

Federal Trade Commission

MARYLAND CLAM DIGGERS' ASSOCIATIONS CHARGED WITH PRICE FIXING:

Three Maryland clam diggers' associations and their officers and members were charged by the Federal Trade Commission, in a complaint dated September 13 (7578, clams), with illegally fixing and enforcing prices of clams harvested in Chesapeake Bay.

The three associations include substantially all clam diggers operating in the Bay area. All members were not specifically named as party respondents because large and fluctuating membership makes this impracticable, the complaint says.

It charges that since 1958 the associations and their members have conspired "to suppress and hinder competition between and among themselves and also between themselves and other parties in the purchase or sale" of soft-shell clams.

Specifically, it alleges that they have (1) established and maintained uniform and noncompetitive prices and terms for the purchase or sale of their clams; (2) boycotted dealers seeking to buy clams at less than the fixed prices; and (3) enforced adherence to their prices and terms by various methods including threats of reprisals, intimidation, and physical violence.

Respondents were granted 30 days to file answer to the complaint.

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TWO FISHERY FIRMS DENY ILLEGAL BROKERAGE PAYMENTS:

Two Seattle fishery firms (packers of canned salmon and other seafood) and

their president and sales manager, on September 3, 1959, denied Federal Trade Commission charges of making illegal brokerage payments to favored customers (Answer 7562, Seafood).

The concerns admit selling their seafood pack to buyers throughout the country. However, they deny allegations in the Commission's August 6 complaint that they sell through primary brokers in the Seattle area and through field brokers elsewhere and that usually the former are paid a 5-percent brokerage fee and the latter a 2½-percent fee.

Requesting dismissal of the complaint, they flatly deny the charge that certain customers were given grants or allowances in lieu of brokerage or price-concessions reflecting brokerage, in violation of Sec. 2(c) of the amended Clayton Act.

The Commission's complaint (7562, Seafood), of August 24 charged that the concerns sell their products through primary brokers in the Seattle area and through field brokers elsewhere in the United States.

A typical method allegedly used was to give these customers or their agents price reductions which were coupled with or offset wholly or partly by reducing the broker's fee earned on the sales.



Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

PETITION FILED FOR USE OF AN ANTIBIOTIC TO RETARD SPOilage OF FISH STEAKS, FILLETS, AND PEELED SHRIMP:

A petition has been filed by American Cyanamid Company, Princeton, N. J., proposing the issuance of a regulation to

establish a tolerance of 5.0 parts per million (0.0005 percent) of the antibiotic chlortetracycline hydrochloride to retard bacterial spoilage in cuts of fish, such as steaks and fillets, and in peeled shrimp. The notice of filing of petition as published by the U. S. Food and Drug Administration in the September 11 Federal Register follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration
[21 CFR Part 121]
FOOD ADDITIVES

Notice of Filing of Petition for Issuance of Regulation Establishing Tolerance for Chlortetracycline Hydrochloride for Use in Various Cuts of Fish and in Peeled Shrimp

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), the following notice is issued:

A petition has been filed by American Cyanamid Company, P.O. Box 383, Princeton, New Jersey, proposing the issuance of a regulation to establish a tolerance of 5.0 parts per million (0.0005 percent) of chlortetracycline hydrochloride to retard bacterial spoilage in cuts of fish, such as steaks and fillets, and in peeled shrimp.

Dated: September 8, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

The use of chlorotetracycline on fresh-caught whole, headed, and gutted fish, shucked scallops, and unpeeled shrimp was authorized on April 21, 1959, by the Food and Drug Administration, and it was also in response to a petition by American Cyanamid Company. But cuts of fish steaks and fillets and peeled shrimp were not included in that authorization.



Department of the Interior

ALASKA URGED TO HELP PROTECT SEA OTTER:

The Department of the Interior announced August 26 its legal determination that it does not now have authority to withdraw tidal and submerged lands as an addition to the Aleutian Islands National Wildlife Refuge in Alaska. Simultaneously, the Department asked that the State of Alaska take

steps to join with the Federal Government to provide complete protection for sea otters in waters adjacent to the Refuge.

Secretary Fred A. Seaton said the ruling was made in view of the extension to Alaska by the Statehood Act of provisions of the Submerged Lands Act of 1953, vesting title in the States to tidal and submerged lands within three geographical miles of their coastline.

