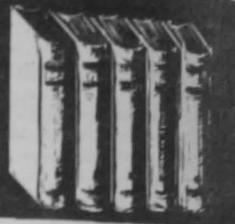




# FEDERAL ACTIONS



## Federal Communications Commission

### RULES FOR USE OF RADIO- TELEPHONE ON FISHING VESSELS:

During 1955, 1956, and 1957, Federal Communications Commission (FCC) engineers working in close cooperation with the U. S. Coast Guard and the Federal Bureau of Investigation, identified several trawler captains who used profane and indecent language while communicating over their radiotelephone stations. The offense is considered to be exceedingly serious because many families of small boat captains listen to the radiotelephone bands at home. Passengers on sport fishing boats and yachts can usually hear such communications coming in over the radio receiver on board.

To date, five captains have been charged with uttering obscene, indecent, and profane language by means of radio communication, in violation of Sec. 1484, Title 18 U. S. Criminal Code, while on the high seas in the Gulf of Mexico, and others are pending. Four captains have pleaded guilty as charged and two have been sentenced to two years probation, with one paying a \$500 fine.

The FCC's next important phase of enforcement will have to do with proper operation on the air. Visiting and other superfluous communications must now be curtailed and eventually stopped on the working frequencies 2638, 2738, and 2830 kc. In order for one boat to call another boat on a working frequency a pre-arranged schedule must be made and evidence of the pre-arranged schedule must be shown over the air. The rest of the time any radio equipment is in operation, 2182 kc., the distress frequency, must be monitored. The use of radio for pleasure or personal diversion must be stopped.

The FCC Rules are as follow: (1) Keep Part 8 of the Rules handy--post your station license prominently. (2) Do not turn transmitter on without an operator license or permit. (3) License cannot be transferred. (4) Renew them before they expire. (5) Keep your receiver tuned to 2182 kc. for calls. (6) Keep a log. (7) Give your call sign clearly when you begin and end each transmission. (8) Stop conversation with another ship after five minutes. do not contact the same ship again in less than five minutes. (9) Say only what is necessary, and sign off--others are waiting. (10) Swearing and use of indecent language on the air is a criminal offense.



## Federal Trade Commission

### ANOTHER SEATTLE CANNED SALMON BROKER CHARGED WITH PAYMENTS OF ILLEGAL BROKERAGE:

Another Seattle, Wash., primary broker of canned salmon and other food products was charged on April 21, 1958, by the Federal Trade Commission with granting illegal brokerage to some of its customers.

The firm and its president, the complaint alleges (complaint 7099, Food Products), have favored certain buyers with substantial allowances in lieu of brokerage or price concessions reflecting brokerage. In some transactions the unlawful rebates are not charged back to the packer-principals in whole or in part but are absorbed from the firm's customary 5-percent brokerage fee, the complaint says. In other instances, the payments are shared by the firm's president and the field broker involved out of the 2-1/2 percent split each receives. (A field broker is one hired to handle transactions in marketing areas other than Seattle.)

According to the complaint, these typical means have been used to make these allowances to favored buyers: (1) selling at net prices less than the amount accounted for to the packer-principals; (2) granting price deductions, a part or all of which were not charged back to the packer-principals; and (3) taking reduced brokerage on sales involving price concessions.

These practices, the complaint concludes, violate Sec. 2(c) of the Robinson-Patman Amendment to the Clayton Act.

The parties were granted 30 days in which to file answer to the complaint.

\* \* \* \* \*

### SEAFOOD PACKER CHARGED WITH MAKING ILLEGAL BROKERAGE PAYMENTS:

A Chinook, Wash., packing company was charged on May 29, 1958, by the Federal Trade Commission with granting illegal brokerage to some of its customers.

According to a Commission complaint (7147, Seafood), the packing firm generally sells its pack of canned salmon through brokers who receive fees ranging from 2 to 5 percent for their services. The complaint alleges, however, that the company and its president and treasurer have made many sales to brokers purchasing for their own account for resale, and allowed them allowances or discounts in lieu of brokerage. This practice violates Section 2 (c) of the amended Clayton Act, the complaint charges.

The parties were granted 30 days in which to file answer to the complaint. A hearing is scheduled for August 18 in Seattle, Wash., before a Commission hearing examiner.

\* \* \* \* \*

### CONSENT ORDERS APPROVED PROHIBITING ILLEGAL BROKERAGE BY SEATTLE CANNED SALMON PACKERS:

The Federal Trade Commission on May 1, 1958, approved consent orders (6904, 6905, 6906, 6907, canned salmon) prohibiting three Seattle canned salmon packers and an affiliated group of five firms, and their officers, from making illegal brokerage payments to their customers.

The Commission adopted separate initial decisions by Hearing Examiner Abner E. Lipscomb containing consent orders agreed to by the respondents and the Commission's Bureau of Litigation.

The Commission's complaints of October 7, 1957, charged the packers with granting large grocery chains discounts or allowances in lieu of brokerage in violation of Sec. 2(c) of the Clayton Act, as amended by the Robinson-Patman Act.

The complaints cited these typical methods used to make these payments:

On direct sales not involving brokers they reduce the market price to the chains by the customary brokerage fee of 5 percent; when only one broker is used, either a primary or field broker, these favored customers are given a 2½-percent reduction and the price differential is taken out of the broker's commission.

The packers generally sell through both types of brokers, the complaints said. Primary brokers are the selling agents for the Seattle area while field brokers are those employed by the primaries to handle transactions elsewhere.

The orders forbid these practices in the future.

The agreements are for settlement purposes only and do not constitute admissions by the respondents that they have violated the law.



### Department of Health, Education, and Welfare

#### FOOD AND DRUG ADMINISTRATION

#### REQUIREMENT ON LISTING OF INGREDIENTS FOR CANNED CLAMS, FISH ROE, AND SHRIMP ON LABEL POSTPONED:

The Food and Drug Administration has postponed for one year--to September 17, 1959--the effective date of its order requiring a list of ingredients on the labels of certain nonstandardized food products; includes canned clams, canned fish roe, and canned shrimp (dry and wet pack), among other foods. The agency's statement of policy terminating the exemption was amended so that the new date appears.

Among the reasons given by several of the organizations requesting the extension was the need for additional time to agree on standards of identity for certain of the affected commodities.

The postponement as published in the Federal Register of May 7 follows:

**TITLE 21—FOOD AND DRUGS****Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare****PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION****TERMINATION OF EXEMPTION FOR DESIGNATED FOODS FOR WHICH LABEL DECLARATION OF INGREDIENTS HAS NOT BEEN REQUIRED PENDING STANDARDIZATION; EXTENSION OF EFFECTIVE DATE**

On September 17, 1957, there was published in the FEDERAL REGISTER (22 F. R. 7393) an order terminating the exemption for certain designated foods for which label declaration of ingredients as prescribed by section 403 (1) (2) of the Federal Food, Drug, and Cosmetic Act

had not been required. The Commissioner of Food and Drugs has received requests from the National Cannery Association, Cannery League of California, Northwest Cannery and Freezers Association, California Olive Association, New York State Cannery and Freezers Association, and other members of the canning industry for an extension of the effective date of the above-cited order; and good reason therefor appearing, pursuant to authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055; 21 U. S. C. 371) and delegated to the Commissioner of Food and Drugs (22 F. R. 1045): *It is ordered*, That the effective date of the above-referenced order be extended until September 17, 1959.

NOTE: ALSO SEE COMMERCIAL FISHERIES REVIEW, DECEMBER 1957, P. 79.

The statement of policy in which this order appeared (21 CFR 3.1 (22 F. R. 7393)) is amended by changing the introduction to the section to read as follows:

§ 3.1 *Termination of exemption for designated foods for which label declaration of ingredients has not been required pending standardization. Effective September 17, 1959, the exemption from the label declaration of ingredients requirements of section 403 (1) (2) of the Federal Food, Drug, and Cosmetic Act is terminated for the following foods:*

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: May 1, 1958.

[SEAL] GEO. P. LARRICK,  
Commissioner of Food and Drugs

\*\*\*\*\*

**USE OF CHEMICAL SANITIZING AGENTS IN FOOD-MANUFACTURING PLANTS:**

The Food and Drug Administration has issued a revised statement of policy with regard to the use of chemical sanitizing agents in food manufacturing establishments. The statement of policy is a substitute for one issued last year

which has led to confusion about the Food and Drug Administration's views on the use of quaternary ammonium sanitizing agents.

Following is the text of the new statement of policy as published in the Federal Register of May 30:

**TITLE 21—FOOD AND DRUGS****Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare****Subchapter A—General****PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION****USE OF CHEMICAL SANITIZING AGENTS IN FOOD-MANUFACTURING ESTABLISHMENTS**

Section 3.203 *Quaternary ammonium compounds in foods*, which was published in the FEDERAL REGISTER on November 30, 1957 (22 F. R. 9544) has led to confusion about the Food and Drug Administration's views on the use of quaternary ammonium sanitizing agents. This confusion requires the substitution

of the following statement of policy for the earlier one.

Now, therefore, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701 (a), 52 Stat. 1055 as amended; 21 U. S. C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), and pursuant to the provisions of the Administrative Procedure Act (sec. 3, 60 Stat. 237, 238; 5 U. S. C. 1002), § 3.203 is changed to read as follows:

§ 3.203 *Use of chemical sanitizing agents in food-manufacturing establishments.* (a) The Administration recognizes the need for sanitizing procedures in food-manufacturing plants; it recog-

nizes that chemical sanitizing agents aid in the maintenance of plant cleanliness; and it recognizes that a number of sanitizing agents that are poisonous or deleterious may properly be employed so that they are effective and do not leave residues in food.

(b) The Food and Drug Administration does not object to the use of effective chemical sanitizing agents on food handling equipment in establishments subject to its jurisdiction provided precautions are taken to prevent adulteration of food that comes in contact with the treated equipment.

(Sec. 402, 52 Stat. 1046; 21 U. S. C. 342)  
(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: May 23, 1958.

[SEAL] GEO. P. LARRICK,  
Commissioner of Food and Drugs

**Department of the Interior****FISH AND WILDLIFE SERVICE****PROPOSED REGULATIONS FOR INSPECTION AND CERTIFICATION OF PROCESSED FISHERY PRODUCTS BY INTERIOR INSTEAD OF AGRICULTURE DEPARTMENT:**

Since the Department of the Interior is scheduled to assume, under the authority of the Fish and Wildlife Act of 1956, the responsibility for furnishing inspection and grading services to the fishing industry now performed by the Department of Agriculture, the Federal Register of May 30 carried a notice of the regulations proposed to be issued by

the Commissioner of Fish and Wildlife to govern the inspection and certification of processed fishery products, processed products thereof, and certain other processed food products. No substantive changes in the requirements imposed by the regulations have been made. Only the changes are proposed which are nec-

essary to codify the regulations under Title 50 with a substitution of the Department of the Interior for the Department of Agriculture as administering agency.

The notice and the proposed regulations as published in the May 30 Federal Register follow:

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service  
[ 50 CFR Part 170 ]**

**INSPECTION AND CERTIFICATION  
NOTICE OF PROPOSED RULE MAKING**

All functions of the Department of Agriculture which pertain to fish, shellfish and any products thereof, performed under the authority of title II of the act of August 14, 1946, popularly known as the Agricultural Marketing Act of 1946, as amended (7 U. S. C. 1621-1627), including but not limited to the development and promulgation of grade standards, the inspection and certification, and improvement of transportation facilities and rates for fish and shellfish and any products thereof, were transferred to the Department of the Interior by the Director of the Budget (23 F. R. 2304) pursuant to section 6 (a) of the act of August 8, 1956, popularly known as the Fish and Wildlife Act of 1956 (16 U. S. C. sec. 742e).

In furtherance of the transferred functions it is now incumbent on the Department of the Interior to prescribe regulations to govern the inspection and certification of Processed Fishery Products, Processed Products Thereof, and Certain Other Processed Food Products.

Notice is hereby given that pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), the Commissioner of Fish and Wildlife proposes to recommend to the Secretary of the Interior the adoption of regulations in the form tentatively set forth below entitled Part 170—Inspection and Certification. The proposed regulations, to become effective on or about July 1, 1958, are to be issued under the authority of the Agricultural Marketing Act of August 14, 1946, as amended (7 U. S. C. 1621-1627) and represent an adaptation of regulations appearing as 7 CFR Part 52 to fit the needs of a fishery products standards program. No substantive changes in the requirements imposed by the regulations are being made. Only the changes are proposed which are necessary to codify the regulations under Title 50 with a substitution of the Department of the Interior for the Department of Agriculture as the administering agency.

Prior to the final adoption of the proposed regulations, consideration will be given to any data, views or arguments relating thereto which are submitted in writing to the Commissioner, U. S. Fish and Wildlife Service, Washington 25, D. C., in time to reach the office not later than June 16, 1958.

