

U. S. DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
Washington

IN THE MATTER OF DETERMINATION THAT THE
VIRGINIA-SMITHFIELD MEAT PACKING INDUSTRY
IS AN INDUSTRY OF A SEASONAL NATURE PURSUANT
TO SECTION 7(b)(3) OF THE FAIR LABOR STAND-
ARDS ACT OF 1938 AND PART 526 AS AMENDED OF
REGULATIONS ISSUED THEREUNDER.

WHEREAS, applications have been made by the Virginia-Smithfield Meat Packers Association and sundry other parties, under Section 7(b)(3) of the Fair Labor Standards Act of 1938, and Regulations, Part 526, as amended (Regulations applicable to Industries of a Seasonal Nature), issued by the Administrator thereunder, for partial exemption of the Virginia-Smithfield Meat Packing Industry from the maximum hours provisions of Section 7(a) of said Act pursuant to Section 7(b)(3) applicable to industries found by the Administrator to be of a seasonal nature; and

WHEREAS, a public hearing on said applications was held before Harold Stein, the representative of the Administrator, duly authorized to take testimony, hear argument and determine whether or not the Virginia-Smithfield Meat Packing Industry is an industry of a seasonal nature within the meaning of Section 7(b)(3) of the Fair Labor Standards Act of 1938, and Part 526 of Regulations issued thereunder; and

WHEREAS, following such hearing, the said Harold Stein duly made his findings of fact and determined as follows:

- (1) The curing and packing of Virginia-Smithfield cured meats by the Virginia-Smithfield meat packers is an industry or branch of industry within the meaning of the Fair Labor Standards Act; and
- (2) The curing and packing of the Virginia-Smithfield cured meats by the Virginia-Smithfield meat packers takes place during the period, November through March, and ceases during the period, April through October, because of the fact that owing to climate and other natural conditions the peanut-fed hog used for this cure is not available from April to November in the form in which it is handled

and processed, and therefore the curing and packing of Virginia-Smithfield cured meats 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.

- (3) As used herein, "Virginia-Smithfield cured meats" means those cured from the peanut-fed hog by the long process, non-refrigerated meat curing methods.
- (4) "Virginia-Smithfield meat packers" as used herein means those establishments engaged solely, or almost solely in the curing of meats from peanut-fed hogs by the long process, non-refrigerated meat curing methods in the peanut belt of eastern Virginia.

This determination is without prejudice to a determination on applications from other meat packers operating in substantially the same manner for the same reasons.

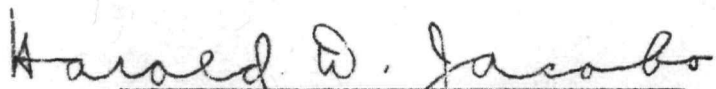
WHEREAS, said Findings and Determination were duly filed with the Administrator on February 6, 1940, and are now on file in Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties; and

WHEREAS, on February 10, 1940, the Administrator caused to be published in the Federal Register (5 F. R. 649) a notice which stated that, pursuant to the provisions of Section 526.7 of the aforesaid Regulations, any person aggrieved by the said determination might, within fifteen days after February 10, 1940, file a petition with the Administrator requesting that he review the action of the said representative upon the record of hearing before the said representative, and

WHEREAS, no petition for review has been filed within the said fifteen days;

NOW, THEREFORE, pursuant to the provisions of Section 526.7 of the said Regulations, the exemption provided by Section 7(b)(3) of the Fair Labor Standards Act of 1938 will become effective on the date this notice embodying the above-quoted finding and determination appears in the Federal Register. The said exemption is applicable only as specified by the aforesaid finding and determination.

Signed at Washington, D. C. this 28th day of February, 1940.



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