

U. S. DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION  
WASHINGTON, D. C.

NOTICE OF HEARING

IN THE MATTER OF APPLICATION FOR THE EXEMPTION OF PEANUT-FED, LONG PROCESS, NON-REFRIGERATED MEAT CURING FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 AS AN INDUSTRY OF A SEASONAL NATURE, PURSUANT TO SECTION 7(b)(3) OF THE ACT AND PART 526 OF REGULATIONS ISSUED THEREUNDER.

WHEREAS, applications have been filed by the Virginia-Smithfield Meat Packers Association and sundry other parties for exemption from the maximum hours provisions of the Fair Labor Standards Act of 1938, for the curing of peanut-fed, long process, non-refrigerated meats, as an industry of a seasonal nature pursuant to Section 7(b)(3) of the Act and Part 526 of the regulations issued thereunder.

NOW, THEREFORE, notice is hereby given of a public hearing to be held pursuant to Section 526.5(b) and Section 526.6 of said Regulations at Room 3229, United States Department of Labor, Washington, D. C., to commence at 10 o'clock a.m., January 9, 1940, before Harold Stein, an authorized representative of the Administrator, who shall take testimony, hear arguments, and receive written statements, and determine:

Whether peanut-fed, long process, non-refrigerated meat curing is an industry of a seasonal nature within the meaning of Section 7(b)(3) of the Act and Part 526 of the Regulations issued thereunder, and in particular,

- (1) Whether the above-described curing constitutes an industry or a branch thereof within the meaning of Section 3(h) of the Fair Labor Standards Act and Section 526.2 of Regulations, Part 526; and
- (2) Whether the alleged industry engages in the handling, or processing of materials during regularly recurring seasons within the meaning of Regulations, Part 526.3(a); and
- (3) Whether the alleged industry ceases production, except for repair, clerical and sales work during the remainder of the year because, owing to climate or other natural conditions, the materials handled or processed, in the form in which they are handled or processed, are not available during the remainder of the year within the meaning of Regulations, Part 526.3(b).

In this notice, the term "peanut-fed, long process, non-refrigerated meat curing" is used to mean the activity of those establishments engaged entirely or almost entirely in the curing by a "long cure" process of jowls, shoulders, sides and hams from peanut-fed hogs without the aid of artificial refrigeration.

Any person interested in supporting or opposing any application for exemption may appear on his own behalf or on the behalf of any other person or may file written statements. Written statements filed in lieu of personal appearance should

reach the Administrator at his office in Washington, D. C.,  
on or before January 9, 1940.

All appearances and all written statements in support of any application shall furnish the following information:

1. The name and address of the appearance or person filing statement;
2. List of products handled and operations performed on each product;
3. Location and scope of operations, including source of materials and markets for such materials;
4. Size of business in terms of quantity or dollar value of product handled, and number of employees;
5. Average length of period of operation during last several years and dates on which operations ordinarily begin and close;
6. Average length of period during which operations cease apart from work such as maintenance, repair, clerical and sales work;
7. Climatic or other natural conditions which cause such cessation;
8. All possible information bearing on operations of other operators in same field.

Signed at Washington, D. C., this 2nd day of January, 1940.

*Harold D. Jacobs*

Harold D. Jacobs, Administrator  
Wage and Hour Division  
U. S. Department of Labor