Dated: May 28, 1958.

D. H. JANZEN,  
Acting Commissioner  
of Fish and Wildlife.

**PART 170—INSPECTION AND CERTIFICATION**

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§ 170.1 Administration of regulations. The Secretary of the Interior is charged with the administration of the regulations in this part except that he may delegate any or all of such functions to any officer or employee of the Bureau of Commercial Fisheries of the Department in his discretion.<sup>1</sup>

**DEFINITIONS**

§ 170.6 Terms defined. Words in the regulations in this part in the singular form shall be deemed to import the plural and vice versa, as the case may demand. For the purposes of the regulations in this part, unless the context otherwise requires, the following terms shall have the following meanings:

Acceptance number. "Acceptance number" means the number in a sam-

<sup>1</sup> All functions of the Department of Agriculture which pertain to fish, shellfish and any products thereof, now performed under the authority of title II of the act of August 14, 1946, popularly known as the Agricultural Marketing Act of 1946, as amended (7 U. S. C. 1621-1627), including but not limited to the development and promulgation of grade standards, the inspection and certification, and improvement of transportation facilities and rates for fish and shellfish and any products thereof, were transferred to the Department of the Interior by the Director of the Budget (23 F. R. 2304) pursuant to section 6 (a) of the act of August 8, 1956, popularly known as the Fish and Wildlife Act of 1956 (16 U. S. C. sec. 742e).

pling plan that indicates the maximum number of deviants permitted in a sample of a lot that meets a specific requirement.

**Act.** "Act" means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

**Applicant.** "Applicant" means any interested party who requests inspection service under the regulations in this part.

**Case.** "Case" means the number of containers (cased or uncased) which, by the particular industry are ordinarily packed in a shipping container.

**Certificate of loading.** "Certificate of loading" means a statement, either written or printed, issued pursuant to the regulations in this part, relative to check-loading of a processed product subsequent to inspection thereof.

**Certificate of sampling.** "Certificate of sampling" means a statement, either written or printed issued pursuant to the regulations in this part, identifying officially drawn samples and may include a description of condition of containers and the condition under which the processed product is stored.

**Class.** "Class" means a grade or rank of quality.

**Condition.** "Condition" means the degree of soundness of the product which may affect its merchantability and includes, but is not limited to those factors which are subject to change as a result of age, improper preparation and processing, improper packaging, improper storage or improper handling.

**Department.** "Department" means the United States Department of the Interior.

**Deviant.** "Deviant" means a sample unit affected by one or more deviations or a sample unit that varies in a specifically defined manner from the requirements of a standard, specification, or other inspection document.

**Deviation.** "Deviation" means any specifically defined variation from a particular requirement.

**Director.** "Director" means the Director of the Bureau of Commercial Fisheries.

**Inspection certificate.** "Inspection certificate" means a statement, either written or printed, issued pursuant to the regulations in this part, setting forth in addition to appropriate descriptive information relative to a processed product, and the container thereof, the quality and condition, or any part thereof, of the product and may include a description of the conditions under which the product is stored.

**Inspection service.** "Inspection service" means:

(a) The sampling pursuant to the regulations in this part;

(b) The determination pursuant to the regulations in this part of:

(1) Essential characteristics such as style, type, size, sirup density or identity of any processed product which differentiates between major groups of the same kind;

(2) The class, quality and condition of any processed product, including the condition of the container thereof by the examination of appropriate samples;

(c) The issuance of any certificate of sampling, inspection certificates, or certificates of loading of a processed prod-

uct, or any report relative to any of the foregoing; or

(d) Performance by an inspector of any related services such as assigning an inspector in a processing plant to observe the preparation of the product from its raw state through each step in the entire process, or observe conditions under which the product is being prepared, processed, and packed, or observe plant sanitation as a prerequisite to the inspection of the processed product, either on a continuous or periodic basis, or checkload the inspected processed product in connection with the marketing of the processed product.

**Inspector.** "Inspector" means any employee of the Department authorized by the Secretary or any other person licensed by the Secretary to investigate, sample, inspect, and certify in accordance with the regulations in this part to any interested party the class, quality and condition of processed products covered in this part and to perform related duties in connection with the inspection service.

**Interested party.** "Interested party" means any person who has a financial interest in the commodity involved.

**Licensed sampler.** "Licensed sampler" means any person who is authorized by the Secretary to draw samples of processed products for inspection service, to inspect for identification and condition of containers in a lot, and may, when authorized by the Secretary, perform related services under the act and the regulations in this part.

**Lot.** "Lot" has the following meanings:

(a) For the purpose of charging fees and issuing certificates, "Lot" means any number of containers of the same size and type which contain a processed product of the same type and style located in the same or adjacent warehouses and which are available for inspection at any one time: *Provided*, That:

(1) Processed products in separate piles which differ from each other as to grade or other factors may be deemed to be separate lots;

(2) Containers in a pile bearing an identification mark different from other containers of such processed product in that pile, if determined to be of lower grade or deficient in other factors, may be deemed to be a separate lot; and

(3) If the applicant requests more than one inspection certificate covering different portions of such processed product, the quantity of the product covered by each certificate shall be deemed to be a separate lot.

(b) For the purpose of sampling and determining the grade or compliance with a specification, "Lot" means each pile of containers of the same size and type containing a processed product of the same type and style which is separated from other piles in the same warehouse, but containers in the same pile bearing an identification mark different from other containers in that pile may be deemed to be a separate lot.

**Officially drawn sample.** "Officially drawn sample" means any sample that has been selected from a particular lot by an inspector, licensed sampler, or by any other person authorized by the Secretary pursuant to the regulations in this part.

**Person.** "Person" means any individual, partnership, association, business trust, corporation, any organized group of persons (whether incorporated or not), the United States (including, but not limited to, any corporate agencies thereof), any State, county, or municipal government, any common carrier, and any authorized agent of any of the foregoing.

**Plant.** "Plant" means the premises, buildings, structures, and equipment (including, but not being limited to, machines, utensils, and fixtures) employed or used with respect to the manufacture or production of processed products.

**Processed product.** "Processed product" means any fishery product or other food product covered under the regulations in this part which has been preserved by any recognized commercial process, including, but not limited to, canning, freezing, dehydrating, drying, the addition of chemical substances, or by fermentation.

**Quality.** "Quality" means the inherent properties of any processed product which determine the relative degree of excellence of such product, and includes the effects of preparation and processing, and may or may not include the effects of packing media, or added ingredients.

**Rejection number.** "Rejection number" means the number in a sampling plan that indicates the minimum number of deviants in a sample that will cause a lot to fail a specific requirement.

**Sample.** "Sample" means any number of sample units to be used for inspection.

**Sample unit.** "Sample unit" means a container and/or its entire contents, a portion of the contents of a container or other unit of commodity, or a composite mixture of a product to be used for inspection.

**Sampling.** "Sampling" means the act of selecting samples of processed products for the purpose of inspection under the regulations in this part.

**Secretary.** "Secretary" means the Secretary of the Department or any other officer or employee of the Department authorized to exercise the powers and to perform the duties of the Secretary in respect to the matters covered by the regulations in this part.

**Shipping container.** "Shipping container" means an individual container designed for shipping a number of packages or cans ordinarily packed in a container for shipping or designed for packing unpackaged processed products for shipping.

**Unofficially drawn sample.** "Unofficially drawn sample" means any sample that has been selected by any person other than an inspector or licensed sampler, or by any other person not authorized by the Director pursuant to the regulations in this part.

§ 170.7 *Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.* Subsection 203 (h) of the Agricultural Marketing Act of 1946 provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresenta-

tions concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed below shall have the respective meanings specified:

**Official certificate.** "Official certificate" means any form of certification, either written or printed, including those defined in § 170.6, used under this part to certify with respect to the inspection, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

**Official device.** "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Director for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

**Official identification.** "Official identification" means any United States (U. S.) standard designation of class, grade, quality, size, quantity, or condition specified in this part or any symbol, stamp, label, or seal indicating that the product has been graded or inspected and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Director and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

**Official mark.** "Official mark" means the grade mark, inspection mark, combined form of inspection and grade mark, and any other mark, or any variations in such marks, including those prescribed in § 170.86 approved by the Secretary and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected or both, or indicating the appropriate U. S. Grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected or both under this part.

**Official memorandum.** "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

#### INSPECTION SERVICE

§ 170.12 *Where inspection service is offered.* Inspection service may be furnished wherever any inspector or licensed sampler is available and the facilities and conditions are satisfactory for the conduct of such service.

§ 170.13 *Who may obtain inspection service.* An application for inspection service may be made by any interested party, including, but not limited to, the United States and any instrumentality or agency thereof, any State, county, municipality, or common carrier, and any authorized agent in behalf of the foregoing.

§ 170.14 *How to make application.* An application for inspection service may

be made to the office of inspection or to any inspector, at or nearest the place where the service is desired. An up-to-date list of the Inspection Field Offices of the Department may be obtained upon request to the Director. Satisfactory proof that the applicant is an interested party shall be furnished.

§ 170.15 *Information required in connection with application.* Application for inspection service shall be made in the English language and may be made orally (in person or by telephone), in writing, or by telegraph. If an application for inspection service is made orally, such application shall be confirmed promptly in writing. In connection with each application for inspection service, there shall be furnished such information as may be necessary to perform an inspection on the processed product for which application for inspection is made, including but not limited to, the name of the product, name and address of the packer or plant where such product was packed, the location of the product, its lot or car number, codes or other identification marks, the number of containers, the type and size of the containers, the interest of the applicant in the product, whether the lot has been inspected previously to the application by any Federal agency and the purpose for which inspection is desired.

§ 170.16 *Filing of application.* An application for inspection service shall be regarded as filed only when made in accordance with the regulations in this part.

§ 170.17 *Record of filing time.* A record showing the date and hour when each application for inspection or for an appeal inspection is received shall be maintained.

§ 170.18 *When application may be rejected.* An application for inspection service may be rejected by the Secretary (a) for non-compliance by the applicant with the regulations in this part, (b) for non-payment for previous inspection services rendered, (c) when the product is not properly identifiable by code or other marks, or (d) when it appears that to perform the inspection service would not be to the best interests of the Government. Such applicant shall be promptly notified of the reason for such rejection.

§ 170.19 *When application may be withdrawn.* An application for inspection service may be withdrawn by the applicant at any time before the inspection is performed: *Provided*, That, the applicant shall pay at the hourly rate prescribed in § 170.76 for the time incurred by the inspector in connection with such application, any travel expenses, telephone, telegraph or other expenses which have been incurred by the inspection service in connection with such application.

§ 170.20 *Disposition of inspected sample.* Any sample of a processed product that has been used for inspection may be returned to the applicant, at his request and expense; otherwise it shall be destroyed, or disposed of to a charitable institution.

§ 170.21 *Basis of inspection and grade or compliance determination.* (a) In-

spection service shall be performed on the basis of the appropriate United States standards for grades of processed products, Federal, Military, Veterans Administration or other government agency specifications, written contract specification, or any written specification or instruction which is approved by the Secretary.

(b) Unless otherwise approved by the Director compliance with such grade standards, specifications, or instructions shall be determined by evaluating the product, or sample, in accordance with the requirements of such standards, specifications, or instructions: *Provided*, That when inspection for quality is based on any United States grade standard which contains a scoring system the grade to be assigned to a lot is the grade indicated by the average of the total scores of the sample units: *Provided further*, That:

(1) Such sample complies with the applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act;

(2) Such sample complies with the product description;

(3) Such sample meets the indicated grade with respect to factors of quality which are not rated by score points; and

(4) With respect to those factors of quality which are rated by score points, each of the following requirements is met:

(i) None of the sample units falls more than one grade below the indicated grade because of any quality factor to which a limiting rule applies;

(ii) None of the sample units falls more than 4 score points below the minimum total score for the indicated grade; and

(iii) The number of sample units classed as deviants does not exceed the applicable acceptance number indicated in the sampling plans contained in § 170.61. A "deviant," as used in this paragraph, means a sample unit that falls into the next grade below the indicated grade but does not score more than 4 points below the minimum total score for the indicated grade.

(5) If any of the provisions contained in subparagraphs (3) and (4) of this paragraph are not met the grade is determined by considering such provisions in connection with successively lower grades until the grade of the lot, if assignable, is established.

§ 170.22 *Order of inspection service.* Inspection service shall be performed, insofar as practicable, in the order in which applications therefor are made except that precedence may be given to any such applications which are made by the United States (including, but not being limited to, any instrumentality or agency thereof) and to any application for an appeal inspection.

§ 170.23 *Postponing inspection service.* If the inspector determines that it is not possible to accurately ascertain the quality or condition of a processed product immediately after processing because the product has not reached equilibrium in color, sirup density, or drained weight, or for any other substantial reason, he may postpone inspection service for such period as may be necessary.

