

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. 58 FOR A MINI-  
MUM WAGE RATE IN THE VEGETABLE FATS AND  
OILS INDUSTRY

WAGE ORDER

Effective August 16, 1943

PART 641 - Minimum Wage Rate in the Vegetable Fats and Oils Industry

WHEREAS, on April 6, 1943, 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. 190, appointed Industry Committee No. 58 for the Vegetable Fats and Oils Industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Vegetable Fats and Oils 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 Vegetable Fats and Oils 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 Vegetable Fats and Oils Industry is carried on; and

WHEREAS, on May 6, 1943, the Committee, after investigating economic and competitive conditions in the Industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the Vegetable Fats and Oils Industry; and

WHEREAS, after notice duly published in the Federal Register on May 18, 1943, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C. on June 2, 1943, 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, 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 Industry Committee's recommendation for the Vegetable Fats and Oils Industry, as defined by

Administrative Order No. 190, is made in accordance with law, is 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 Recommendation of Industry Committee No. 58 for a Minimum Wage in the Vegetable Fats and Oils 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 19, New York,

NOW, THEREFORE, it is ordered that:

Section 641.1 - Approval of Recommendation of Industry Committee No. 58

The Committee's recommendation is hereby approved, and in accordance with such recommendation,

Section 641.2 - Wage Rate

Wages at a rate of not less than 40 cents per hour shall be paid under Section 6 of the Act by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Vegetable Fats and Oils Industry; and

Section 641.3 - Posting of Notices

Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Vegetable Fats and Oils 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 641.4 - Definition of the Vegetable Fats and Oils Industry

For the purposes of this Order the term "Vegetable Fats and Oils Industry" means:

- A. The extraction of crude oils and fats from vegetable materials (other than cottonseed and peanuts) and the refining and processing of all vegetable fats and oils, including those derived from cottonseed and peanuts, into oleomargarine, cooking and other edible fats and oils, and into inedible fats and oils.
- B. The manufacture of the by-products of the industry including but without limitation hulls, cake, meal, and soap stock.

Provided, however, that this definition shall not include the manufacture of the following: essential oils; feeds; nitrated, sulphonated and similarly processed oils; mixtures principally composed of animal fats and oils or containing petroleum; and crude, refined, or processed wood and gum naval stores.

Section 641.5 - Scope of the Definition


The definition of the Vegetable Fats and Oils 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.

Section 641.6 - Effective Date

This Wage Order shall become effective August 16, 1943.

Signed at New York, New York, this 29th day of July, 1943.

Sections 641.1 to 641.6, inclusive, issued under the authority continued in Section 8,52 Stat. 1064; 29 U.S.C., Supp. IV, sec. 208.

  
L. Metcalfe Walling  
Administrator  
Wage and Hour Division  
U. S. Department of Labor

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