



## Interstate Commerce Commission

### BRINED FISH UNDER REFRIGERATION MAY BE SHIPPED BY EXEMPT CARRIER:

The Interstate Commerce Commission, in a recent decision involving a motor carrier application, ruled that lightly-salted or brined fish shipped under refrigeration may be transported by exempt carriers. The Commission held that "processed fish"--scaled, washed, slightly salted (brined), cut into portions, packaged, and shipped under refrigeration--is not a manufactured product as defined in the Transportation Act of 1958. The Act provides that "...fish (including shellfish)...shall be deemed to include cooked or uncooked (including breaded) fish or shellfish when frozen or fresh (but not including fish and shellfish which have been treated for preserving, such as canned, smoked, pickled, spiced, corned or kippered products)."

Under the ruling apparently the need for further preservation such as refrigeration was the criteria used in determining that "lightly salted" or brined fish is an exempt product.

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### NEW RAILWAY EXPRESS AGENCY CONTRACTS APPROVED:

The Interstate Commerce Commission has approved the new agreement between the railroads owning the Railway Express Agency. The contract now permits the Agency to use other carriers without the railroads' approval. The Commission found that the Agency serves a useful purpose for the transportation of small shipments, and its continued existence is preferred to the entrance of other new parties into the small shipment field.

On September 4, 1959, the Agency also entered into a new contract with the airlines for the future performance of air express service. Under the new agreement the parties will have equal voice in performing air express service, and it covers new provisions for the sharing of revenues. It is expected that gross air express revenues for the next five years will be approximately one-quarter of a billion dollars. Air express traffic for the first seven months of 1959 increased 21½ percent to reach the highest level of activity in its history. This new contract requires the approval of the Civil Aeronautics Board.



## Department of the Treasury

### BUREAU OF CUSTOMS

#### DECISION RENDERED ON "IMMEDIATE CONTAINER" FOR FROZEN FISH BLOCKS:

Since no appeal was made by September 14 by the Department of Justice in the Lee Herrmann Company A/c The Coldwater Seafood Corporation vs. United States, the New York Customs Court's decision that fish blocks made from groundfish are dutiable under Tariff Paragraph 720(b), rather than Paragraph 717(b), under which groundfish fillets are dutiable, became effective September 15.

Since under Tariff Paragraph 720(b), groundfish may be dutiable at either 12½ percent ad valorem or one cent per pound, depending on whether or not the blocks are packed in bulk or in containers weighing, with contents, less than, or more than 15 pounds each, it became necessary to define "containers" or "immediate containers."

The U. S. Bureau of Customs, Washington, D. C., has ruled that for the purposes of Tariff Paragraph 720(b), the "immediate container" is the outer cardboard carton holding the 4 or 5 frozen fish blocks. The letter of September 24 addressed to the Boston Collector of Customs by the Washington office of the Bureau follows:

". . . You state that the following four types of packaging are used with respect to fish blocks imported in your district:

"(a) Four or five frozen fish blocks, each weighing from 12 to 14 pounds, are packed in one cardboard carton. Each frozen fish block is wrapped in paraffin or wax paper, without sealing, to prevent the blocks from blending together, as well as to lessen dehydration during storage and shipping to the United States. The average weight of a carton containing four frozen fish blocks is 54 pounds; the average weight of a carton containing five frozen fish blocks is  $67\frac{1}{2}$  pounds.

"(b) Four or five frozen fish blocks, each weighing from 12 to 14 pounds, are packed in one cardboard carton. Each frozen fish block is inserted in a pliofilm or polyethylene film bag, to prevent the blocks from blending together, as well as to lessen dehydration during storage and shipping to the United States. The weights of the packed cartons are substantially the same as under (a) above.