§ 170.24 *Financial interest of inspector.* No inspector shall inspect any processed product in which he is directly or indirectly financially interested.

§ 170.25 *Forms of certificates.* Inspection certificates, certificates of sampling or loading, and other memoranda concerning inspection service shall be issued on forms approved by the Secretary.

§ 170.26 *Issuance of certificates.* (a) An inspection certificate may be issued only by an inspector: *Provided*, That, another employee of the inspection service may sign any such certificate covering any processed product inspected by an inspector when given power of attorney by such inspector and authorized by the Secretary, to affix the inspector's signature to an inspection certificate which has been prepared in accordance with the facts set forth in the notes, made by the inspector, in connection with the inspection.

(b) A certificate of loading shall be issued and signed by the inspector or licensed sampler authorized to check the loading of a specific lot of processed products: *Provided*, That, another employee of the inspection service may sign such certificate of loading covering any processed product checkloaded by an inspector or licensed sampler when given power of attorney by such inspector or licensed sampler and authorized by the Secretary to affix the inspector's or licensed sampler's signature to a certificate of loading which has been prepared in accordance with the facts set forth in the notes made by the inspector or licensed sampler in connection with the checkloading of a specific lot of processed products.

§ 170.27 *Issuance of corrected certificates.* A corrected inspection certificate may be issued by the inspector who issued the original certificate after distribution of a certificate if errors, such as incorrect dates, code marks, grade statements, lot or car numbers, container sizes, net or drained weights, quantities, or errors in any other pertinent information require the issuance of a corrected certificate. Whenever a corrected certificate is issued, such certificate shall supersede the inspection certificate which was issued in error and the superseded certificate shall become null and void after the issuance of the corrected certificate.

§ 170.28 *Issuance of an inspection report in lieu of an inspection certificate.* A letter report in lieu of an inspection certificate may be issued by an inspector when such action appears to be more suitable than an inspection certificate: *Provided*, That, the issuance of such report is approved by the Secretary.

§ 170.29 *Disposition of inspection certificates.* The original of any inspection certificate, issued under the regulations in this part, and not to exceed four copies thereof, if requested prior to issuance, shall be delivered or mailed promptly to the applicant, or person designated by the applicant. All other copies shall be filed in such manner as the Secretary may designate. Additional copies of any such certificates may be supplied to any interested party as provided in § 170.78.

§ 170.30 *Report of inspection results prior to issuance of formal report.* Upon request of any interested party, the results of an inspection may be telegraphed or telephoned to him, or to any other person designated by him, at his expense.

#### APPEAL INSPECTION

§ 170.36 *When appeal inspection may be requested.* An application for an appeal inspection may be made by any interested party who is dissatisfied with the results of an inspection as stated in an inspection certificate, if the lot of processed products can be positively identified by the inspection service as the lot from which officially drawn samples were previously inspected. Such application shall be made within thirty (30) days following the day on which the previous inspection was performed, except upon approval by the Secretary the time within which an application for appeal inspection may be made may be extended.

§ 170.37 *Where to file for an appeal inspection and information required.* (a) Application for an appeal inspection may be filed with:

(1) The inspector who issued the inspection certificate on which the appeal covering the processed product is requested; or

(2) The inspector in charge of the office of inspection at or nearest the place where the processed product is located.

(b) The application for appeal inspection shall state the location of the lot of processed products and the reasons for the appeal; and date and serial number of the certificate covering inspection of the processed product on which the appeal is requested, and such application may be accompanied by a copy of the previous inspection certificate and any other information that may facilitate inspection. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation shall be made promptly.

§ 170.38 *When an application for an appeal inspection may be withdrawn.* An application for appeal inspection may be withdrawn by the applicant at any time before the appeal inspection is performed: *Provided*, That, the applicant shall pay at the hourly rate prescribed in § 170.76, for the time incurred by the inspector in connection with such application, any travel expenses, telephone, telegraph, or other expenses which have been incurred by the inspection service in connection with such application.

§ 170.39 *When appeal inspection may be refused.* An application for an appeal inspection may be refused if:

(a) The reasons for the appeal inspection are frivolous or not substantial;

(b) The quality or condition of the processed product has undergone a material change since the inspection covering the processed product on which the appeal inspection is requested;

(c) The lot in question is not, or cannot be made accessible for the selection of officially drawn samples;

(d) The lot relative to which appeal inspection is requested cannot be positively identified by the inspector as the

lot from which officially drawn samples were previously inspected; or

(e) There is noncompliance with the regulations in this part. Such applicant shall be notified promptly of the reason for such refusal.

§ 170.40 *Who shall perform appeal inspection.* An appeal inspection shall be performed by an inspector or inspectors (other than the one from whose inspection the appeal is requested) authorized for this purpose by the Secretary and, whenever practical, such appeal inspection shall be conducted jointly by two such inspectors: *Provided*, That the inspector who made the inspection on which the appeal is requested may be authorized to draw the samples when another inspector or licensed sampler is not available in the area where the product is located.

§ 170.41 *Appeal inspection certificate.* After an appeal inspection has been completed, an appeal inspection certificate shall be issued showing the results of such appeal inspection; and such certificate shall supersede the inspection certificate previously issued for the processed product involved. Each appeal inspection certificate shall clearly identify the number and date of the inspection certificate which it supersedes. The superseded certificate shall become null and void upon the issuance of the appeal inspection certificate and shall no longer represent the quality or condition of the processed product described therein. The inspector or inspectors issuing an appeal inspection certificate shall forward notice of such issuance to such persons as he considers necessary to prevent misuse of the superseded certificate if the original and all copies of such superseded certificate have not previously been delivered to the inspector or inspectors issuing the appeal inspection certificate. The provisions in the regulations in this part concerning forms of certificates, issuance of certificates, and disposition of certificates shall apply to appeal inspection certificates, except that copies of such appeal inspection certificates shall be furnished all interested parties who received copies of the superseded certificate.

#### LICENSING OF SAMPLERS AND INSPECTORS

§ 170.47 *Who may become licensed sampler.* Any person deemed to have the necessary qualifications may be licensed as a licensed sampler to draw samples for the purpose of inspection under the regulations in this part. Such a license shall bear the printed signature of the Secretary, and shall be countersigned by an authorized employee of the Department. Licensed samplers shall have no authority to inspect processed products under the regulations in this part except as to identification and condition of the containers in a lot. A licensed sampler shall perform his duties pursuant to the regulations in this part as directed by the Director.

§ 170.48 *Application to become a licensed sampler.* Application to become a licensed sampler shall be made to the Secretary on forms furnished for that purpose. Each such application shall be signed by the applicant in his own hand-

writing, and the information contained therein shall be certified by him to be true, complete, and correct to the best of his knowledge and belief, and the application shall contain or be accompanied by:

(a) A statement showing his present and previous occupations, together with names of all employers for whom he has worked, with periods of service, during the ten years previous to the date of his application;

(b) A statement that, in his capacity as a licensed sampler, he will not draw samples from any lot of processed products with respect to which he or his employer is an interested party;

(c) A statement that he agrees to comply with all terms and conditions of the regulations in this part relating to duties of licensed samplers; and

(d) Such other information as may be requested.

§ 170.49 *Inspectors.* Inspections will ordinarily be performed by employees under the Secretary who are employed as Federal Government employees for that purpose. However, any person employed under any joint Federal-State inspection service arrangement may be licensed, if otherwise qualified, by the Secretary to make inspections in accordance with this part on such processed products as may be specified in his license. Such license shall be issued only in a case where the Secretary is satisfied that the particular person is qualified to perform adequately the inspection service for which such person is to be licensed. Each such license shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. An inspector shall perform his duties pursuant to the regulations in this part as directed by the Director.

§ 170.50 *Suspension or revocation of license of licensed sampler or licensed inspector.* Pending final action by the Secretary, the Director may, whenever he deems such action necessary, suspend the license of any licensed sampler, or licensed inspector, issued pursuant to the regulations in this part, by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such licensee, he may file an appeal, in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid seven days period and consideration of such argument and evidence, the Secretary shall take such action as he deems appropriate with respect to such suspension or revocation.

§ 170.51 *Surrender of license.* Upon termination of his services as a licensed sampler or licensed inspector, or suspension or revocation of his license, such licensee shall surrender his license immediately to the office of inspection serving the area in which he is located. These same provisions shall apply in a case of an expired license.

#### SAMPLING

§ 170.57 *How samples are drawn by inspectors or licensed samplers.* An in-

pector or a licensed sampler shall select samples, upon request, from designated lots of processed products which are so placed as to permit thorough and proper sampling in accordance with the regulations in this part. Such person shall, unless otherwise directed by the Secretary, select sample units of such products at random, and from various locations in each lot in such manner and number, not inconsistent with the regulations in this part, as to secure a representative sample of the lot. Samples drawn for inspection shall be furnished by the applicant at no cost to the Department.

§ 170.58 *Accessibility for sampling.* Each applicant shall cause the processed products for which inspection is requested to be made accessible for proper sampling. Failure to make any lot accessible for proper sampling shall be sufficient cause for postponing inspection service until such time as such lot is made accessible for proper sampling.

§ 170.59 *How officially drawn samples are to be identified.* Officially drawn samples shall be marked by the inspector or licensed sampler so such samples can be properly identified for inspection.

§ 170.60 *How samples are to be shipped.* Unless otherwise directed by the Secretary, samples which are to be shipped to any office of inspection shall be forwarded to the office of inspection serving the area in which the processed products from which the samples were drawn is located. Such samples shall be shipped in a manner to avoid, if possible, any material change in the quality or condition of the sample of the processed product. All transportation charges in connection with such shipments of samples shall be at the expense of the applicant and wherever practicable, such charges shall be prepaid by him.

§ 170.61 *Sampling plans and procedures for determining lot compliance.* (a) Except as otherwise provided for in this section in connection with in-plant inspection and unless otherwise approved by the Secretary, samples shall be selected from each lot in the exact number of sample units indicated for the lot size in the applicable single sampling plan or, at the discretion of the inspection service, any comparable multiple sampling plan: *Provided,* That at the discretion of the inspection service the number of sample units selected may be increased to the exact number of sample units indicated for any one of the larger sample sizes provided for in the appropriate plans.

(b) Under the single sampling plans with respect to any specified requirement:

(1) If the number of deviants (as defined in connection with the specific requirement) in the sample does not exceed the acceptance number prescribed for the sample size the lot meets the requirement;

(2) If the number of deviants (as defined in connection with the specific requirement) in the sample exceeds the acceptance number prescribed for the sample size the lot fails the requirement.

(c) Under the multiple sampling plans inspection commences with the smallest

sample size indicated under the appropriate plan and with respect to any specified requirement:

(1) If the number of deviants (as defined in connection with the specific requirement) in the sample being considered does not exceed the acceptance number prescribed for that sample size, the lot meets the requirement;

(2) If the number of deviants (as defined in connection with the specific requirement) in the sample being considered equals or exceeds the rejection number prescribed for that sample size, the lot fails the requirement; or

(3) If the number of deviants (as defined in connection with the specific requirement) in the sample being considered falls between the acceptance and rejection numbers of the plan, additional sample units are added to the sample so that the sample thus cumulated equals the next larger cumulative sample size in the plan. It may then be determined that the lot meets or fails the specific requirement by considering the cumulative sample and applying the procedures outlined in subparagraphs (1) and (2) of this paragraph or by considering successively larger samples cumulated in the same manner until the lot meets or fails the specific requirement.

(d) If in the conduct of any type of in-plant inspection the sample is examined before the lot size is known and the number of sample units exceeds the prescribed sample size for such lot but does not equal any of the prescribed larger sample sizes the lot may be deemed to meet or fail a specific requirement in accordance with the following procedure:

(1) If the number of deviants (as defined in connection with the specific requirement) in the nonprescribed sample does not exceed the acceptance number of the next smaller sample size the lot meets the requirements;

(2) If the number of deviants (as defined in connection with the specific requirement) in the nonprescribed sample equals the acceptance number prescribed for the next larger sample size additional sample units shall be selected to increase the sample to the next larger prescribed sample size;

(3) If the number of deviants (as defined in connection with the specific requirement) in the nonprescribed sample exceeds the acceptance number prescribed for the next larger sample size the lot fails the requirement.

(e) In the event that the lot compliance determination provisions of a standard or specification are based on the number of specified deviations instead of deviants the procedures set forth in this section may be applied by substituting the word "deviation" for the word "deviant" wherever it appears.

(f) Sampling plans referred to in this section are those contained in Tables I, II, III, IV, V, and VI which follow or any other plans which are applicable. For processed products not included in these tables, the minimum sample size shall be the exact number of sample units prescribed in the table, container group, and lot size that, as determined by the inspector, most closely resembles the product, type, container size and amount of product to be sampled.