In his letter to Governor of Alaska William A. Egan, Secretary Seaton said:

"Our biologists have made studies of the behavior of these sea otters. These studies and any other information we have on this subject will be made available to the Alaska Department of Fish and Game on request. And I assure you that we will be willing to discuss any arrangement which will lead to a cooperative management and protection program for sea otter.

"My only plea is that you consider the matter as soon as possible. I am informed that these animals constitute a resource which could, once again, prove a valuable resource with commercial possibilities if properly managed. And I feel certain that it is not only in the national interest, but also the Alaskan interest, to see that the necessary steps for such protection are taken as soon as possible."

The Department's Bureau of Sport Fisheries and Wildlife applied in October 1958 for the withdrawal

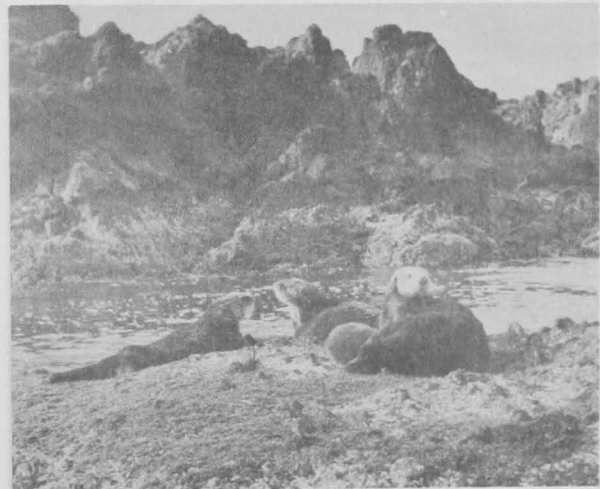


Fig. 1 - Three adult sea otters and a pup on rocks, Amchitka Is.

of "all tidelands and all adjoining areas of water extending 3 miles beyond mean low water" adjacent to the Aleutian Refuge. This application was still pending when Alaska was admitted to the Union on January 3, 1959.

The purpose of this proposed withdrawal of tidelands and submerged land was to aid the Bureau in the protection and management of the expanding sea otter population inhabiting the coastal waters of the Aleutian Refuge.

A legal opinion by the Solicitor's Office advised the Secretary that the temporary segregation of these lands under this application did not under all the prevailing circumstances transfer the areas from the jurisdiction of the Bureau of Land Management to the Bureau of Sport Fisheries and Wildlife.

The withdrawal may not now be made, the ruling declared, since the lands are within the areas to which the Submerged Lands Act applies, and the title to those lands has passed to the State of Alaska.

Secretary Seaton expressed the hope that Alaska will promptly take the necessary steps to protect this valuable natural resource with its potential commercial possibilities, whether such steps involve State action only or a cooperative State-Federal approach.

Sea otters once were numbered in the tens of thousands in Alaskan and North Pacific waters. During the Russian occupation of Alaska, they were the object of intense hunting because a silky black sea otter pelt was worth its weight in gold. (In 1804 a single shipment of 15,000 skins valued at more than \$1 million was made from Sitka, Alaska.) At the time the United States acquired Alaska in 1867, these valuable fur-bearing animals had been reduced to the point of commercial extinction by heavy exploitation.

Since 1910 the killing of sea otters has been outlawed, except for limited hunting by Alaska natives beyond the 3-mile limit. Sea otter protection by the Federal Government for nearly 50 years has paid off to the extent that about 30,000 of these sea mammals are now reported to live along the Alaskan and Aleutian Islands coast. A census of the animals in the Aleutian Islands area in May 1959 revealed a population of between 8,000 and 9,000--a very substantial increase over five years ago.

In studies carried on by the Bureau of Sport Fisheries and Wildlife, biologists have found that sea otters cannot live except along certain shorelines, in an area where the water is comparatively shallow, and where sea urchins--their principal food--are found. Kelp beds, where they may rest, play, and hide from killer whales, are also essential to their existence.

Bureau officials are greatly encouraged over the fine increase shown by the sea otters. However, because the animals spend most of their time offshore, they feel it is vitally important to be able to give them protection in the tidal areas.

The Aleutian Islands National Wildlife Refuge was established by Executive order in 1913. The 2,720,235-acre refuge extends throughout most of the island chain. It provides habitat for Emperor geese, ducks, sea birds, ptarmigans, brown bear, and caribou in addition to sea otters.