"(c) Four or five frozen fish blocks, each weighing from 12 to 14 pounds, are packed in one cardboard carton. Each frozen fish block is placed in a lightweight cardboard tray without top (the bottom of one tray acting as a separator between blocks), to prevent blocks from blending or sticking together, as well as to lessen dehydration during storage and shipping to the United States. The weights of the packed cartons are substantially the same as under (a) above.

"(d) Four or five frozen fish blocks, each weighing from 12 to 14 pounds, are packed in one cardboard carton. Each frozen fish block is placed in a lightweight cardboard tray or carton (with top) which completely covers the frozen fish block, to prevent the blocks from blending or sticking together, as well as to lessen dehydration during storage and shipping to the United States. The weights of the packed cartons are substantially the same as under (a) above. In packaging of this type the inner cardboard trays or cartons are not riveted, stapled or sealed.

"Representatives of the importers have appeared in the Bureau and state that the paraffin or wax paper (in (a) above), the pliofilm or polyethylene film bags (in (b) above), and the lightweight cardboard trays or cartons (in (c) and (d) above) bear no marking or legend of any kind and are ripped or torn from the frozen fish blocks and thrown away as the first step in a long process of converting the fish blocks into fish sticks, fish flakes, or fish cakes. The fish blocks

in their form as imported go no farther than the processor and never reach the retail consumer.

"The Court of Customs and Patent Appeals has stated that it is not practical to lay down a hard and fast rule by which it may be determined what is or is not an "immediate container" for the purposes of Paragraph 720 of the tariff act. In T. D. 44639 (59 Treas. Dec. 410) the court laid stress on whether the wrapper was unsealed, whether the fish in the wrapper could be carried away by a retail purchaser without first being enclosed in some other wrapper, and whether the use of the wrapper was primarily for sanitary purposes.

"In the most recent judicial decision on this subject, published as C. D. 1957 (40 Cust. Ct. 48), the court laid stress on the fact that the fish were loosely wrapped and the wrappings had no markings whatsoever to indicate the nature of the fish within the wrapper.

"The Bureau is of the opinion that in the four types of packaging outlined under (a), (b), (c), and (d) the immediate container for the purpose of Paragraph 720(b) is the outer cardboard carton holding the four or five frozen fish blocks.

"To insure that the merchandise will be so classified at each port which it may be entered, this decision is being circulated to all customs officers.

"Very truly yours,

"(s) W. E. Higman, Chief  
Division of Classification  
and Drawbacks"

"Honorable Maynard Hutchinson  
Collector of Customs  
Boston 9, Mass."



## 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 chamber actions by the House and Senate, as well as signature into law or other final disposition are covered.



Additional actions taken not previously reported here:

**OCEANOGRAPHY:** Oceanography in the United States: Hearings before the Special Subcommittee on Merchant Marine and Fisheries, 86th Congress, 1st Session, Washington, D. C.--March 3, 10, 12, 17, April 21, 23, June 23, July 13

and 14, 1959; Carderock, Md.--April 24, 1959; Boston, Mass.--June 1, 1959; Woods Hole, Mass., June 2, 1959); 399 pp., printed. Purpose was to determine to what extent the United States should go to carry out a broad and effective national program of oceanographic studies. The goal of the Subcommittee on Oceanography is to conduct a comprehensive study in the field of oceanography so that it can make positive and factual representations and recommendations to the Congress for guidance in carrying out a firm oceanographic program. Contains statements, reports, and recommendations of scientists and representatives of Government and industry. The Subcommittee heard reports on the work of the Fish and Wildlife Service in oceanography in relation to fishery investigations. It was pointed out in testimony that oceanographic fishery investigations were essential as the means of furthering knowledge of the vast food resources of the sea. The Subcommittee also queried witnesses on the effects of atomic waste disposal on offshore fisheries.



#### BOILED CORN AS FISH BAIT

The fishermen of Lake St. Basil, Macedonia, Greece, have used boiled corn as bait with remarkable results. The cost of the bait is insignificant.

--Aleia,  
September 1955.

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