SINGLE SAMPLING PLANS AND ACCEPTANCE LEVELS

TABLE I—CANNED OR SIMILARLY PROCESSED FISHERY PRODUCTS, AND PRODUCTS THEREOF CONTAINING UNITS OF SUCH SIZE AND CHARACTER AS TO BE READILY SEPARABLE

Container size group	Lot size (number of containers)									
	GROUP 1 Any type of container of less volume than that of a No. 300 size can (300 x 407).	3,600 or less...	3,601-14,400	14,401-48,000	48,001-96,000	96,001-156,000	156,001-228,000	228,001-300,000	300,001-420,000	Over 420,000.
GROUP 2 Any type of container of a volume equal to or exceeding that of a No. 300 size can, but not exceeding that of a No. 3 cylinder size can (404 x 700).	2,400 or less...	2,401-12,000	12,001-24,000	24,001-48,000	48,001-72,000	72,001-108,000	108,001-168,000	168,001-240,000	Over 240,000.	
GROUP 3 Any type of container of a volume exceeding that of a No. 3 cylinder size can, but not exceeding that of a No. 12 size can (603 x 812).	1,200 or less...	1,201-7,200	7,201-15,000	15,001-24,000	24,001-36,000	36,001-60,000	60,001-84,000	84,001-120,000	Over 120,000.	
GROUP 4 Any type of container of a volume exceeding that of a No. 12 size can, but not exceeding that of a 5-gallon container.	200 or less...	201-800	801-1,600	1,601-2,400	2,401-3,600	3,601-8,000	8,001-16,000	16,001-28,000	Over 28,000.	
GROUP 5 Any type of container of a volume exceeding that of a 5-gallon container.	25 or less....	26-80	81-200	201-400	401-800	801-1,200	1,201-2,000	2,001-3,200	Over 3,200.	

Single sampling plans <sup>1</sup>

Sample size (number of sample units). <sup>2</sup>	3	6	13	21	29	38	48	60	72
Acceptance number.....	0	1	2	3	4	5	6	7	8

<sup>1</sup> For extension of the single sample sizes beyond 72 sample units, refer to table V of this section; for multiple sampling plans comparable to the various single sampling plans refer to table VI of this section.

<sup>2</sup> The sample units for the various container size groups are as follows: Groups 1, 2, and 3—1 container and its entire contents. Groups 4 and 5—approximately 2 pounds of product. When determined by the inspector that a 2-pound sample unit is inadequate, a larger sample unit may be substituted.

TABLE II—FROZEN OR SIMILARLY PROCESSED FISHERY PRODUCTS, AND PRODUCTS THEREOF CONTAINING UNITS OF SUCH SIZE AND CHARACTER AS TO BE READILY SEPARABLE

Container size group	Lot size (number of containers)									
	GROUP 1 Any type of container of 1 pound or less net weight.	2,400 or less...	2,401-12,000	12,001-24,000	24,001-48,000	48,001-72,000	72,001-108,000	108,001-168,000	168,001-240,000	Over 240,000.
GROUP 2 Any type of container over 1 pound but not over 4 pounds net weight.	1,800 or less...	1,801-8,400	8,401-18,000	18,001-36,000	36,001-60,000	60,001-96,000	96,001-132,000	132,001-168,000	Over 168,000.	
GROUP 3 Any type of container over 4 pounds but not over 10 pounds net weight.	900 or less...	901-3,600	3,601-10,800	10,801-18,000	18,001-36,000	36,001-60,000	60,001-84,000	84,001-120,000	Over 120,000.	
GROUP 4 Any type of container over 10 pounds but not over 100 pounds net weight.	200 or less...	201-800	801-1,600	1,601-2,400	2,401-3,600	3,601-8,000	8,001-16,000	16,001-28,000	Over 28,000.	
GROUP 5 Any type of container over 100 pounds net weight.	25 or less....	26-80	81-200	201-400	401-800	801-1,200	1,201-2,000	2,001-3,200	Over 3,200.	

Single sampling plans <sup>1</sup>

Sample size (number of sample units). <sup>2</sup>	3	6	13	21	29	38	48	60	72
Acceptance number.....	0	1	2	3	4	5	6	7	8

<sup>1</sup> For extension of the single sample sizes beyond 72 sample units, refer to table V of this section; for multiple sampling plans comparable to the various single sampling plans refer to table VI of this section.

<sup>2</sup> The sample units for the various container size groups are as follows: Groups

1, 2, and 3—1 container and its entire contents. Groups 4 and 5—approximately 3 pounds of product. When determined by the inspector that a 3-pound sample unit is inadequate, a larger sample unit or 1 or more containers and their entire contents may be substituted for 1 or more sample units of 3 pounds.

SINGLE SAMPLING PLANS AND ACCEPTANCE LEVELS—Continued

TABLE III—CANNED, FROZEN, OR OTHERWISE PROCESSED FISHERY AND RELATED PRODUCTS, AND PRODUCTS THEREOF OF A COMMINUTED, FLUID, OR HOMOGENEOUS STATE

Container size group <sup>1</sup>	Lot size (number of containers)								
	GROUP 1 Any type of container of 12 ounces or less.	5,400 or less...	5,401-21,600	21,601-62,400	62,401-112,000	112,001-174,000	174,001-240,000	240,001-360,000	360,001-480,000
GROUP 2 Any type of container over 12 ounces but not over 60 ounces.	3,600 or less...	3,601-14,400	14,401-48,000	48,001-96,000	96,001-156,000	156,001-228,000	228,001-300,000	300,001-420,000	Over 420,000.
GROUP 3 Any type of container over 60 ounces but not over 160 ounces.	1,800 or less...	1,801-8,400	8,401-18,000	18,001-36,000	36,001-60,000	60,001-96,000	96,001-132,000	132,001-168,000	Over 168,000.
GROUP 4 Any type of container over 160 ounces but not over 10 gallons or 100 pounds whichever is applicable.	200 or less...	201-800	801-1,600	1,601-3,200	3,201-8,000	8,001-16,000	16,001-24,000	24,001-32,000	Over 32,000.
GROUP 5 Any type of container over 10 gallons or 100 pounds whichever is applicable.	25 or less....	26-80	81-200	201-400	401-800	801-1,200	1,201-2,000	2,001-3,200	Over 3,200.
Single sampling plans <sup>2</sup>									
Sample size (number of sample units) <sup>2</sup>	3	6	13	21	29	38	48	60	72
Acceptance number.....	0	1	2	3	4	5	6	7	8

<sup>1</sup> Ounces pertain to either fluid ounces of volume or avoirdupois ounces of net weight whichever is applicable for the product involved.

<sup>2</sup> For extension of the single sample sizes beyond 72 sample units, refer to table V of this section; for multiple sampling plans comparable to the various single sampling plans refer to table VI of this section.

<sup>3</sup> The sample units for the various container size groups are as follows: Groups 1, 2, and 3—1 container and its entire contents. A smaller sample unit may be substituted in group 3 at the inspector's discretion. Groups 4, 5, and 6—approximately 16 ounces of product. When determined by the inspector that a 16-ounce sample unit is inadequate, a larger sample unit may be substituted.

TABLE IV—DEHYDRATED FISHERY AND RELATED PRODUCTS

Container size group	Lot size (number of containers)								
	GROUP 1 Any type of container of 1 pound or less net weight.	1,800 or less...	1,801-8,400	8,401-18,000	18,001-36,000	36,001-60,000	60,001-96,000	96,001-132,000	132,001-168,000
GROUP 2 Any type of container over 1 pound but not over 6 pounds net weight.	900 or less...	901-3,600	3,601-10,800	10,801-18,000	18,001-36,000	36,001-60,000	60,001-84,000	84,001-120,000	Over 120,000.
GROUP 3 Any type of container over 6 pounds but not over 20 pounds net weight.	200 or less...	201-800	801-1,600	1,601-3,200	3,201-8,000	8,001-16,000	16,001-24,000	24,001-32,000	Over 32,000.
GROUP 4 Any type of container over 20 pounds but not over 100 pounds net weight.	48 or less....	49-400	401-1,200	1,201-2,000	2,001-2,800	2,801-6,000	6,001-9,600	9,601-15,000	Over 15,000.
GROUP 5 Any type of container over 100 pounds net weight.	16 or less....	17-80	81-200	201-400	401-800	801-1,200	1,201-2,000	2,001-3,200	Over 3,200.
Single sampling plans <sup>1</sup>									
Sample size (number of sample units) <sup>1</sup>	3	6	13	21	29	38	48	60	72
Acceptance number.....	0	1	2	3	4	5	6	7	8

<sup>1</sup> For extension of the single sample sizes beyond 72 sample units, refer to table V of this section; for multiple sampling plans comparable to the various single sampling plans refer to table VI of this section.

<sup>2</sup> The sample units for the various container size groups are as follows: Group 1—1 container and its entire contents. Groups 2, 3, 4, and 5—1 container and its entire contents or a smaller sample unit when determined by the inspector to be adequate.

TABLE V—SINGLE SAMPLING PLANS FOR USE IN INCREASING SAMPLE SIZE BEYOND 72 SAMPLE UNITS

Sample size, n.....	84	96	108	120	132	144	156	168	180	192	204	216	230	244	258	272	286	300	314	328	342	356	370	384	400
Acceptance numbers, c.....	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33

MULTIPLE SAMPLING PLANS<sup>1</sup>

TABLE VI—MULTIPLE SAMPLING PLANS COMPARABLE TO THE INDICATED SINGLE SAMPLING PLANS

Indicated single sampling plan: Single sample size, <i>n</i> .....	6		13		21		20		38		48		60		72															
	1		2		3		4		5		6		7		8															
Acceptance numbers, <i>c</i> .....	1		2		3		4		5		6		7		8															
Cumulative sample sizes, <i>n<sub>c</sub></i> , and acceptance numbers, <i>c</i> , and rejection numbers, <i>r</i> , for multiple sampling.	<i>n<sub>c</sub></i>	<i>c</i>	<i>r</i>																											
	4	0	2	8	0	3	10	0	3	12	0	4	14	0	4	16	0	4	18	0	5	22	0	5	22	0	5	22	0	5
	6	0	2	10	0	3	14	1	4	16	0	4	20	0	5	24	1	5	28	1	6	32	1	7	32	1	7	32	1	7
	8	1	2	12	1	3	18	1	4	20	1	5	26	1	6	32	2	6	38	2	7	42	2	8	42	2	8	42	2	8
				14	2	3	22	2	5	24	2	6	40	3	8	48	3	8	58	4	9	62	5	10	62	5	10	62	5	10
							26	4	5	28	3	6	38	3	7	48	4	8	58	4	9	68	5	10	68	5	10	68	5	10
										32	3	6	44	6	7	56	7	8	68	8	9	72	6	10	72	6	10	72	6	10
										36	5	6									82	9	10	82	9	10	82	9	10	

<sup>1</sup> These multiple sampling plans may be used in lieu of the single sampling plans listed at the heading of each column.

§ 170.62 *Issuance of certificate of sampling.* Each inspector and each licensed sampler shall prepare and sign a certificate of sampling to cover the samples drawn by the respective person, except that an inspector who inspects the samples which he has drawn need not prepare a certificate of sampling. One copy of each certificate of sampling prepared shall be retained by the inspector or licensed sampler (as the case may be) and the original and all other copies thereof shall be disposed of in accordance with the instructions of the Secretary.

§ 170.63 *Identification of lots sampled.* Each lot from which officially drawn samples are selected shall be marked in such manner as may be prescribed by the Secretary, if such lots do not otherwise possess suitable identification.

FEEs AND CHARGES

§ 170.69 *Payment of fees and charges.* Fees and charges for any inspection service shall be paid by the interested party making the application for such service, in accordance with the applicable provisions of the regulations in this part, and, if so required by the person in charge of the office of inspection serving the area where the services are to be performed, an advance of funds prior to rendering inspection service in an amount suitable to the Secretary, or a surety bond suitable to the Secretary, may be required as a guarantee of payment for the services rendered. All fees and charges for any inspection service performed pursuant to the regulations in this part shall be paid by check, draft, or money order payable to the Treasurer of the United States and remitted to the office of inspection serving the area in which the services are performed, within ten (10) days from the date of billing, unless otherwise specified in a contract between the applicant and the Secretary, in which latter event the contract provisions shall apply.

§ 170.70 *Schedule of fees.* (a) Unless otherwise provided in a written agreement between the applicant and the Secretary, the fees to be charged and collected for any inspection service performed under the regulations in this part at the request of the United States, or any agency or instrumentality thereof, shall be at the rate of \$4.50 per hour.

