

# FEDERAL LEGISLATION, DECISIONS, ORDERS, ETC.

## Civilian Production Administration

**CANS:** The Civilian Production Administration, on March 1, issued a revised M-81, the metal container conservation order, and on March 4 published a revised version of Direction 9 to M-81.

The revised M-81 re-establishes packing quotas for the various commodities which may be canned. Most fishery items are entitled to unlimited quotas, but ground fish is permitted only 100 percent of the 1945 pack and codfish cakes, crawfish, eels, finnan haddie, and lobsters are restricted to 50 percent of the 1941 figure. By a provision grading the sequence of manufacture and delivery, the order also places these products at a disadvantage under items entitled to unlimited quotas.

Direction 9, revised, permits steel producers to set aside 15 percent of their monthly tin mill production for uses other than the production of containers for seasonable and perishable food products, drugs, medicinals, and biologicals. Formerly, 100 percent was required for these products.

**OIL IMPORTS:** Removal of import controls on fish liver oil and shark liver oil, important sources of the disease-resistant vitamin A, were announced by the Civilian Production Administration on March 1. This relaxation was effected through a revision in the General Import Order M-63.

CPA's action followed the recent move of the Combined Food Board in removing these two oils from international allocation. The Board reported that the supply and demand for these oils were virtually in balance.

Fish liver oils, including shark liver oil, were placed under international allocation control on January 12, 1944, when a tight supply situation made it necessary to protect the needs of the armed forces.

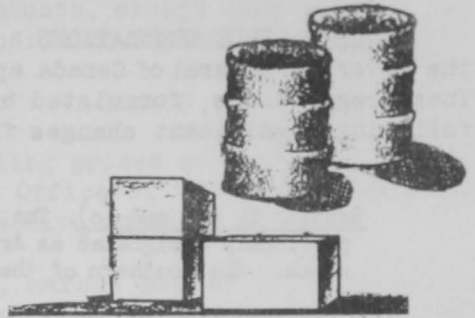
## Department of Agriculture

**CONTAINERS:** The fishery industry faces a serious shortage of wooden and fiber containers for the next several months, the U.S. Department of Agriculture announced on March 7. Production of such containers is far below normal, and no improvement can be expected until fall.

USDA urged the industry to conserve and re-use old containers wherever possible, to anticipate requirements for new containers, to place orders promptly, and to take delivery of containers whenever and wherever they are available.

Shortages of logs and labor, bad weather, and other factors were blamed for the reduced output of wooden containers. The tinsplate supply situation is also reported as tight, but officials are confident that the fishery industry's seasonal requirements for tin cans, particularly for quality fish, will be met.

The USDA advised that, where members of the industry are unable to obtain containers after exhausting known sources of supply, the matter should be promptly reported to the Fish and Fish Products Division, Special Commodities Branch, Production and Marketing Administration, Washington 25, D.C. Such action will not assure a supply of containers, but the Branch will endeavor to locate and direct movements of new and used containers to areas of extremely short supply.



**MARINE PAINTS:** The U. S. Department of Agriculture, on March 15, announced that beginning March 16, 1946, the use of fats and oils in marine paints will be exempted from quota restrictions imposed by WFO-42a, provided manufacturers accompany their quarterly use report FDO-42-4 with a certification of such oil use from the War Shipping Administration.

The minimum amount of fats and oils any manufacturer, operating under the order, may use was increased from 15,000 to 20,000 pounds per quarter, for all purposes.

**SARDINE IMPORTS:** The U. S. Department of Agriculture announced on March 26 that approximately 7.6 million pounds (325,000 cases) of canned sardines from Portugal and Spain and their colonies have been recommended for allocations to the United States by the Combined Food Board. This is an increase of more than 50 percent over the quantities which were available last year.

Imports into the United States of these products will make possible compensating shipments of less expensive fish to needy European countries. The shipments will be divided as follows: 250,000 cases from Portugal and its colonies and 75,000 cases from Spain and its colonies. The types of sardines that may be imported will be limited to boneless and boneless-and-skinless sardines, packed in  $3\frac{3}{4}$  ounce (Dingley) cans.

