

U. S. DEPARTMENT OF LABOR
Wage and Hour Division
165 West 46th Street
New York 19, N. Y.

"Area of Production" Hearing December 12
(Fresh Fruits and Vegetables Only)

A hearing on the definition of "area of production" under the Fair Labor Standards Act (Wage-Hour Law) with respect to fresh fruits and vegetables was announced today by L. Metcalfe Walling, Administrator, for 10 a.m. December 12 at the National Office of the Wage and Hour Division, U. S. Department of Labor, 165 West 46th Street, New York, N. Y.

Last June the Supreme Court in Addison, et al v. Holly Hill Fruit Products, Inc., held the previous definition invalid and remanded the case to the District Court "with instructions to hold it until the Administrator, by making a valid determination of the area with all deliberate speed, acts within the authority given him by Congress."

Two alternative definitions and any others that may be proposed will be considered at the hearing which follows country-wide consultation with employers and labor in the industry. The two proposed definitions in the formal notice of hearing published in the Federal Register today and available at the National and at any Regional Office of the Division are based on

- (1) 20 per cent of crop land in the county harvested in fruits and vegetables and location of the plant in the open country or in a rural community, defined as a town of less than 2,500 or not within 3 miles of a larger town up to 10,000, 6 miles of a city up to 25,000, 10 miles of a city up to 100,000, or 20 miles of a larger place, or
- (2) location of the plant in the open country or a rural community (as above) with 95 per cent or more of the raw product coming from farms within the immediate locality defined as 10 miles in a state with a population density of more than 50 per square mile, 15 miles in a state with 20 to 50 per square mile and 20 miles in states with less density.

The Fair Labor Standards Act in Section 13(a)(10) exempts canning, packing and certain other operations on fresh fruits and vegetables "within the area of production (as defined by the Administrator)" from its minimum wage and overtime provisions.

Notice of intention to appear at the hearing should be filed with the Administrator in New York not later than December 2. In lieu of personal appearance, written statements may be filed prior to the date of the hearing.

A report containing economic data bearing on the formulation of a definition will be made available to interested persons on written request to the Administrator.

Fresh fruits and vegetables account for more than half the million and a quarter workers affected by "area of production." Hearings are to be scheduled in January on grain, cotton, tobacco, nuts, dry edible beans and other products also affected.