(b) Unless otherwise provided in the regulations in this part, the fees to be charged and collected for any inspection

service performed under the regulations in this part shall be based on the applicable rates specified in this section.<sup>1</sup>  
(1) *Canned or similarly processed fishery products, and products thereof.*

OFFICIALLY DRAWN SAMPLES

For each lot packed in containers of a volume not exceeding that of a No. 12 size can (603 x 812):

- Minimum fee for 600 cases or less.....<sup>1</sup> \$9.00
- For each additional 100 cases, or fraction thereof, in excess of 600 cases but not in excess of 10,000 cases.....<sup>1</sup> 1.00
- For each additional 100 cases, or fraction thereof, in excess of 10,000 cases.....<sup>2</sup> 80

<sup>1</sup> However, the fee for any additional lots of 200 cases or less which are offered for inspection by the same applicant at the same time and which are available for inspection at the same time and place shall be \$6.75.

<sup>2</sup> The fees specified in this section are exclusive of charges for such micro, chemical and certain other special analyses, other than salt and acidity by direct titration, soluble solids (by refractometer) or total solids (by refractometer), which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product.

UNOFFICIALLY DRAWN SAMPLES

For containers of a volume not exceeding that of a No. 3 size can (404 x 414):

- Minimum fee for 4 containers or less \$4.50
- For each additional container in excess of 4 containers..... 1.00

For containers of a volume exceeding that of a No. 3 size can (404 x 414), but not exceeding that of a No. 12 size can (603 x 812):

- Minimum fee for 2 containers or less \$4.50
- For each additional container in excess of 2 containers..... 2.00

(2) *Other processed food products.* The fee to be charged and collected for the inspection of any processed product not included in subparagraph (1) of this paragraph shall be at the rate of \$4.50 per hour for the time consumed by the inspector in making the inspection, including the time consumed in sampling by the inspector or licensed sampler: *Provided*, That, fees for sampling time will not be assessed by the office of inspection when such fees have been assessed and collected directly from the applicant by a licensed sampler.

§ 170.71 *Fees to be charged and collected for sampling when performed by a licensed sampler.* Such sampling fees as are specifically prescribed by the Sec-

retary in connection with the licensing of the particular sampler (which fees are to be prescribed in the light of the sampling work to be performed by such sampler and other pertinent factors) may be assessed and collected by such licensed sampler directly from the applicant: *Provided*, That if such licensed sampler is an employee of a State, the appropriate authority of that State may make the collection, or they may be assessed and collected by the office of inspection serving the area where the services are performed.

§ 170.72 *Inspection fees when charges for sampling have been collected by a licensed sampler.* For each lot of processed products from which samples have been drawn by a licensed sampler and with respect to which the sampling fee has been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee provided in this part applicable to the respective processed product: *Provided*, That, if the fee charged for the inspection service is based on the hourly rate of charge, the fee shall be at the rate of \$4.50 per hour prescribed in this part.

§ 170.73 *Inspection fees when charges for sampling have not been collected by a licensed sampler.* For each lot of processed products from which samples have been drawn by a licensed sampler, and with respect to which the sampling fee has not been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee as prescribed in this part, plus a reasonable charge to cover the cost of sampling as may be determined by the Secretary: *Provided*, That, if the fee charged is based on the hourly rate, the fee shall be at the rate of \$4.50 per hour prescribed in this part, plus a reasonable charge to cover the cost of sampling, as determined by the Secretary.

§ 170.74 *Fee for appeal inspection.* The fee to be charged for an appeal inspection shall be at the rates prescribed in this part for other inspection services: *Provided*, That, if the result of any appeal inspection made for any applicant, other than the United States or any agency or instrumentality thereof, discloses that a material error was made in the inspection on which the appeal is made, no inspection fee shall be assessed.

§ 170.75 *Charges for micro, chemical, and certain other special analyses.* (a) The following charges shall be made for

micro, chemical, and certain other special analyses which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product:<sup>3</sup>

Type of analysis	For first analysis	For each additional analysis
Mold count.....	\$1.50	\$1.50
Worm larvae and insect fragment count.....	3.00	3.00
Fly egg and maggot count.....	3.00	1.50
Alcohol insoluble solids.....	5.00	3.00
Alcohol (distillation and specific gravity).....	9.00	5.00
Ascorbic acid (vitamin C).....	9.00	2.00
Total ash (carbonated or sulfated).....	5.00	3.00
Ash, acid insoluble.....	6.00	3.00
Ash, water soluble or water insoluble.....	6.00	3.00
Ash, NaCl free (approximate method—total ash less NaCl).....	9.00	3.00
Ash, NaCl free (P <sub>2</sub> O <sub>5</sub> x 2).....	15.00	6.00
Catalase test.....	3.00	1.50
Crude fiber.....	12.00	6.00
Ether extract (crude fat).....	9.00	5.00
Fat (acid hydrolysis).....	9.00	6.00
Fiber (green and wax bean).....	6.00	3.00
Iodine number.....	9.00	4.50
Moisture (air oven method).....	3.00	3.00
Moisture (vacuum oven method).....	3.00	3.00
Nitrogen or crude protein.....	9.00	3.00
Non-volatile ether extract.....	9.00	4.50
Phosphorous pentoxide (P <sub>2</sub> O <sub>5</sub> ).....	15.00	6.00
Potash (K <sub>2</sub> O).....	15.00	6.00
Phosphorous pentoxide (P <sub>2</sub> O <sub>5</sub> ) and aluminum trioxide (Al <sub>2</sub> O <sub>3</sub> ).....	18.00	12.00
Recoverable oil.....	3.00	2.00
Peroxidase test (frozen vegetables).....	4.50	3.00
Reducing sugars.....	12.00	6.00
Reducing sugars plus sucrose.....	18.00	12.00
Sucrose (direct polarization).....	6.00	3.00
Sucrose (chemical methods).....	18.00	12.00
Starch or carbohydrates (direct hydrolysis).....	18.00	9.00
Sulphur dioxide (direct titration).....	5.00	3.00
Sulphur dioxide (distillation method).....	9.00	5.00
Sodium.....	13.50	4.50
Total solids (drying method).....	3.00	3.00
Vanillin.....	12.00	9.00
Volatile and non-volatile ether extract.....	10.00	6.00
Water extract.....	5.00	5.00

(b) The following charges shall be made for analyses which are requested by an applicant and are not in connection with an inspection to determine the quality or condition of the product:<sup>4</sup>

Type of analysis	For first analysis	For each additional analysis
Brix readings (refractometric or spindle).....	\$3.00	\$1.00
Brix readings (double dilution).....	3.00	2.00
Total acidity (direct titration).....	3.00	1.00
Free fatty acids.....	4.50	1.50
Salt (NaCl)—direct titration.....	4.50	1.50
Soluble solids (refractometric method).....	3.00	1.00
Total solids (refractometric method).....	3.00	1.00

§ 170.76 When charges are to be based on hourly rate not otherwise provided for in this part. When inspection is for condition only or when inspection services or related services are rendered and formal certificates are not issued or when the services rendered are such that charges based upon the foregoing sections would be inadequate or inequitable, charges may be based on the time consumed by the inspector in performance of such inspection service at the rate of \$4.50 per hour.

<sup>3</sup>When any of these analyses are made at the request of an applicant and are not in connection with an inspection to determine the quality or condition of the product, the listed fees shall be increased by 30 percent.

<sup>4</sup>When these analyses are made in connection with an inspection to determine the quality or condition of the product no fee shall be charged for the analyses.

§ 170.77 Fees for score sheets. If the applicant for inspection service requests score sheets showing in detail the inspection of each container or sample inspected and listed thereon, such score sheets may be furnished by the inspector in charge of the office of inspection serving the area where the inspection was performed; and such applicant shall be charged at the rate of \$2.25 for each twelve sample units, or fraction thereof, inspected and listed on such score sheets.

§ 170.78 Fees for additional copies of inspection certificates. Additional copies of any inspection certificate other than those provided for in § 170.29, may be supplied to any interested party upon payment of a fee of \$2.25 for each set of five (5) or fewer copies.

§ 170.79 Travel and other expenses. Charges may be made to cover the cost of travel and other expenses incurred in connection with the performance of any inspection service, including appeal inspections: *Provided*, That, if charges for sampling or inspection are based on an hourly rate, an additional hourly charge may be made for travel time including time spent waiting for transportation as well as time spent traveling, but not to exceed eight hours of travel time for any one person for any one day: *And provided further*, That, if travel is by common carrier, no hourly charge may be made for travel time outside the employee's official work hours.

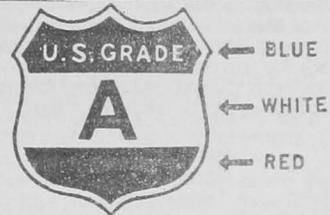
§ 170.80 Charges for inspection service on a contract basis. (a) Irrespective of fees and charges prescribed in foregoing sections, the Secretary may enter into contracts with applicants to perform continuous inspection services or other inspection services pursuant to the regulations in this part and other requirements as prescribed by the Secretary in such contract, and the charges for such inspection service provided in such contracts shall be on such basis as will reimburse the Bureau of Commercial Fisheries of the Department for the full cost of rendering such inspection service including an appropriate overhead charge to cover as nearly as practicable administrative overhead expenses as may be determined by the Secretary.

(b) Irrespective of fees and charges prescribed in the foregoing sections, the Secretary may enter into a written memorandum of understanding or contract, whichever may be appropriate, with any administrative agency charged with the administration of a marketing agreement or a marketing order effective pursuant to the Agricultural Marketing Agreement Act of 1937, as revised (16 U. S. C. 661 et seq.) for the making of inspections pursuant to said agreement or order on such basis as will reimburse the Bureau of Commercial Fisheries of the Department, for the full cost of rendering such inspection service including an appropriate overhead charge to cover as nearly as practicable administrative overhead expenses as may be determined by the Secretary. Likewise, the Secretary may enter into a written memorandum of understanding or contract, whichever may be appropriate, with an administrative agency charged with the administration of a similar program operated pursuant to the laws of any State.

(c) No Member of, or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of any contract provided for in this section or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such contract if made with a corporation for its general benefit, and shall not extend to any benefits that may accrue from the contract to a Member of, or Delegate to Congress, or a Resident Commissioner in his capacity as a fisherman.

MISCELLANEOUS

§ 170.86 Approved identification—(a) Grade marks. The approved grade mark or identification may be used on containers, labels or otherwise indicated for any processed product that (1) has been packed under continuous inspection as provided in this part to assure compliance with the requirements for wholesomeness established for the raw product and of sanitation established for the preparation and processing operations, and (2) has been certified by an inspector as meeting the requirements of such grade, quality or classification. The grade marks approved for use shall be similar in form and design to the examples in Figures 1 through 4 of this section.



Shield using red, white, and blue background or other colors appropriate for label.

FIGURE 1.



Shield with plain background.

FIGURE 2.



FIGURE 3.



FIGURE 4.

(b) Inspection marks. The approved inspection marks may be used on containers, labels or otherwise indicated for

any processed product that (1) has been packed under continuous inspection as provided in this part to assure compliance with the requirements for wholesomeness established for the raw product and of sanitation established for the preparation and processing operations, and (2) has been certified by an inspector as meeting the requirements of such quality or grade classification as may be approved by the Secretary. The inspection marks approved for use shall be similar in form and design to the examples in Figures 5, 6, and 7 of this section.



Statement enclosed within a shield.

FIGURE 5.

(c) *Combined grade and inspection marks.* The grade marks set forth in paragraph (a) of this section and the inspection marks set forth in paragraph (b) of this section may be combined into a consolidated grade and inspection mark for use on processed products that have been packed under continuous inspection as provided in this part,

PACKED UNDER  
CONTINUOUS  
INSPECTION  
OF THE  
U. S. DEPT. OF  
THE INTERIOR

Statements without the use of the shield.

FIGURE 6.

(d) *Products not eligible for approved identification.* Processed products which have not been packed under continuous inspection as provided in this part shall not be identified by approved grade or inspection marks, but such products may be inspected on a lot inspection basis as provided in this part and identified by an authorized representative of the Department by stamping the shipping cases and inspection certificate(s) covering such lot(s) with an officially drawn sample mark similar in form and design to the example in Figure 8 of this section.



FIGURE 8.

§ 170.87 *Fraud or misrepresentation.* Any or all benefits of the act may be denied any person committing wilful misrepresentation or any deceptive or fraudulent practice in connection with:

(a) The making or filing of an application for any inspection service;

(b) The submission of samples for inspection;

(c) The use of any inspection report or any inspection certificate, or appeal inspection certificate issued under the regulations in this part;

(d) The use of the words "Packed under continuous inspection of the U. S. Department of the Interior," any legend signifying that the product has been officially inspected, any statement of grade or words of similar import in the labeling or advertising of any processed product;

(e) The use of a facsimile form which simulates in whole or in part any official U. S. certificate for the purpose of purporting to evidence the U. S. grade of any processed product; or

(f) Any wilful violation of the regulations in this part or supplementary rules or instructions issued by the Secretary.