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FISH AND WILDLIFE SERVICE

Bureau of Sport Fisheries
and Wildlife

INTERSTATE TRANSPORTATION OF UNLAWFULLY-CAUGHT LIVE FISH PROHIBITED:

Federal and state fish and wildlife agencies now have been armed with

stronger enforcement weapons to combat interstate transportation of illegally-caught game fish, the U. S. Department of the Interior reported September 15, 1959.

Steps are now being taken to use the new authority provided by a recent amendment to the "Black Bass Act." The amendment was approved by President Eisenhower on August 25, and became effective immediately.

Officials of the Bureau of Sport Fisheries and Wildlife, declare that it gives them the legal authority to halt a practice which is creating serious problems for state conservation agencies.

Federal and state conservation officials supported the amendment because of the growing practice by some groups of fishermen to net game fish unlawfully in one state, and sell them to fee-pond operators in another state. The new law, which not only covers the transporting but also the buying, selling, and possessing of unlawfully-caught live fish, gives the Federal Government authority to cooperate with the respective states in protecting their fisheries resources.

The Black Bass Act was passed in 1926 to halt interstate commercialization of a popular sport fish. Later it was extended to include all fish, except steelhead trout caught in the Columbia River between the States of Oregon and Washington. In those days the farm pond, and especially the fee pond, did not create an appreciable market for live game fish; thus, provision was not made in the original Act to include live fish or eggs.



Interstate Commerce Commission

RAILWAY EXPRESS AGENCY PERMITTED TO INCREASE LCL RATES:

The Interstate Commerce Commission voted to allow the Railway Express Agency to put higher rates into effect September 1 on less-than-carload shipments.

The rate increases vary from 25 to 35 cents per 100 pounds and apply only

to less than carload shipments. The overall increase is about 6 percent, but on short hauls the percentage increase is considerably greater. For example, a rate of \$1.00 per 100 pounds increases to \$1.25 or \$1.35, which is a 25- or 35-percent increase. A rate of \$3.50 goes to \$3.75 or \$3.85, which means an increase of 9 or 10 percent.

The amounts of the increases are (1) 35¢ per hundred pounds between points within the Eastern territory and between points within the Mountain Pacific territory, minimum of 35¢ per shipment, and (2) 25¢ per hundred pounds, 25¢ minimum per shipment, between all other points.



Treasury Department

BUREAU OF CUSTOMS

DECISION CLASSIFIES PET FOOD CONTAINING 50 PERCENT FISH AS MIXED FEED:

The Bureau of Customs, U. S. Treasury Department, in a letter dated June 19, rendered the following decision--T. D. 54885(18):

Pet Food, canned, consisting of 50 percent fish, 30 percent water, and 20 percent corn grain products, salt, vitamins, and preservative, is classifiable as a mixed feed consisting of an admixture of grains or grain products with molasses, oil cake, oil-cake meal, or other feedstuffs under paragraph 730, Tariff Act of 1930.

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FOREIGN ASSETS CONTROL DIVISION

IMPORTS OF SHRIMP FROM HONG KONG PROHIBITED:

The Foreign Assets Control Division of the U. S. Treasury Department has found it necessary to stop shrimp imports from Hong Kong. This action is due to the fact that shrimp produced in Red China has been coming into the United States through Hong Kong. The Treasury Department is developing a new procedure in cooperation with the

Hong Kong Government. Until a satisfactory procedure can be developed all shrimp imports from Hong Kong are prohibited.



White House

UNITED STATES MEMBER APPOINTED TO INTERNATIONAL PACIFIC HALIBUT COMMISSION:

The White House on August 26, 1959 announced the appointment of Andrew W. Anderson as a United States member of the International Pacific Halibut Com-



Andrew W. Anderson

mission. Anderson, Assistant Director of the U. S. Bureau of Commercial Fisheries, succeeds Seton H. Thompson, who is now the Gulf and South Atlantic Regional Director with headquarters in St. Petersburg Beach, Fla.

In 1930 Anderson joined the old U. S. Bureau of Fisheries as a statistician in Washington, D. C. The next step was his assignment as a Fishery Technologist at Gloucester, Mass., and Seattle, Wash. Later he was assigned the position of Chief of Market News, the Unit that is responsible for the daily Fishery Market News Reports. In 1943 he was named Chief of the Branch of Commercial Fisheries in the U. S. Fish and Wildlife Service. After the Service was reorganized into two Bureaus, he was appointed Assistant Director of the U. S. Bureau of Commercial Fisheries, which position he continues to occupy.



