

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

INACTIVE

DRIVE FOR COMPLIANCE IN PECAN SHELLING INDUSTRY

A drive to assure uniform compliance with the Fair Labor Standards Act in the pecan shelling industry was announced today by Colonel Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor.

Regional directors of the Division were instructed to begin a systematic check-up of all pecan shelling establishments in their areas to make sure they are complying with the Act.

The industry is located principally in Florida, Georgia, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, New Mexico, and Texas with the greatest concentration of units in the latter state.

"Many pecan shellers are complying with the Act voluntarily, but they are faced with the unfair competition of shellers who are not paying the minimum wage of 30 cents an hour and time and one-half for overtime," Colonel Fleming declared.

"Labor costs are a substantial part of the selling cost, so that those failing to comply with the law have a marked advantage and are able to sell at a lower price.

Colonel Fleming said it was important that the attention of purchasers of pecans be called to Section 15(a)(1) of the Act which prohibits the shipment or sale of goods which have been produced in violation of the wage and overtime provisions of the Act. Section 15(a)(1) provides:

"It shall be unlawful for any person to transport, offer for transportation, ship, deliver, or sell in commerce, or to ship, deliver, or sell with knowledge that shipment or delivery or sale thereof in commerce is intended, any goods in the production of which any employee was employed in violation of Section 6 or 7 . . ."

Colonel Fleming pointed out that the so-called "hot goods" section applies whether or not the person shipping or selling goods made in violation of the Act is complying with respect to his own employees, and that an injunction may be obtained by the Division under the Act to prevent the purchaser from disposing of the goods.

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