§ 170.88 *Political activity.* All inspectors and licensed samplers are forbidden, during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any meas-

ure to be voted upon, are prohibited. This applies to all appointees or licensees, including, but not limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Wilful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 170.89 *Interfering with an inspector or licensed sampler.* Any further benefits of the act may be denied any applicant or other interested party who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, assault, or in any other manner, an inspector or licensed sampler in the performance of his duties.

§ 170.90 *Compliance with other laws.* None of the requirements in the regulations in this part shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to the operation of food processing establishments and to processed food products.

§ 170.91 *Identification.* Each inspector and licensed sampler shall have in his possession at all times and present upon request, while on duty, the means of identification furnished by the Department to such person.

REQUIREMENTS FOR PLANTS OPERATING UNDER CONTINUOUS INSPECTION ON A CONTRACT BASIS\*

§ 170.97 *Plant survey.* (a) Prior to the inauguration of continuous inspection service on a contract basis, the Secretary will make, or cause to be made, a survey and inspection of the plant where such service is to be performed to determine whether the plant and methods of operation are suitable and adequate for the performance of such services in accordance with:

(1) The regulations in this part, including, but not limited to, the requirements contained in §§ 170.97 through 170.103; and

(2) The terms and provisions of the contract pursuant to which the service is to be performed.

§ 170.98 *Premises.* The premises of the plant shall be free from conditions objectionable to food processing operations; and such conditions include, but are not limited to, the following:

(a) Strong offensive odors;

(b) Litter, waste, and refuse (e. g., garbage, viner refuse, and damaged containers) within the immediate vicinity of the plant buildings or structures;

(c) Excessively dusty roads, yards, or parking lots; and

(d) Poorly drained areas.

§ 170.99 *Buildings and structures.* The plant buildings and structures shall be properly constructed and maintained in a sanitary condition, including, but not being limited to, the following requirements:

(a) There shall be sufficient light (1) consistent with the use to which the particular portion of the building is devoted and (2) to permit efficient cleaning. Belts and tables on which picking, sorting, or trimming operations are carried on shall be provided with sufficient nonglaring light to insure adequacy of the respective operation.

(b) If practicable, there shall be sufficient ventilation in each room and compartment thereof to prevent excessive condensation of moisture and to insure sanitary and suitable processing and operating conditions. If such ventilation does not prevent excessive condensation, the Secretary may require that suitable facilities be provided to prevent the condensate from coming in contact with equipment used in processing operations and with any ingredient used in the manufacture or production of a processed product.

(c) There shall be an efficient waste disposal and plumbing system. All drains and gutters shall be properly installed with approved traps and vents, and shall be maintained in good repair and in proper working order.

(d) There shall be ample supply of both hot and cold water; and the water shall be of safe and sanitary quality with adequate facilities for its (1) distribution throughout the plant, and (2) protection against contamination and pollution.

\* Compliance with the above requirements does not excuse failure to comply with all applicable sanitary rules and regulations of city, county, State, Federal, or other agencies having jurisdiction over such plants and operations.

(e) Roofs shall be weather-tight. The walls, ceilings, partitions, posts, doors, and other parts of all buildings and structures shall be of such materials, construction, and finish as to permit their efficient and thorough cleaning. The floors shall be constructed of tile, cement, or other equally impervious material, shall have good surface drainage, and shall be free from openings or rough surfaces which would interfere with maintaining the floors in a clean condition.

(f) Each room and each compartment in which any processed products are handled, processed, or stored (1) shall be so designed and constructed as to insure processing and operating conditions of a clean and orderly character; (2) shall be free from objectionable odors and vapors; and (3) shall be maintained in a clean and sanitary condition.

(g) Every practical precaution shall be taken to exclude dogs, cats, and vermin (including, but not being limited to, rodents and insects) from the rooms in which processed products are being prepared or handled and from any rooms in which ingredients (including, but not being limited to, salt, sugar, spices, flour, syrup, and fishery products) are handled or stored. Screens, or other devices, adequate to prevent the passage of insects shall, where practical, be provided for all outside doors and openings. The use of poisonous cleansing agents, insecticides, bactericides, or rodent poisons shall not be permitted except under such precautions and restrictions as will prevent any possibility of their contamination of the processed product.

§ 170.100 *Facilities*. Each plant shall be equipped with adequate sanitary facilities and accommodations, including, but not being limited to, the following:

(a) There shall be a sufficient number of adequately lighted toilet rooms, ample in size, and conveniently located. Such rooms shall not open directly into rooms or compartments in which processed products are being manufactured or produced, or handled. Toilet rooms shall be adequately screened and equipped with self-closing doors and shall have independent outside ventilation.

(b) Lavatory accommodations (including, but not being limited to, running water, single service towels, and soap) shall be placed at such locations in or near toilet rooms and in the manufacturing or processing rooms or compartments as may be necessary to assure the cleanliness of each person handling ingredients used in the manufacture or production of processed products.

(c) Containers intended for use as containers for processed products shall not be used for any other purpose.

(d) No product or material which creates an objectionable condition shall be processed, handled, or stored in any room, compartment, or place where any processed product is manufactured, processed, or handled.

(e) Suitable facilities for cleaning (e. g., brooms, brushes, mops, clean cloths, hose, nozzles, soaps, detergent, sprayers, and steam pressure hose and guns) shall be provided at convenient locations throughout the plant.

§ 170.101 *Equipment*. All equipment used for receiving, washing, segregating, picking, processing, packaging, or storing any processed products or any ingredients used in the manufacture or production thereof, shall be of such design, material, and construction as will:

(a) Enable the examination, segregation, preparation, packaging and other processing operations applicable to processed products, in an efficient, clean, and sanitary manner, and

(b) Permit easy access to all parts to insure thorough cleaning and effective bactericidal treatment. Insofar as is practicable, all such equipment shall be made of corrosion-resistant material that will not adversely affect the processed product by chemical action or physical contact. Such equipment shall be kept in good repair and sanitary condition.

§ 170.102 *Operations and operating procedures*. (a) All operations in the receiving, transporting, holding, segregating, preparing, processing, packaging and storing of processed products and ingredients, used as aforesaid, shall be strictly in accord with clean and sanitary methods and shall be conducted as rapidly as practicable and at temperatures that will not tend to cause (1) any material increase in bacterial or other micro-organic content, or (2) any deterioration or contamination of such processed products or ingredients thereof. Mechanical adjustments or practices which may cause contamination of foods by oil, dust, paint, scale, fumes, grinding materials, decomposed food, filth, chemicals, or other foreign materials shall not be conducted during any manufacturing or processing operation.

(b) All processed products and ingredients thereof shall be subjected to continuous inspection throughout each manufacturing or processing operation. All processed products which are not manufactured or prepared in accordance with the requirements contained in §§ 170.97 through 170.103 or are not fit for human food shall be removed and seg-

regated prior to any further processing operation.

(c) All ingredients used in the manufacture or processing of any processed product shall be clean and fit for human food.

(d) The methods and procedures employed in the receiving, segregating, handling, transporting, and processing of ingredients in the plant shall be adequate to result in a satisfactory processed product. Such methods and procedures include, but are not limited to, the following requirements:

(1) Containers, utensils, pans, and buckets used for the storage or transporting of partially processed food ingredients shall not be nested unless re-washed before each use;

(2) Containers which are used for holding partially processed food ingredients shall not be stacked in such manner as to permit contamination of the partially processed food ingredients;

(3) Packages or containers for processed products shall be clean when being filled with such products; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such products. If, to assure a satisfactory finished product, changes in methods and procedures are required by the Secretary, such changes shall be effectuated as soon as practicable.

§ 170.103 *Personnel; health*. In addition to such other requirements as may be prescribed by the Secretary with respect to persons in any room or compartment where exposed ingredients are prepared, processed, or otherwise handled, the following shall be complied with:

(a) No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted;

(b) Infections or cuts shall be covered with rubber gloves or other suitable covering;

(c) Clean, suitable clothing shall be worn;

(d) Hands shall be washed immediately prior to starting work and each resumption of work after each absence from the work station;

(e) Spitting, and the use of tobacco are prohibited; and

(f) All necessary precautions shall be taken to prevent the contamination of processed products and ingredients thereof with any foreign substance (including, but not being limited to, perspiration, hair, cosmetics, and medications).



Department of Labor

WAGE AND HOUR DIVISION

AMERICAN SAMOA MINIMUM WAGE  
ORDER INCLUDES WAGE RATES FOR

## FISH CANNING AND PROCESSING INDUSTRY:

In accordance with an investigation and a hearing conducted by a special industry committee and its recommendations, the Department of Labor published minimum

wage rates to be paid to employees in America Samoa, who are engaged in commerce or in the production of goods in commerce. Included are minimum

wage rates for the fish canning and processing industry in American Samoa. The order as it appeared in the June 6, 1958, Federal Register follows:

**TITLE 29—LABOR**

**Chapter V—Wage and Hour Division, Department of Labor**

**PART 697—INDUSTRIES IN AMERICAN SAMOA, MINIMUM WAGE ORDER**

Pursuant to section 5 of the Fair Labor Standards Act, of 1938, as amended (52 Stat. 1062, as amended; 29 U. S. C. 205), the Secretary of Labor by Administrative Order No. 502 (23 F. R. 1604), appointed, convened, and gave notice of the hearing of Special Industry Committee No. 2 for American Samoa to recommend the minimum wage rate or rates to be paid under section 6 (a) (3) of that act (70 Stat. 1118, 29 U. S. C., Supp. V, 206 (a) (3)) to employees in American Samoa, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Acting Administrator a report containing its findings with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended, (52 Stat. 1064, as amended; 29 U. S. C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614) of the Secretary of Labor, the recommendations of the Committee are published in this order amending Part 697 of Title 29 of the Code of Federal Regulations, effective June 21, 1958, to read as follows:

- Sec.
- 697.1 Definitions of Industries in American Samoa.
- 697.2 Wage rates.
- 697.3 Notices.

**AUTHORITY:** §§ 697.1 to 697.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C.

208. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U. S. C. 205, 206.

§ 697.1 *Definitions of the industries in American Samoa.* The industries in American Samoa to which this part shall apply are hereby defined as follows:

(a) *Fish canning and processing industry.* This industry shall include the canning, freezing, preserving or other processing of any kind of fish, shellfish, or other aquatic forms of animal life and the manufacture of any by-product thereof.

(b) *Shipping and transportation industry.* This industry shall include the transportation of passengers and cargo by water or by air, and all activities in connection therewith, including, but not by way of limitation, the operation of air terminals, piers, wharves and docks, including stevedoring, storage, and lighterage operations, and the operation of tourist bureaus and travel ticket agencies: *Provided, however,* That this definition shall not include bunkering of petroleum products.

(c) *Petroleum marketing industry.* This industry shall include the wholesale marketing and distribution of gasoline, kerosene, lubricating oils, diesel and marine fuels, and other petroleum products, including bunkering operations in connection therewith, and repair and maintenance of storage facilities.

(d) *Miscellaneous industries.* Miscellaneous industries shall include all operations and activities not included in the shipping and transportation industry, the petroleum marketing industry, or the fish canning and processing industry, as defined herein.

§ 697.2 *Wage rates.* (a) Wages at a rate of not less than 52 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, by every

employer to each of his employees in the fish canning and processing industry in American Samoa, who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 50 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, by every employer to each of his employees in the shipping and transportation industry in American Samoa, who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 52 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, by every employer to each of his employees in the petroleum marketing industry in American Samoa, who is engaged in commerce or in the production of goods for commerce.

(d) Wages at a rate of not less than 38 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, by every employer to each of his employees in the miscellaneous industries in American Samoa, who is engaged in commerce or in the production of goods for commerce.

§ 697.3 *Notices.* Every employer subject to the provisions of § 697.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 697.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 2d day of June 1958.

CLARENCE T. LUNDQUIST,  
Acting Administrator.

**Eighty-Fifth Congress  
(Second Session)**

Public bills and resolutions which may directly or indirectly affect the fisheries and allied industries are reported upon. Introduction, referral to committees, pertinent legislative actions, hearings, and other chamber actions by the House and Senate, as well as signature into law or other final disposition are covered.



**ALASKA STATEHOOD:** H. R. 7999, providing for the admission of Alaska into the Union as a state, was passed by the House May 28, 1958. The bill as passed contains the proviso: "Provided, that the administration and management of the fish and wildlife resources of Alaska shall be retained by the Federal Government under existing laws until the first day of the first calendar year following the expiration of 90 legislative days after the Secretary of the Interior certifies to the Congress that the Alaska State Legislature has made adequate provision for the administration, management, and conservation of said resources in the broad national interest." In the Senate the bill was placed on the calendar on May 29, 1958.

**ANTIDUMPING ACT OF 1921:** H. R. 6006 (Cooper) a bill to amend the Antidumping Act of 1921,

and for other purposes, introduced in the First Session of the 85th Congress and passed by the House on August 29, 1957, was reported (S. Rept. 1619) on May 21, 1958, by the Senate Committee on Finance. The bill passed the Senate with committee amendments on May 26, 1958, and was returned to the House.

