

# FEDERAL LEGISLATION, DECISIONS, ORDERS, ETC.

## Department of the Interior

**ALASKA SHRIMP CLOSED SEASONS:** The following amendment to the Alaska fisheries regulations, signed by Oscar L. Chapman, Acting Secretary of the Interior, became effective on July 31, 1947:

Commercial fishing for shrimp is prohibited in the periods from February 1 to April 15, from July 15 to July 31, and from August 16 to September 30, all dates inclusive, in the waters of the Stikine District, the Eastern District east of the longitude of Cape Fanshaw, and in the Sumner Strait District north of the latitude and east of the longitude of Point Baker, Provided, That if by reason of the continuing abundance of shrimp in these waters in excess of spawning requirements an additional take may be made in the period from August 16 to September 30, the facts as to the existence of shrimp in such abundance, and the extent of the additional take that may be made in excess of spawning requirements, shall be obtained and recorded by the Director of the Fish and Wildlife Service, or such other person as may be designated by the Secretary of the Interior, and in accordance therewith the limits of the period or periods during which such an additional take may be made from August 16 to September 30 shall be announced by either of them, which announcement shall be final and reasonable notice thereof shall be made public in the Territory of Alaska. All waters of Duncan Canal are closed to shrimp fishing throughout the year.



## Department of Agriculture

**WFO-63--APPENDIX A, REVISED:** The following excerpt is taken from the revision of Appendix A to WFO-63, Part 1596--Food Imports, dated August 8, 1947:

### APPENDIX A--ITEMS SUBJECT TO WFO-63

The numbers listed after the following foods are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of Sept. 1, 1946). Foods are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control.

| Food   | Commerce Import<br>Class No. | Governing<br>Date |
|--|------------------------------|-------------------|
| Fatty acids, not specially provided for, derived from vegetable oils, animal or fish oils, animal fats and greases, not elsewhere specified: |                              |                   |
| Cottonseed oil .....   | 2260, 220                    | Nov. 13, 1944     |
| Linseed oil .....  | 2260, 210                    | Do.               |
| Soybean oil .....  | 2260, 230                    | Do.               |
| Other, not elsewhere specified .....   | 2260, 240                    | Do.               |

This revision shall become effective at 12:01 a.m. EDST, August 9, 1947.



## Food and Drug Administration

**REDUCTION IN FILL OF CONTAINER FOR CANNED SHRIMP DENIED:** An order denying the petition of the shrimp canning industry for a reduction in the fill of container for canned shrimp was signed by Watson B. Miller, Federal Security Administrator, on August 7. Although denying the petition for a change in the existing regulations, the way was left open for a possible change in the future. An opportunity was granted to any interested person whose appearance was filed at the hearing to file objections to the ruling within 20 days from date of its publication in the Federal Register.

Full text of the order, as it appeared in the Federal Register of August 9, follows:

### STANDARDS OF FILL OF CONTAINER FOR CANNED SHRIMP

#### NOTICE OF PROPOSED RULE MAKING

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701; 52 Stat. 1046, 1055; 21 U. S. C. 341, 371); and on the basis of the evidence received at the above-entitled hearing duly held pursuant to notice issued on June 6, 1947 (12 F. R. 3725-3726), the following order be made:

*Findings of fact.* 1. By order published in the FEDERAL REGISTER of July 2, 1942 (7 F. R. 4944), standards of fill of container were promulgated for canned wet pack shrimp and canned dry pack shrimp in nontransparent containers. The effective date of the order was August 1, 1942, and since that date nearly all of the canned shrimp in nontransparent containers produced in the United States has been packed in compliance with these standards of fill of container. (R. 10, 91, 100-101; Ex. 7)<sup>1</sup>

2. The change from the lower fills which were used prior to the promulgation of these standards of fill of container made it necessary for canners to exercise more careful control at certain stages of the canning process. More care was necessary in packing the shrimp into the cans and additional precautions were necessary to prevent shrimp spilling from cans before sealing. The exercise of these additional precautions placed no unreasonable burden on the canners of shrimp. (R. 15-17, 33, 45, 56-57, 59, 61-62, 77, 115-117, 119-120, 127, 134-135)

3. The probability of an increase in breakage in the closure of cans during and after processing, as a result of compliance with the present requirements, was advanced at the hearing on July 8, 1947, as a reason for reducing the requirement as to fill. The causes of such difficulties are directly related to the structure of the cans used and to lack of proper control of canning operations, particularly the head-space of the can and the temperature of its contents when it is closed. (R. 10-12, 29-30, 35-36, 39-40, 45, 61-62, 65-67, 77, 79-80, 120, 133-134, 141)

