

Stoldner

R-1944

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

Inactive

Title 29 - Labor
Chapter V - Wage and Hour Division

ADMINISTRATIVE ORDER NO. 182
APPOINTMENT OF INDUSTRY COMMITTEE NO. 56 FOR THE
CANNED FRUITS AND VEGETABLES AND RELATED PRODUCTS INDUSTRY

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint and convene for the canned fruits and vegetables and related products industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the Public:

Monsignor Francis J. Haas, Chairman, Washington, D. C.
Edith Abbott, Chicago, Illinois
Clarence E. Ayres, Austin, Texas
C. O. Brannon, Fayetteville, Arkansas
Virginus Dabney, Richmond, Virginia
Lawrence Hernandez, Tampa, Florida
William S. Hopkins, Palo Alto, California
Arthur F. Raper, Greensboro, Georgia
Clarence M. Updegraff, Iowa City, Iowa
Louise Aubrey Wood, Eugene, Oregon

For the Employees:

Albert E. Bilger, Sacramento, California
Walter Jones, San Jose, California
Harold J. Lane, Philadelphia, Pennsylvania
Luisa Moreno, Los Angeles, California
Leon Schachter, Camden, New Jersey
Boris Shishkin, Washington, D. C.
Robert Thomson, Modesto, California
Mrs. Earl Tise, Sugarland, Texas
Anthony Valentino, Camden, New Jersey
Mildred Voy, Detroit, Michigan

For the Employers:

Harold K. Bachelder, Indianapolis,
Indiana
Edward S. Guggenheimer, Long Island City,
New York
Edward Nuddleston, Oakland, California
J. F. Johnson, Landisville, New Jersey
Elvon Musik, San Francisco, California
M. C. Peters, Lake Alford, Florida
Pratt Phillips, Jr., Salisbury, Maryland
George Saunders, Fayetteville, Arkansas
John Seeman, Mt. Vernon, Washington
Joseph B. Weix, Oconomowoc, Wisconsin

Such representatives having been chosen with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the "Canned Fruits and Vegetables and Related Products Industry" is defined as follows:

The canning and preserving of fruits and vegetables, and the manufacture of related products.

(a) It includes, but without limitation, the manufacture of jams, jellies and juices; soups of all kinds; relishes and sauces of all kinds; vinegar, cider; pectin; flavoring extracts and flavoring syrups; salad dressings; sandwich spreads (except those made principally from meat or cheese); peanut and nut butters; mustard and horseradish; mincemeat; honey; and canned spaghetti, chili con carne, stew, hash, and pudding, containing fruit or vegetables.

(b) The term "canning," as used herein, means sterilizing and hermetically sealing in containers of tin, glass, or other material.

(c) The term "preserving," as used herein, includes pickling, preserving, freezing, cold packing, drying, dehydrating, and similar processes.

Provided, however, that this definition shall not include the manufacture of coffee; spices; malt extracts and syrups; salad and cooking oils including olive oil; potato chips; ready-to-mix desserts; or any products covered by the definitions of the Grain Products Industry, the Candy and Related Products Manufacturing Industry, or the Sugar and Related Products Industry, contained in the Administrative Orders appointing committees for those industries.

3. The definition of the canned fruits and vegetables and related products 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 this definition does not cover clerical, maintenance, shipping and selling occupations when carried on in a wholesaling or selling department physically segregated from the 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; 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.

4. Any person, who, in the opinion of the committee, having a substantial interest in the proceeding and who is prepared to present material pertinent to the question under consideration, may, with the approval of the committee, appear on his own behalf or on behalf of any other person.

5. The industry committee herein created shall meet at 10:00 a.m. on March 17, 1943 at the Hotel Astor, New York, New York, and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of Section 13(a) and employees coming under the provisions of Section 14.

Signed at New York, New York, this 25th day of February, 1943.

L. Metcalfe Walling

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