Senate Report No. 1619, Antidumping Act, 1921, (May 21, 1958, 85th Congress, 2nd Session, Report of the Committee on Finance to accompany H. R. 6006), 18 pp., printed. The Report by the Senate Committee presents the purpose, principal features, analysis, and a section-by-section explanation of the bill, as well as changes in existing law. Principal features of H. R. 6006 are as follows: (1) Assessment of dumping duties: Assessment of dumping duties is provided for in the present law if there are (a) sales at less than fair value of imported merchandise and (b) injury to an industry in the United States resulting therefrom. Due to the wording of section 205 of the present law defining "foreign market value" and to Treasury rulings and court decisions construing this wording, it is possible for situations to arise where sales at less than fair value and injury are found, but where no duties can be collected. The bill would revise this wording and is thus designed to put an end to this anomalous situation which can presently arise. (2) Definitions: The new definitions of certain terms enacted in the Customs Simplification Act of 1956 (Public Law 927, 84th Cong.) would be incorporated into the Antidumping Act by the bill, with occasional modifications necessitated by the differences between the process of valuation for ordinary duties and the calculation of dumping duties. Customs officials would thereby be enabled in large measure to apply a similar set of definitions both in the calculation of ordinary duties and of dumping duties. (3) Public notice and reports: Provision is made in the bill for mandatory public notice when there is reason to believe or suspect sales of imported merchandise at a dumping price, and mandatory public notice by the Treasury Department and the Tariff Commission of their decisions in dumping cases, whether affirmative or negative, with reasons therefor.

**CHEMICAL ADDITIVES IN FOOD:** Food Additives (Hearings before a Subcommittee of the Committee on Interstate and Foreign Commerce, House of Representatives, 85th Congress, on Bills to Amend the Federal Food, Drug, and Cosmetic Act with Respect to Chemical Additives in Food, July 15-24 and August 6-7, 1958, and April 15, 1958, 533 pp., printed). Includes texts of H. R. 366 (O'Hara), H. R. 6747 (Harris), H. R. 7700 (Fulton), H. R. 7798 (Delaney), H. R. 8112 (Miller, Nebraska), H. R. 8390 (Harris), and H. R. 10404 (Williams of Miss.), all related bills on chemical additives to food. Also contains an analysis of the principal features of the chemical additives bills and testimony and statements submitted for the record by government officials, numerous associations and industrial firms, and individuals (See *Commercial Fisheries Review*, March 1958, p. 63 for additional information on these bills.)

**EXEMPT TRUCK USE TO BE LIMITED:** S. 3778 (Smathers) introduced in the Senate on May 8, 1958, a bill to amend the Interstate Commerce Act, as amended, so as to strengthen and improve the na-

tional transportation system, and for other purposes; to the Committee on Interstate and Foreign Commerce. This bill labeled "Transportation Act of 1958" is a committee bill and designed primarily to aid the railroads, but contains some provisions that would curtail the use of exempt trucks for the transportation of fishery products. The bill would exclude from the fishery exemption of the Motor Carrier Law all frozen imported fishery and agricultural products and would also exclude some processed fishery products from the exempt list. This bill was reported favorably to the Senate on June 3, 1958, by the Committee on Interstate and Foreign Commerce (S. Rept. 1647). Similar bills introduced in the House: H. R. 12671 (Michel), May 23, 1958; and H. R. 12832 (Harris), June 5, 1958.

Senate passed on June 11 with amendments S. 3778, after taking the following actions on amendments: Adopted: All committee amendments en bloc, which were thereafter considered as original text for purposes of further amendment; Rejected: Beall amendment to exempt from certain economic regulation frozen fruits and vegetables. As passed the bill exempts "cooked or uncooked (including breaded) fish or shellfish, when frozen or fresh." On a question from Senator Kennedy on the Senate floor: "Is it the interpretation of the Senator from Florida that the bill attempts to exempt such frozen fisheries products as cod fish cakes, deviled crab, fish with sauce, fish dinners, and similar sea food products, even though they are shown as 'not exempt' in ICC ruling No. 107?" Senator Smathers replied: "The answer to that question is in the affirmative, 'Yes.' It was our intention that the items be exempt . . . . As best we could we made reference to these subjects in the report and in the colloquy on the floor. I am very happy to say 'Yes,' it is our understanding such products would be exempt under the provisions of the bill." As indicated in further discussion on the Senate floor seafoods which are preserved, such as canned or smoked fish, for example, are not exempt, but fresh or frozen seafoods which are perishable are exempt. Further, such items as imperial crab, crab cakes, hard shell crabs, fish with sauce or prepared for food, or fish frozen and shipped ready for serving are in the exempt status.

House Committee on Interstate and Foreign Commerce in executive session on June 12 ordered favorably reported to the House H. R. 12832 (amended), to amend the Interstate Commerce Act so as to strengthen and improve the national transportation system. (H. Rept. 1922). This bill exempts from I. C. C. Regulation all fish or shellfish, and fresh or frozen products thereof containing seafood as the basic ingredient, whether breaded, cooked or otherwise prepared (but not including fish and shellfish which have been treated for preserving, such as canned, smoked, salted, pickled, spiced, corned or kippered products).

Senate Report No. 1647, Transportation Act of 1958, 85th Congress, 2nd Session, Report of the Committee on Interstate and Foreign Commerce on S. 3778 together with individual views, 37 pp., printed. As amended by the Committee, S. 3778 to amend the Interstate Commerce Act, as amended, so as to strengthen and improve the national transportation system, and for other purposes, recog-

nizes that the seafood industry is due an additional measure of relief from regulation in the transportation of some of its products under section 203 (b) (6). The amendment suggested is not intended to include within the exemption fish and shellfish which have been treated for preserving, such as canned, smoked, salted, pickled, spiced, corned, or kippered products. The committee's changes are reflected in the following:

Clause (6) of subsection (b) of section 203 of the Interstate Commerce Act, as amended, is amended by striking out the semicolon at the end thereof and inserting in lieu thereof a colon and the following:

"Provided, That the words 'property consisting of ordinary livestock, fish (including shellfish), or agricultural (including horticultural) commodities (not including manufactured products thereof)' as used herein shall include property shown as 'Exempt' in the 'Commodity List' incorporated in ruling numbered 107, March 19, 1958, Bureau of Motor Carriers, Interstate Commerce Commission, but shall not include property shown therein as 'Not exempt': Provided further, however, That notwithstanding the preceding proviso the words 'property consisting of ordinary livestock, fish (including shellfish), or agricultural (including horticultural) commodities (not including manufactured products thereof)' shall not be deemed to include frozen fruits, frozen berries, or frozen vegetables and shall be deemed to include cooked or uncooked (including breaded) fish or shellfish, when frozen or fresh."

The report contains the full Committee's adoption of the subcommittee report with amendments and discusses the changes in the subcommittee report made by the full Committee; points out that the full Committee adopted Senate Resolution 303, as recommended by the subcommittee, to provide for a study of basic long-range transportation problems in the public interest; and presents agency comments. Also gives the report of the subcommittee on surface transportation, individual views, and changes in existing law. The change effecting the exemption of certain fishery products under section 203 (b) (6) is as follows:

(6) motor vehicles used in carrying property consisting of ordinary livestock, fish (including shellfish), or agricultural (including horticultural) commodities (not including manufactured products thereof), if such motor vehicles are not used in carrying any other property, or passengers, for compensation: Provided, That the words "property consisting of ordinary livestock, fish (including shellfish), or agricultural (including horticultural) commodities (not including manufactured products thereof)" as used herein shall include property shown as "Exempt" in the "Commodity List" incorporated in ruling numbered 107, March 19, 1958, Bureau of Motor Carriers, Interstate Commerce Commission, but shall not include property shown therein as "Not exempt": Provided further, however, That notwithstanding the preceding proviso the words "property consisting of ordinary livestock, fish (including shellfish), or agricultural (including horticultural) commodities (not including manufactured products thereof)" shall not be deemed to include frozen fruits, frozen berries, or frozen vegetables and shall be deemed to include cooked or uncooked (including breaded) fish or shellfish, when frozen or fresh.

**FISHERIES ASSISTANCE ACT OF 1958:** House Committee on Merchant Marine and Fisheries on June 10 held hearing on H. R. 10529, and identical bills, to provide a 5-year program of assistance to enable depressed segments of the fishing industry to regain a favorable economic status.

**FISHERMEN'S COOPERATIVE ASSOCIATION BANK:** H. R. 12584 (Lane) introduced in the House May 20, 1958, a bill to provide credit facilities for the use of fishermen's cooperative associations through the establishment of a Bank for Fishermen's Cooperative Associations, and for other purposes; to the Committee on Merchant Marine and Fisheries (see Commercial Fisheries Review, June 1958, p. 82, for H. R. 2466 (Tollefson), the original bill on this subject). Both bills provide for a \$10 million revolving fund to be administered by a Board of Directors to be headed by the Secretary of the Interior.

**INSECTICIDES STUDY OF EFFECT UPON FISH AND WILDLIFE:** S. 2447 (Magnuson) passed by the Senate on May 29, 1958. The title of the bill was amended to read as follows: a bill to authorize and direct the Secretary of the Interior to undertake continuing studies of effects of insecticides, herbicides, and fungicides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following application of these materials, and to provide basic data on the various chemical controls so that forests, crops, wetlands, rangelands, and other lands can be sprayed with minimum losses to fish and wildlife.

**INTERIOR DEPARTMENT APPROPRIATIONS:** The Conference Report (H. Rept. No. 1757) on H. R. 10746 was approved by the House on May 22 and by the Senate on May 26, 1958, and the bill was cleared for and signed by the President on June 4, 1958 (Public Law 85-439).

Public Law 85-439, 85th Congress, H. R. 10746, June 4, 1958: An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1959, and for other purposes. The appropriations as they apply to U. S. Fish and Wildlife Service are as follows:

#### FISH AND WILDLIFE SERVICE

##### OFFICE OF THE COMMISSIONER OF FISH AND WILDLIFE

##### Salaries and Expenses

For necessary expenses of the Office of the Commissioner, \$307,800.

##### BUREAU OF SPORT FISHERIES AND WILDLIFE

##### Management and Investigations of Resources

For expenses necessary for scientific and economic studies, conservation, management, investigation, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; operation of the industrial properties within the Crab Orchard National Wildlife Refuge (61 Stat. 770); maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; purchase or rent of land, and functions related to wildlife management in California (16 U. S. C. 695-695c); and leasing and management of lands for the protection of the Florida Key deer; \$11,816,000; and, in addition, there are appropriated amounts equal to 12½ per centum of the proceeds covered into the Treasury during the next preceding fiscal year from the sale of sealskins and other products, for management and investigations of the sport fishery and wildlife resources of Alaska, including construction.

##### Construction

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein, \$3,929,350, to remain available until expended.

## General Administrative Expenses

For expenses necessary for general administration of the Bureau of Sport Fisheries and Wildlife, including such expenses in the regional offices, \$714,100.

## BUREAU OF COMMERCIAL FISHERIES

## Management and Investigations of Resources

For expenses necessary for scientific and economic studies, conservation, management, investigation, protection, and utilization of commercial fishery resources, including whales, sea lions, and related aquatic plants and products; collection, compilation, and publication of information concerning such resources; promotion of education and training of fishery personnel; and the performance of other functions related thereto, as authorized by law; \$5,866,000; and, in addition, there are appropriated amounts equal to 12½ per centum of the proceeds covered into the Treasury during the next preceding fiscal year from the sale of sealskins and other products, for management and investigations of the commercial fishery resources of Alaska, including construction.

## Construction

For construction and acquisition of buildings and other facilities required for the conservation, management, investigation, protection, and utilization of commercial fishery resources and the acquisition of lands and interests therein, \$500,000, to remain available until expended.

## Limitation on Administrative Expenses, Fisheries Loan Fund

During the current fiscal year not to exceed \$313,000 of the fisheries loan fund shall be available for expenses of administering such fund.

## General Administrative Expenses

For expenses necessary for general administration of the Bureau of Commercial Fisheries, including such expenses in the regional offices, \$175,000.

## Administration of Pribilof Islands

58 Stat. 100. For carrying out the provisions of the Act of February 26, 1944, as amended (16 U. S. C. 631a-631q), there are appropriated amounts equal to 60 per centum of the proceeds covered into the Treasury during the next preceding fiscal year from the sale of sealskins and other products, to remain available for expenditure during the current and next succeeding fiscal years.

72 Stat. 163.

## ADMINISTRATIVE PROVISIONS

34 Stat. 690. Appropriations and funds available to the Fish and Wildlife Service shall be available for purchase of not to exceed ninety-six passenger motor vehicles for replacement only; purchase of not to exceed nine aircraft for replacement only; not to exceed \$30,000 for payment, in the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Fish and Wildlife Service; publication and distribution of bulletins as authorized by law (7 U. S. C. 417); rations or commutation of rations for officers and crews of vessels at rates not to exceed \$3 per man per day; repair of damage to public roads within and adjacent to reservation areas caused by operations of the Fish and Wildlife Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are not inconsistent with their primary purposes; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources.