Eighty-Sixth Congress (First Session)

Public bills and resolutions which may directly or indirectly affect the fisheries and allied industries are reported upon. Introduction, referral to committees, pertinent legislative actions, hearings, and other actions by the House and Senate, as well as signature into law or other final disposition are covered.



CONGRESS ADJOURNS: The first session of the 86th Congress adjourned sine die on September 15, 1959. The second session will convene January 6, 1960. All legislation before either the Senate or House will remain in its status as of adjournment and will be subject to further consideration upon the convening of the second session. Bills that were introduced in the first session do not have to be reintroduced. Bills that were reported out of a committee or passed by one body of the Congress remain in status quo and do not have to again retrace their legislative steps.

BIOLOGICAL MARINE LIFE STUDIES: H. R. 9273 (Bonner), a bill to provide for a study of biological marine life in certain parts of the Atlantic and Pacific Oceans reasonably proximate to the Panama Canal and Central America; to the Committee on Merchant Marine and Fisheries; introduced in House September 14. Provides authorization for the Panama Canal Company to make a complete detailed study of the biological marine life, together with an oceanographic study with reference to the normal occurrence of such marine life. The bill further provides authority to place contracts for the performance of any part of the studies with qualified private organizations or on a cooperative and reimbursable basis with certain departments, agencies, or instrumentalities of the United States, for which studies there is authorized to be appropriated to the Panama Canal Company such sums as may be necessary to carry out the provisions of the Act.

COAST GUARD TRANSFER: H. R. 9214 (Bowles), a bill transferring the U. S. Coast Guard from the Treasury Department to the Department of Commerce; to the Committee on Merchant Marine and Fisheries; introduced in House September 11.

COLUMBIA RIVER FISHERIES INVESTIGATIONS: Both Houses of Congress on September 8 passed without amendment H. R. 9105, Public Works Appropriation, 1960 Fiscal, which action cleared the bill for the President.

The President September 9 vetoed H. R. 9105 and returned the bill to Congress (H. Doc. No. 226).

In his veto message the President cited that H. R. 9105, was identical to previously vetoed H. R. 7509 in all respects (including the 67 unbudgeted projects), except that each individual project and appropriation item had been reduced by 2½ percent. In that Congress had failed to meet any of the objections outlined in the previous veto message to accompany H. R. 7509, and since a reduction of appropriations for individual items and projects might have the effect of impeding orderly work on going projects, the President returned the bill without approval with a recommendation to the Congress to enact a continuing resolution, effective until January 31, 1960, so that work in progress could proceed in an orderly way.

House and Senate September 10, on reconsideration, passed H. R. 9105 over the President's veto and the bill became law (P. L. 86-254). Included in the appropriation are funds for the Corps of Army Engineers and Bureau of Reclamation for water resources development, management, construction, and investigation programs including certain Columbia River Projects.

FEDERAL BOATING ACT OF 1958 AMENDMENT: Senate September 9 passed with amendment and sent back to the House H. R. 8728, to extend until January 1, 1961, the effective date of certain provisions of the Federal Boating Act (S. Rept. 875). Senate amendment would extend the effective date to April 1, 1961. The Federal Boating Act of 1958 included provisions for establishment of a new system of numbering small undocumented vessels propelled by machinery of 10 or more horsepower, using the navigable waters of the United States, and provided that the new system administered by the Coast Guard would go into effect April 1, 1960. The legislation is designed to provide the additional time required to put the new numbering system into effect and for Congress to authorize the necessary appropriation to carry out the provisions of the law, as amended.

Senate Report No. 875, Extending to April 1, 1961, the Effective Date of Certain Provisions of the Federal Boating Act of 1958 (September 2, 1959, 86th Congress, 1st Session, Report of the Senate Committee on Interstate and Foreign Commerce to accompany S. 2598), 3 pp., printed. Contains the purpose and provisions of the bill, Committee recommendations, and changes in existing law.

House September 11 concurred in Senate amendments and cleared H. R. 8728 for the President.

President September 21 announced that approval of H. R. 8728 was being withheld. The action constituted a pocket veto of the bill.

