

UNITED STATES DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
NEW YORK, NEW YORK

TITLE 29 - LABOR
CHAPTER V--WAGE AND HOUR DIVISION

IN THE MATTER OF THE RECOMMENDATION OF
INDUSTRY COMMITTEE NO. 47 FOR A MINIMUM
WAGE RATE IN THE CANDY AND RELATED
PRODUCTS MANUFACTURING INDUSTRY

WAGE ORDER

Effective March 29, 1943

Part 627 - Minimum Wage Rate in the Candy and Related
Products Manufacturing Industry

WHEREAS, on August 14, 1942, pursuant to Section 5(b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 150, appointed Industry Committee No. 47 for the Candy and Related Products Manufacturing Industry, herein call the Committee, and directed the Committee to recommend minimum wage rates for the Candy and Related Products Manufacturing Industry in accordance with Section 8 of the Act; and

WHEREAS, the Committee included five disinterested persons representing the public, a like number of persons representing employers in the Candy and Related Products Manufacturing Industry, and a like number of persons representing employees in the industry, and each group was appointed with due regard to the geographical regions in which the Candy and Related Products Manufacturing Industry is carried on; and

WHEREAS, on September 16, 1942, the Committee, after investigating economic and competitive conditions in the industry, filed with the Administrator a report containing its recommendations for 40-cent minimum hourly wage rates in the Candy and Related Products Manufacturing Industry; and

WHEREAS after notice duly published in the Federal Register on September 22, 1942, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendations at Washington, D.C., on October 14, 1942, at which all interested persons were given an opportunity to be heard; and

WHEREAS, the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

WHEREAS, no request for oral argument having been received, oral argument on the Committee's recommendations was dispensed with in this proceeding; and

WHEREAS, by notice published in the Federal Register on October 24, 1942, opportunity to submit written briefs was afforded all parties; and

WHEREAS, the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with

special reference to Sections 5 and 8, has concluded that the Committee's recommendations for the Candy and Related Products Manufacturing Industry as defined by Administrative Order No. 150, are made in accordance with law, are supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of the Act; and

WHEREAS, the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Industry Committee No. 47 for Minimum Wages Rates in the Candy and Related Products Manufacturing Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

NOW, THEREFORE, it is ordered that:

Section 627.1 -- Approval of Recommendations of Industry
Committee No. 47.

The Committee's recommendations are hereby approved, and, in accordance with such recommendations,

Section 627.2 -- Wage Rates

Wages at not less than the following rate per hour shall be paid under Section 6 of the Act by every employer to each of his employees in the Candy and Related Products Manufacturing Industry who is engaged in commerce or in the production of goods for commerce:

- (a) Forty cents to be paid for: the production of chocolate and cocoa products;
- (b) Forty cents to be paid for: the production of candied, crystallized or glaze fruits and fruit peels; and
- (c) Forty cents to be paid for: the production of any other products of the Candy and Related Products Manufacturing Industry.

Section 627.3 -- Posting of Notices

Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Candy and Related Products Manufacturing Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor; and

Section 627.4 -- Definition of the Candy and Related Products
Manufacturing Industry

For the purpose of this order the term "Candy and Related Products Manufacturing Industry" means:

The production of candies and related products, including, but without limitation, stuffed fruits; candied, crystallized or glaze fruits and fruit peels; candied popcorn;

salted, sugared or roasted nuts; chocolate and cocoa products; marshmallow creme; and chewing gum: provided that the shelling and cleaning of nuts are excluded except where the operations are performed in plants also engaged in the further processing of nuts.

Section 627.5 -- Scope of the Definition

The definition of the candy and related products manufacturing industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition including clerical, maintenance, shipping, and selling occupations, provided, however, that such clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale, shall not be deemed to be covered by this definition, and provided further that where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

Section 627.6 -- Effective Date

This Wage Order shall become effective March 29, 1943.

Signed at New York, New York, this 22nd day of January, 1943. Sections 627.1 to 627.6, inclusive, issued under the authority contained in Section 8, 52 Stat. 1064, 29 U.S.C., Supp. IV, 208.

L. Metcalfe Walling

L. Metcalfe Walling, Administrator
Wage and Hour Division
United States Department of Labor

Published in Federal Register January 26, 1943.