4. Canners of shrimp presented at this hearing certain reasons for objecting to the present requirements of fill of con-

tainer in addition to increased manufacturing difficulties. These included an increased tendency for struvite crystals (referred to in exhibits 3 and 6 as phosphate crystals) to form when canned shrimp is held after canning, lowering of keeping quality caused by the longer time of processing used with the present fill, a tendency for shrimp in some cans to stick together, and an increase in the number of broken and twisted shrimp. (R. 12, 15, 43, 45, 51-52, 61-62, 74-75, 77, 96, 121-122; Exs. 3, 4, 6)

5. For many years it has been observed that small glass-like crystals of the compound struvite (magnesium ammonium phosphate) will develop in an occasional can of shrimp. This is objectionable, since uninformed consumers sometimes mistake the crystals for particles of glass. The cause of the formation of these crystals is not known. There is some indication of an increase in the occurrence of struvite crystals in canned wet pack shrimp after the promulgation of the present standards. No relationship between the incidence of struvite crystals and the drained weight of shrimp has been established. (R. 12-14, 30-32, 37, 45, 52, 67-70, 74-75, 77, 80-81, 82-87, 89, 102-108, 125-126, 139; Exs. 3, 6, 9)

6. Apprehension was expressed that the longer processing time now used would render the shrimp somewhat softer when held for an extended period, unless they were held in cold storage. There is insufficient evidence to show that any increase in softening of shrimp packed under the present standard is of significance to consumers. Nor is the evidence sufficient to show whether the hazards of holding canned shrimp from one season to another have been increased by the longer processing time now employed. (R. 50-52, 58, 64-65, 73-74, 77, 79, 100-101, 122-129, 135-136; Ex. 9)

7. Sometimes the shrimp in cans of wet pack shrimp stick together and at times one or more shrimp is broken. This happened to a lesser extent when cans contained less shrimp. No impairment of quality of any significance has resulted from the fill now required. (R. 15, 43, 45, 77, 100-101, 107, 121-122, 124, 127; Ex. 9)

8. Sales of canned shrimp have been slow due to high prices. It is the opinion

of many dealers that sales would be facilitated if canned shrimp were available in a smaller quantity than 7 ounces, the weight of shrimp in the No. 1 can wet pack. This was the smallest can permitted until recently under requirements of the wartime tin conservation order. During the last few months some canners have packed shrimp in smaller cans. There was some evidence that certain of these smaller cans are not of a size well adapted to the packing of large and extra large shrimp. However, there is no evidence indicating that there should be established a standard of fill of container for large and extra large shrimp different from the standard of fill of container for medium and small shrimp. (R. 17-25, 45, 49, 77, 93, 99-100, 104, 107, 116-117, 119-120, 131-133; Exs. 4, 8, 9)

**Conclusions.** On the basis of the foregoing findings of fact it is concluded that:

(a) Reducing the standard of fill of container for wet pack shrimp would result in the replacement of shrimp with brine. The reduction of the standard of fill of container for dry pack shrimp would result in omitting from the can shrimp that could be contained therein. In both instances the size of the cans would inaccurately reflect the amount of shrimp contained therein, particularly because consumers of canned shrimp have been receiving well-filled cans for about five years.

(b) It would not promote honesty and fair dealing in the interest of consumers to reduce the requirements of cut-out weight in the standards of fill of con-

tainer for canned wet pack shrimp and canned dry pack shrimp in nontransparent containers.

Wherefore, *It is ordered*, That the regulations promulgated July 2, 1942 (7 F. R. 4944), fixing and establishing standards of fill of container for canned wet pack shrimp and canned dry pack shrimp, in nontransparent containers, be not amended to provide for reduction in the requirement for cut-out weight.

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the General Counsel, Room 3255 Federal Security Building, 4th Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs should be submitted in quintuplicate.

Dated: August 7, 1947.

[SEAL] WATSON B. MILLER,  
Administrator.

<sup>1</sup>The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing which are the basis for these findings.



## Department of Labor

**SEAFOOD AND FISHERY EXEMPTIONS:** Because of the requirements of the Portal to Portal Pay Act of 1947, the Wage and Hour Administrator issued a new Interpretative Bulletin in July 1947. This bulletin is entitled "General Statement as to the Coverage of the Wage and Hours Provisions of the Fair Labor Standards Act of 1938." It supersedes and replaces all prior general and specific interpretations, specifically those contained in the Interpretative Bulletins Nos. 1, 2, and 5.

Interpretative Bulletin No. 12, entitled "Seafood and Fishery Exemption," is still in effect. Therefore, those firms in the fishery industries which include among their employees, occupations which were not found to be exempt should be acquainted with the new general statement issued by the Wage and Hour Administrator. Copies of the July 1947 bulletin referred to above, which contains the new general statement, may be obtained, upon request, from the Office of the Administrator, Wage and Hour Division, U. S. Department of Labor, Washington 25, D. C.

