amendments to the Fair Labor Standards Act deprived fish canners of their total exemption from both wages and hours, as previously accorded by section 13(a) (5), by inserting the phrase "other than canning" in the list of operations exempt from the minimum wage by that Section, and by setting up a separate overtime exemption for fish-canning operations in Section 13(b) (4). The Court of Appeals of the 5th Circuit and the Court of Appeals of the 4th Circuit have disagreed in separate decisions as to whether or not the effect of this amendment was to remove preliminary processing and handling operations in a seafood canning plant from the scope of the minimum-wage exemption.

The decision of the Supreme Court partially resolves this confusion by overruling the 5th Circuit, which had exempted the preliminary processing operations in its previously decided case of Donnelly v. Mavar Shrimp and Oyster Company, 190 F. 2d 409 (1951), and by citing with

approval the decision of the 4th Circuit in Tobin v. Blue Channel Corp., 198 F. 2d 245 (1952). The latter decision relied on the continuous flow of the canning process, the intermingling of the canning process and other operations, and the fact that canning was the main objective of the operation as grounds for denying

the minimum-wage exemption to all of the preliminary processing operations.

Legal questions still remain as to the extent to which the canning operation must predominate in the over-all operation and whether total segregation of the fresh and frozen lines must be achieved before the Supreme Court decision controls.



### CHESAPEAKE BAY ANCHOVIES

French-fried anchovies are among the most delicious seafood tidbits available in Tidewater, Md. In the late summer, along many Bayshore beaches, a 15-foot minnow seine will yield several quarts of anchovies within half an hour. No cleaning is necessary. Drop a handful of these tiny fish into deep fat and in two minutes you have the most delectable morsels you can imagine. Many people eat them heads and all, but if you are finicky the heads may be easily broken off. With a side dish of french-fried potatoes, you can have a fish fry par excellence.



An incident of interest, relating to the anchovies, occurred on August 2, 1954. As a small seine was being hauled in shallow water off Cove Point, hungry bluefish were observed to herd a large school of anchovies into water only a few inches deep. As the bluefish were feasting only a few yards out, sufficient anchovies were collected in one sweep to provide a feast that evening for eight people and, of course, the cat.

Very few people are aware of this great potential resource. The anchovies of Chesapeake Bay are of vast importance in providing food for other fish as well as food for man. This form (the most abundant being Mitchill's anchovy, Anchoa mitchilli) has never been seriously exploited by man in the Chesapeake region. In several European countries the anchovies are preserved like sardines, and also used in various other ways. The anchovy population of the Bay is so incredibly large that this resource may prove to be a boon if properly developed.

--Maryland Tidewater News, August 1954.