(See Commercial Fisheries Review, April 1958, pp. 83-84 for other actions on H. R. 10746.)

INTERNATIONAL GEOPHYSICAL YEAR: National Science Foundation (Hearings before the Subcommittee of the Committee on Appropriations, House of Representatives, Eighty-Fifth Congress, 2nd Session, Review of the first eleven months of the International Geophysical Year), 193 pp., printed. Contains, among other reports, one on the status of the oceanography program.

LOAN FUND FOR FISHERIES: S. 3295 (Magnuson and Payne), a bill to amend the Fish and Wildlife Act of 1956 in order to increase the authorization for the fisheries loan fund established under such act. Passed by the Senate on May 29, 1958, without amendment. The bill as passed provides that subsection (c) of section 4 of the Fish and Wildlife Act of 1956 (70 Stat. 1121) is amended by striking out \$10 million and inserting \$20 million. S. 3295 is a new bill substituted for S. 2720 which was introduced in the first session of the 85th Congress (see Commercial Fisheries Review, April 1958, p. 84 and May 1958, p. 79, for additional details on S. 3295).

MARKETING FACILITIES IMPROVEMENT ACT: S. 3883 (Humphrey) introduced in the Senate on May 22, 1958, a bill to encourage the improvement and development of marketing facilities for handling perishable agricultural commodities; to the Committee on Agriculture and Forestry. S. 3883 is a companion bill to H. R. 4504 (Cooley) introduced in the first session of the 85th Congress. Seafoods are included under the definition of perishable agricultural commodities (See Commercial Fisheries Review, April 1958, p. 79, for additional information).

SHIP MORTGAGE INSURANCE PLEDGE-OF-FAITH CLAUSE: H. R. 12739 (Bonner), a bill to amend section 1105 (b) of title XI (Federal Ship Mortgage Insurance) of the Merchant Marine Act of 1936, as amended, to implement the pledge-of-faith clause, introduced in the House on May 29; to the Committee on Merchant Marine and Fisheries.

S. 3939 (Magnuson), introduced in the Senate on June 4; S. 3919 (Magnuson), introduced in the Senate May 28; both similar to H. R. 12739 and referred to the Committee on Interstate and Foreign Commerce.

House Committee on Merchant Marine and Fisheries held hearing and also met in executive session on June 9 but took no final action on H. R. 12739 to amend title XI (Federal Ship Mortgage Insurance) of the Merchant Marine Act, 1936, to implement the pledge-of-faith clause.

SMALL BUSINESS EQUITY AND LONG-TERM CAPITAL LOANS: H. R. 12699 (Christopher) introduced in the House on May 27, 1958, a bill to make equity capital and long-term credit more readily available for small business concerns; to the Committee on Banking and Currency. Similar to nine or more bills previously introduced (See Commercial Fisheries Review, June 1958, p. 83, for other bills on this subject).

SMALL BUSINESS INVESTMENT ADMINISTRATION ACT: Senate passed on June 9 with amendment S. 3651, Small Business Investment Administration Act of 1958. Provides for a Small Business Investment Division in the Small Business Administration, small business investment companies to provide a source of needed equity capital for small business concerns, and other things. Sets up a \$250,000,000 revolving fund for the Administration to (1) purchase the subordinated debentures of small business investment companies; (2) make loans to small business investment companies; (3) make loans to State and local development companies. Reported in Senate on June 4 by the Committee on Banking and Currency (S. Rept. 1652).

Senate Report No. 1652, Small Business Investment Act of 1958 (June 4, 1958, 85th Congress, 2nd Session, Report of the Committee on Banking and Currency together with individual views to accompany S. 3651), 33 pp., printed. Contains legislative history, purpose of the bill, need for legislation, foreign experience, domestic precedents, explanation of the bill, sectional analysis of the bill, individual views of several Senators, and changes in existing law.

SMALL-BUSINESS FINANCING: Problems of Small Business Financing (Hearings before the

Select Committee on Small Business, House of Representatives, 85th Congress, 2nd Session, pursuant to H. Res. 56, a resolution creating a Select Committee to conduct a study and investigation of the problems of small business. Part II, April 16, 17, and 28, 1958), 194 pp., printed. Contains data submitted to the Select Committee by the Small Business Administration, Federal Reserve System, trade associations, consultants, and industrial economic researchers.

**STARFISH ERADICATION EMERGENCY PROGRAM:** H. R. 12554 (Fogarty) introduced in the House on May 19, 1958, a bill to provide that the Secretary of the Interior shall develop and carry out an emergency program for the eradication of starfish in Long Island Sound and adjacent waters; to the Committee on Merchant Marine and Fisheries; also, H. R. 12666 (Forand) introduced in House on May 23, 1958. Both bills are similar to three other House bills and one Senate bill previously introduced (see Commercial Fisheries Review, June 1958, p. 83, for additional information on these bills).

**STATE DEPARTMENT APPROPRIATIONS:** H. R. 12428 (Rooney), a bill making appropriations for the Departments of State, Justice, and Judiciary, and related agencies for the fiscal year ending June 30, 1959, and for other purposes. Passed the House on May 15, 1958. The bill as passed includes the sum of \$1,644,900 for the use of International Fisheries Commissions. This is \$15,100 below the budget estimate and \$35,100 below the amount appropriated for fiscal year 1958. The appropriations as approved by the House for International Fisheries Commissions are as follows: International Pacific Halibut Commission, \$111,000; International Pacific Salmon Fisheries Commission, \$233,000; Inter-American Tropical Tuna Commission, \$363,000; International Commission for the Northwest Atlantic Fisheries, \$5,250; International Whaling Commission, \$600; International North Pacific Fisheries Commission, \$17,650; Great Lakes Fishery Commission, \$900,000; and Expenses of U. S. Commissioners, \$14,400.

Senate Committee on Appropriations in executive session on June 9 ordered favorably reported with amendments, H. R. 12428, fiscal 1959 appropriations for the Departments of State and Justice, and the Judiciary. Includes funds for international fisheries commissions. Passed by the Senate June 11 and sent to conference. For the international fisheries commissions the Senate approved the same funds previously approved by the House (See Commercial Fisheries Review, June 1958, pp. 83-84 for further details on H. R. 12428).

**Departments of State, Justice, the Judiciary, and Related Agencies Appropriations, 1959** (Hearings before the Subcommittee of the Committee on Appropriations, United States Senate, Eighty-Fifth Congress, 2nd Session, on H. R. 12428, making appropriations for the Departments of State and Justice, the Judiciary, and related agencies for the fiscal year ending June 30, 1959), 804 pp., printed. Contains the statements, testimony, and other facts regarding the appropriations to the Departments mentioned, including funds for the International Fisheries Commissions.

**TRADE AGREEMENTS ACT EXTENSION:** Bills to extend the authority of the President to enter

into trade agreements under section 350 of the Tariff Act of 1930, as amended, and for other purposes; and all referred to the House Committee on Ways and Means. In addition to the 14 or more bills previously announced (see Commercial Fisheries Review, March 1958, p. 65, April 1958, p. 84, and May 1958, p. 79), the following bills have been introduced: May 14, 1958: H. R. 12522 (Moore), H. R. 12562 (Withrow), H. R. 12529 (Henderson), H. R. 12530 (Mack of Washington), H. R. 12532 (Utt); May 15, 1958: H. R. 12546 (Cederburg), H. R. 12553 (Berry); May 21: H. R. 12591 (Mills) and H. R. 12610 (Fisher); May 26, 1958: H. R. 12676 (Simpson), H. R. 12680 (Dorn of S. C.), H. R. 12683 (Bailey), H. R. 12686 (Davis of Georgia), and H. R. 12688 (Moore). May 27, 1958: H. R. 12703 (Henderson). The various bills would extend the President's authority to enter into trade agreements for periods ranging from one to five years. The only bills which were debated or the subject of hearings were H. R. 10368 (Mills) which was the original bill that included the Administration's recommendations and the subject of extensive hearings, and H. R. 10591 (Mills) a substitute bill for H. R. 10368. As a result of the hearings and in order to meet some of the objections raised to H. R. 10368, the House Ways and Means Committee introduced a "clean bill" H. R. 12591 (Mills). This bill (introduced on May 21, 1958) was reported (H. Rept. No. 1761) on same day. On June 9, the House adopted H. Res. 578, closed rule with eight hours of debate for consideration of H. R. 12591. This bill was passed, with amendments, on June 11, 1958, by the House and sent to the Senate. In course of the passage of the bill in the House, a substitute bill, H. R. 12676 (Simpson) was rejected. H. R. 12591 as passed by the House would provide for the following: Extend the authority of the President to enter into reciprocal trade agreements for five years--to June 30, 1963. Pursuant to such agreements the President would be able to reduce tariff rates existing on July 1, 1958 as follows: (a) by 25 percent, with no yearly reduction exceeding 10 percent of the duty rate; (b) by 2 percentage points ad valorem, without any yearly reduction exceeding 1 percentage point; or (c) to 50 percent ad valorem if an existing rate of duty is in excess of that amount, with no more than one-third of the total reduction occurring in any one year. With the approval of the Administration, the Committee recommended nine provisions that are designed to restrict the President's authority in the trade agreements program. Chief of these would amend the "escape clause" procedure to provide that in cases in which the President has disapproved the recommendations of the Tariff Commission for tariff relief for a domestic industry, the President's action may be overturned by a two-thirds vote of both houses of Congress in a concurrent resolution. Other restrictive amendments would: (a) increase the time for "peril point" investigations, which precede trade agreement negotiations, from 120 days to six months; (b) decrease the time in which the Tariff Commission must conclude escape clause investigations from nine months to six months; (c) authorize the Tariff Commission to recommend and the President to impose a rate of duty on an item on the free list which has been bound in a trade agreement; and (d) make it possible for organizations or groups of employees to file an application for escape clause investigation.

House Document No. 384, Second Annual Report on the Trade Agreements Program (May 19, 1958,

85th Congress, 2nd Session, Message from the President of the United States transmitting the Second Annual Report on the operation of the Trade Agreements Program, pursuant to Section 350 (3) (i) of the Tariff Act of 1930 as amended by Section 3 (d) of the Trade Agreements Extension Act of 1955, referred to the Committee on Ways and Means, 55 pp., printed. Discusses general trade policy developments, United States foreign trade during 1957, special trade policy developments, the Trade Agreements Program and regional integration, and the administration of the program. Appendix A reports on the relaxation of quantitative restrictions against imports from the dollar area, and Appendix B is the report to the Secretary of State by the Chairman of the United States Delegation to the Twelfth Session of the General Agreement on Tariffs and Trade.

H. Rept. No. 1761, Trade Agreements Extension Act of 1958 (Report of the Committee on Ways and Means, House of Representatives, 85th Congress, 2nd Session, to accompany H. R. 12591, a bill to extend the authority of the President to enter into trade agreements under section 350 of the Tariff Act of 1930, as amended and for other purposes), 135 pp., printed. Report gives principal features of H. R. 12591, an explanation of the provisions of the bill, and the history of the legislation. Also, a review of the need for extension of the President's authority to enter into trade agreements, a section-

by-section explanation of the bill, changes in existing law, minority views, and two appendixes.

UNEMPLOYMENT RELIEF IN DEPRESSED AREAS: S. 3683 (Douglas and others), a bill to establish an effective program to alleviate conditions of substantial and persistent unemployment and underemployment in certain economically depressed areas. Passed the Senate on May 13, 1958, without amendment. Bill provides for setting up an Area Redevelopment Administration under the Housing and Home Agency. The new agency would be headed by a Commissioner with an advisory board of 11 members from other government agencies. Any area in the United States with 6 to 15 percent unemployment for periods ranging 6 months to 24 months would be eligible for redevelopment aid. A sum not to exceed \$300 million would be used to carry out the purposes of Act and \$4.5 million is set aside for technical assistance to depressed areas (See Commercial Fisheries Review, June 1958, p. 84, for additional bills on this subject).

VESSEL PERSONNEL MEDICAL CARE: S. 3724 (Magnuson) introduced in the Senate on April 29, a bill to provide medical care of certain persons engaged on board a vessel in the care, preservation, or navigation of such vessel. Would also cover self-employed fishermen which are not now included in Section 2 (h) of the Public Health Service Act 42 U. S. C., sec. 201 (h)).



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P. 35--Basil L. Smith System, Philadelphia, Pa.; p. 37, figures 1a & 1b--Frank A. Bailey; pp. 37, figures 2 & 3, and 38--Bob Brigham, U. S. Fish and Wildlife Service, Bureau of Commercial Fisheries, Woods Hole, Mass.