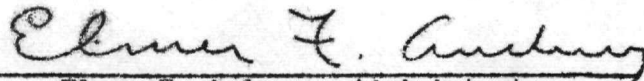


TITLE 29 - LABOR  
CHAPTER V - WAGE AND HOUR DIVISION

PART 536 - REGULATIONS DEFINING THE TERM "AREA OF PRODUCTION"  
AS USED IN SECTION 7(c) AND IN SECTION 13(a)(10)  
OF THE FAIR LABOR STANDARDS ACT

The following amendment to Regulations - Part 536 -  
(Regulations Defining the Term "Area of Production" as Used  
in Section 7(c) and in Section 13(a)(10) of the Fair Labor  
Standards Act) is hereby issued. This amendment amends Section  
536.2 by adding an alternative paragraph numbered "(e)" appli-  
cable to perishable or seasonal fresh fruits and vegetables.  
Said amendment shall become effective upon my signing the  
original and upon the publication thereof in the Federal  
Register, and shall be in force and effect until repealed  
by regulations hereafter made and published.

Signed at Washington, D. C., this 19th day of April, 1939.



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Elmer F. Andrews, Administrator  
Wage and Hour Division  
Department of Labor

SECTION 536.2 "AREA OF PRODUCTION" AS USED IN SECTION 13(a)(10) OF THE FAIR LABOR STANDARDS ACT. An individual shall be regarded as employed in the "area of production" within the meaning of Section 13(a)(10), in handling, packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products.

(a) if he is engaged in such work on a farm and on agricultural or horticultural commodities produced exclusively on such farm, or

(b) if the agricultural or horticultural commodities are obtained by the establishment where he is employed from farms in the immediate locality and the number of employees in such establishment does not exceed seven, or

(c) with respect to dry edible beans, if he is so engaged in an establishment which is first concentration point for the processing of such beans into standard commercial grades for marketing in their raw or natural state. As used in this subsection (c), "first concentration point" means a place where such beans are first assembled from nearby farms for such processing but shall not include any establishment normally receiving a portion of the beans assembled from other first concentration points, or

(d) with respect to Puerto Rican leaf tobacco, if he is engaged in handling, packing, storing, and drying such tobacco for market in an establishment which is a first concentration point for such tobacco. As used in this subsection (d), "first concentration point" means a place where such tobacco is first assembled from nearby farms for such preparation for market but shall not include any establishment normally receiving a portion of the tobacco assembled from other concentration points, nor any establishment operated by a manufacturer for the preparation of tobacco for his own use in manufacturing, or

(e) with respect to perishable or seasonal fresh fruits and vegetables, if he is engaged in handling, packing, storing, drying, preparing in their raw or natural state, or canning such products for market in an establishment which is located in the open country or in a rural community and which obtains all of its products from farms in its immediate locality. As used in this subsection (e) "open country" or "rural community" shall not include any city or town of 2,500 or greater population according to the 15th United States Census, 1930, and "immediate locality" shall not include any distance of more than 10 miles.

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