Authorizations to import these fish will be granted, as far as practicable, only to qualified importers on the basis of their historical records of importations. The years 1938-44, inclusive, have been determined to constitute the base period, but an importer may select any three consecutive years of that period to represent his individual base period. Prospective qualified importers, or their agents, must provide and export the tinsplate necessary for the packing of the sardines.



## International Fisheries Commission

1946 HALIBUT REGULATIONS: On March 6, the President of the United States and the Governor-General of Canada approved the 1946 Pacific Halibut Fishery Regulations. These regulations, formulated by the International Fisheries Commission, had the following significant changes from the regulations in force in 1945:

Section 1, (b) and (c). The section of the coast, south of Willapa Harbor, previously designated as Area 1, is divided at Cape Blanco Light into two areas. The southern of these is designated Area 1A and the northern, Area 1B.

Section 3, (b). The closing date of Area 2 or Area 3, whichever is later, is applied to Areas 1A and 4 and the closing date of Area 2 is applied to Area 1B.

Section 4, (e). The halibut license of any vessel fishing for halibut in Area 1A, after the closure of Areas 1B and 2, must be validated at a port or place within Area 1A prior to each fishing trip.

Section 5, (a). This provision, which allows a setline vessel fishing under permit for other species in areas closed to halibut fishing to retain for sale one pound of halibut for each seven pounds of saleable fish of other species, is amended to allow a vessel with a permit to possess more halibut than it can sell legally, provided such additional halibut does not exceed 30 percent of the amount of halibut that can be sold. Such additional halibut must be forfeited and surrendered at the time of landing.

Section 5, (c). The captain of a vessel fishing under permit and the dealer purchasing the catch of such a vessel are both made responsible for reporting the arrival of the vessel to an enforcement officer and for securing from him permission to unload, before unloading begins.

Section 6, (g). The permit of any vessel becomes invalid if the vessel has in its possession more halibut than is allowed under paragraph (a) of Section 5.

Section 7, (a). A section of the 1945 paragraph is deleted to make it necessary for all licensed vessels to make statistical return at the end of each trip. Previously, vessels fishing for halibut in areas without catch limits did not need to make statistical return unless requested to do so.

Section 8, (b). Dealers are required to make statistical return on each permit trip, certifying that they had reported the arrival of the trip and had secured permission to unload it before unloading began.



## Office of Price Administration

EXEMPTIONS AND SUSPENSIONS: Removal of price control from fifteen miscellaneous commodities, most of which were food items, was announced on March 20, 1946, by the Office of Price Administration in Amt. 20 to SO-132, effective on March 25, 1946.

The items exempted from price control included:

Domestic dried shark fin, canned carp, canned clam chowder, processed domestic and imported lobster and spiny (rock) lobster products, except when sold in hermetically sealed containers, canned domestic and imported mussels, and frozen oyster stew.

**OYSTERS AND CLAM SHELLS:** Suspension of ceiling prices on oyster shells and clam shells will be continued indefinitely, the Office of Price Administration announced on March 15 in Amdt. 21 to SO-132, effective on March 15, 1946.

Since the date of the original suspension, market prices for each of the commodities have remained below the level of pre-existing ceilings, and indications are that prices will continue at or below ceiling levels, OPA stated.

**CRABMEAT:** Exemption of frozen, canned, and fresh crabmeat from price control on March 29, 1946, was announced March 29 by the Office of Price Administration when issuing Amdt. 23 to Supplementary Order 132.

The agency explained that this action was being taken because crabmeat is a luxury item used mostly by hotels, with no significance in the cost of living.

Ceilings on crabmeat had been suspended since October 31, 1945.

**FRESH AND FROZEN FISH AND SEAFOODS:** Amdt. 17 to MPR-579, effective March 15, 1946, changes the regulation governing fresh and frozen fish and shellfish, the Office of Price Administration announced on March 15.

The action was as follows:

1. Inland wholesalers of frozen fish who, prior to April 13, 1943, brought more than 50 percent of any species in carload lots, and who have substantial connections with coastal suppliers, are prohibited under the action from using Column V prices to sell that species to other--usually smaller--independent inland wholesalers.

They must sell no higher than the Column IV level, OPA ruled.