In the memorandum of disapproval, the President cited that the legislation was originally considered necessary because it had not been possible to obtain a supplemental appropriation for the Coast Guard to administer the new system. Since Congress passed the bill, however, the funds required for the implementation of the Federal Boating Act have been included in the Mutual Security Appropriation Act, 1960. The extension of time provided in the bill therefore was considered to be no longer needed.

FISHING VESSEL CONSTRUCTION SUBSIDIES: Senate September 11 passed H. R. 5421, providing for a program of assistance to correct inequities in the construction of fishing vessels, after amendment by substitution of text of companion bill S. 2578, in which the Senate requests the concurrence of the House. Amendment provides for inclusion of defense features not contained in House bill and authorizes to be appropriated for the 3-year program up to \$5 million annually, as compared to the \$1 million annual appropriations provided by the House. House took no action prior to adjournment. Bill to be placed on calendar for next session of Congress.

FISHING VESSEL MORTGAGE INSURANCE FUND: Senate September 11 passed without amendment and referred to the House S. 2481, continuing the application of the Merchant Marine Act to certain functions transferred to the Secretary of the Interior relating to fishing vessels. House took no action prior to adjournment.

INSECTICIDES EFFECT UPON FISH AND WILDLIFE: Senate September 10 concurred in House amendment to and cleared for the President S. 1575, authorizing continued studies on the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife. The House amendment in which the Senate concurred provides for annual appropriations of \$2,565,000 be authorized to carry out the provisions of the Act.

President September 16 signed into law S. 1575, authorizing continued studies on the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife (P. L. 86-279).

MARINE GAME FISH RESEARCH: Senate Committee on Interstate and Foreign Commerce, in executive session on September 9, ordered favorably reported H. R. 5004, directing the Secretary of the Interior to make a continuing study of migratory game fish (S. Rept. 987).

Senate Report No. 987, Authorizing and Directing the Secretary of the Interior to Undertake Continuing Research on the Biology Fluctuations, Status, and Statistics of the Migratory Marine Species of Game Fish of the United States and Contiguous Waters (September 9, 1959, 86th Congress, 1st Session, Report of the Senate Committee on Interstate and Foreign Commerce to accompany H. R. 5004. . . .), 3 pp., printed. Contains the purpose and provisions of the bill, committee recommendations, and departmental report.

Senate September 11 passed H. R. 5004, without amendment, and cleared the bill for the President.

President September 22 signed into law H. R. 5004, providing for a continuing marine game fish research program, and authorizing to be appropriated not more than \$2,700,000 annually to carry out the provisions of the Act (P. L. 86-359).

OCEANOGRAPHY: S. 2692 (Magnuson and 10 other Senators), a bill to advance the marine sciences, to establish a comprehensive 10-year program of oceanographic research and surveys; to promote commerce and navigation, to secure the national defense; to expand ocean resources; to authorize the construction of research and survey

ships and facilities; to assure systematic studies of effects of radioactive materials in marine environments; to enhance the general welfare and for other purposes; to the Committee on Interstate and Foreign Commerce; introduced in Senate September 11. The bill, titled "The Marine Sciences and Research Act of 1959" provides for a 10-year program relating to objectives expressed in Senate Resolution 136, introduced June 22 and adopted by Senate July 15, 1959, in regards to oceanography and the report of the Committee on Oceanography to the President.

OYSTER INDUSTRY ASSISTANCE: Senate Committee on Interstate and Foreign Commerce, in executive session on September 9, ordered favorably reported S. 2632, to assist the States of New Jersey and Delaware in developing a strain of oysters resistant to causes which threaten the oyster industry on the east coast (S. Rept. 985).

Senate Report No. 985, Assistance to Delaware-New Jersey Oyster Industry (September 9, 1959, 86th Congress, 1st Session, Report of the Senate Committee on Interstate and Foreign Commerce to accompany S. 2632. . . .), 3 pp., printed. Contains the purpose and provisions of the bill, correspondence from sponsors of the legislation, committee recommendations, and estimate of the cost of the program.

Senate September 11 passed S. 2632 without amendment and referred the bill to the House. House took no action prior to adjournment of Congress.

SHRIMP IMPORT DUTIES: H. R. 9274 (Bonner), a bill to amend the Tariff Act of 1930 to provide for the establishment of country-by-country quotas for the importation of shrimps and shrimp products, to impose a duty on all unprocessed shrimp imported in excess of the applicable quota, and to impose a duty on processed shrimp and prohibit its importation in excess of the applicable quota; to the Committee on Ways and Means; introduced in House September 14. Identical to H.R. 8769 and related bills previously introduced which provide for duties and quotas on shrimp importations to protect the domestic industry and for other purposes.

SMALL BUSINESS ACT AMENDMENT: Senate September 10 passed with amendment in which the Senate requested the concurrence of the House H. R. 8599, to amend in several respects the Small Business Act. The amendment provides that certain funds are to remain available for grants for research and management counseling during fiscal year 1960. The legislation provides the additional funds necessary to operate the Small Business Administration's regular business loan program over the recess, into 1960, and provides authority for appropriations to continue the programs of grants for studies, research, and counseling concerning the management, financing, and operation of small business enterprises.

House September 11 concurred in Senate amendments and cleared H. R. 8599 for the President.

President September 22 signed into law H. R. 8599, to increase the loan authority of the Small Business Administration from \$500 to \$700 million (P. L. 86-367).

SMALL BUSINESS INVESTMENT ACT OF 1958 AMENDMENT: The Senate September 10 passed without amendment and cleared for the House S. 2611, amendments to the Small Business Investment Act. The legislation is designed to liberalize the kind of investments which small investment companies may make so as to encourage the formation of small business investment companies. House took no action prior to adjournment.

TREATIES ON THE LAW OF THE SEA: The President September 8, 1959, signed the conventions adopted at the Conference of the Law of the Sea held at Geneva, Switzerland, last April.

The President September 9 transmitted to the Senate for ratification five treaties formulated at the United Nations Conference (1) Convention on the Territorial Sea and the Contiguous Zone, (2) Convention on the High Seas, (3) Convention on Fishing and Conservation of Living Resources of the High Seas, (4) Convention on the Continental Shelf, and (5) Optional Protocol of the Signature Concerning the Compulsory Settlement of Disputes; together with accompanying documents and a report of the Acting Secretary of State; referred to the Committee on Interstate and Foreign Commerce.

The treaties reached the Senate after the Committee had concluded meetings for the 1st session

of the 86th Congress, and it is unlikely that another meeting will be held before Congress reconvenes in January. Prompt action is expected when the Congress reconvenes. The 4 conventions adopted at the Conference of the Law of the Sea at Geneva, Switzerland, last April were signed by President Eisenhower on Tuesday, September 8.

WATER POLLUTION STUDIES: H. J. Res. 522 (Reuss), a House Joint Resolution directing the Secretary of Health, Education, and Welfare to conduct certain studies and investigations relating to water pollution, and for other purposes; referred to the Committee on Public Works; introduced in House September 8. Provides for a number of studies of water pollution, including (1) the effects of disposing of nuclear wastes in the ocean as well as in the navigable waters of the United States; and (2) methods of controlling water pollution caused by the disposition of sewage and garbage from ships operating in the navigable waters of the United States. Further provides that, based upon such investigations and studies, uniform laws be formulated for possible enactment by States and political subdivisions to prevent water pollution, and to submit to Congress proposals for any Federal legislation necessary to correct any water pollution problem revealed by such studies and investigations.



THE FISHING BOAT OF 1975

Delegates to the Second World Fishing Boat Congress had a look into the future when, at one session, they discussed the fishing boat of 1975. At the 1953 Congress, states a preamble to this discussion, there was a paper about gas-turbine propulsion of fishing-boats, and a number of papers on factoryship design. Many participants felt that it was too early to take up such subjects.

Now, however, gas-turbine trawlers have been put into operation, and dozens of huge factoryships are operating successfully in waters not before known to the fishing industry. Development in fishing-craft design will not slow down but, on the contrary, will accelerate as technical progress continues. The time might not be very far ahead when the first atomic-powered fishing craft will operate. Similarly, with the advance of stern trawling, stabilizers might soon be introduced to make working conditions for the crew much more comfortable.

With progress in automation, fishing boats might be designed to operate with much smaller crews. It might even be possible to send large factoryships to the fishing ground, manned by a skeleton crew, and, when needed, send out the main working crew by supersonic planes. The fishing craft of the future might even be airborne with adjustable jets to keep them stationary or at low speed when fishing, and then flying with their catch direct to consumption centers far inland: (The South African Shipping News and Fishing Industry Review, May 1959.)