OPA explained that Column I to Column V price levels are processor and distributor prices starting with Column I prices charged by the coastal supplier and working up, through distributor levels, to Column V prices--charged by the final distributor to the retailer and purveyor of meals.

2. Furthermore, by the action any inland wholesaler who, during the past year, received 20 percent or more of a species of fish from New England or (in the case of West Coast shipments) from the Pacific Coast, or by imports from foreign suppliers, must sell at a price no higher than the Column IV level (or Column II in the case of importers).

Previously, independent wholesalers were allowed to charge Column V prices for certain types of sales regardless of size and connections with coastal suppliers.

The action preserves the two established levels of maximum prices for inland wholesalers, OPA said, by more effectively restricting Column V prices to small inland operations and to wholesalers dependent on large inland distributors for their frozen fish supplies.



The Column IV level applies to inland wholesalers with access to sufficient supplies from the coasts as to enable them not only to supply their own retailer and institutional trade (purveyors of meals), but also to supply smaller inland wholesalers.

3. In accordance with a recent Emergency Court of Appeals decision in the case of Booth Fisheries Corporation, the status of inland wholesale branches, owned and operated by coastal processors of frozen fish and competing with independent inland wholesalers, was clarified.

Formerly, OPA had ruled that Booth Fisheries could not charge Column V prices because its inland wholesale branches were not in the category of independent operators, who were permitted to charge high-level prices, regardless of their size and connections with coastal suppliers.

The Court, however, ruled that Booth Fisheries should be allowed the Column V prices where its operations were the same as the operations of competing wholesalers who could charge Column V prices.

4. The action also permits Booth Fisheries Corporation, for the first time, to use the highest level of prices (Column G) for fresh (non-frozen) fish, as in the case of the independent inland wholesalers.
5. Prices are established on parchment-wrapped and cellophane-wrapped packages of frozen fish packed in two-pound wood or paper boxes. An addition of one and one-half cents per pound is allowed for cellophane-wrapped packages, and one and one-quarter cents for parchment-wrapped packages.

Although no United States processor of frozen fish as yet uses the two-pound package, imports from Iceland are received in this manner. The action establishes prices in the event domestic processors produce a similar package.



## Treasury Department

**DOGFISH-LIVER OIL:** The Treasury Department, on March 8, 1946, instructed its collectors of customs to classify dogfish-liver oil under paragraph 34, Tariff Act of 1930, and section 2491 of the Internal Revenue Code. The text of the order follows:

TREASURY DEPARTMENT,  
OFFICE OF THE COMMISSIONER OF CUSTOMS,  
Washington, D. C.

*To Collectors of Customs and Others Concerned:*

In C. D. 949, the U. S. Customs Court held certain dogfish-liver oil, extracted from natural dogfish livers and containing medicinal properties, to be free of duty under paragraph 1669, Tariff Act of 1930, as a crude drug of animal origin, not advanced in value or condition beyond that essential to the proper packing of the drug and the prevention of decay or deterioration pending manufacture. In reaching that decision, the court overruled the collector's classification

of the oil as a drug advanced in condition, dutiable under paragraph 34 of the tariff act at 10 per centum ad valorem.

The Assistant Attorney General in charge of customs litigation proposes to present a new case to the court covering the issue involved in C. D. 949. Therefore, the ruling in that case shall be confined to the merchandise specifically involved therein. Other merchandise such as and similar to the oil dealt with in the cited case shall be classified under paragraph 34 at 10 per centum ad valorem.

Such and similar merchandise shall also be assessed with a tax under section 2491 of the Internal Revenue Code, as modified pursuant to the Canadian Trade Agreement, following C. A. D. 285.

(418.141)

W. R. JOHNSON,  
*Commissioner of Customs.*

Approved March 8, 1946:

JOSEPH J. O'CONNELL, Jr.,  
*Acting Secretary of the Treasury.*



## War Department

**ALASKAN RESTRICTIONS:** The War Department, on March 6, 1946, announced the revocation of an amendment approved on December 4, 1942, postponing for the duration of the war and six months thereafter, the effective date of the regulations and conditions approved on October 14, 1940, to govern the placing and maintenance of fishing structures in the coastal waters of Alaska and navigable waters tributary thereto. The regulations and conditions were declared to be again in full force and effect.

