

# FEDERAL LEGISLATION, DECISIONS, ORDERS, ETC.

## Civilian Production Administration

**GLASS CONTAINERS:** With the current tin shortage and the coal strike intensifying an already critical shortage of glass containers, the Civilian Production Administration, on May 22, reported it will continue the present control on the manufacture of glass bottles, jars, and containers of all types.

By restricting the use of molds for new designs, the order effects a saving in the use of pig iron, now in short supply and urgently needed for the manufacture of many critical products.

CPA announced that Order L-103, setting up manufacturing standards and freezing designs of all types of glass containers, will remain in full force to take care of the food pack and to provide enough additional glass containers to package drugs, medicinals, and other essential items.

Container capacity is still inadequate even though 85 percent of all tin mill products production has been set aside for the container needs of seasonal and perishable food items, drugs, medicinals, and biologicals.

Existing container shortages were made even more severe in the past two weeks by curtailment of glass container manufacture on account of the coal strike, CPA officials said. In addition, the strike caused plant shut-downs in allied industries which threaten the supply of soda ash, a basic material in the manufacture of glass.

These developments have caused concern over the general container problem, and it is felt that in the present emergency, the retention of L-103 controls at this time will assure packers and the public the greatest number of glass packages for their products.



## Department of Agriculture

**ACTIVE FOOD ORDERS:** On May 1, the United States Department of Agriculture published a list of Food Orders which remained active on that date. The list included the following which concern the fisheries:

- WFO-42 - Fats and Oils in Edible Products
- WFO-44 - Canned Fish and Shellfish
- WFO-52 - Authority Delegated to Interior Department
- WFO-63 - Food Imports
- WFO-72 - Salted Fish
- WFO-111 - Refrigerated Food Storage Facilities

**CANNED ATLANTIC MACKEREL:** The Production and Marketing Administration, U. S. Department of Agriculture, announced on May 2, in Announcement SC-81, that it will receive offers for the sale of canned Atlantic mackerel required to be set aside in 1946, pursuant to WFO-44.

Purchases will be made by negotiated contracts executed by the Commodity Credit Corporation. The contract terms and conditions are set forth in three separate documents:

- Form PBT-400 - Standard Contract Conditions---contains conditions which may apply to purchases of all commodities
- Form SCT-56 - Canned Fish - General Contract Conditions---contains additional terms applying to purchases of canned fish
- Form SCO-81 - Canned Atlantic Mackerel - Offer of Sale---which details the conditions applying specifically to this type of fish

Canners who expect to operate during 1946, are requested to submit their proposals as soon as practicable, but in any case not later than June 30, 1946.

Excerpts from SCO-81 follow:

SPECIFICATIONS: Fish delivered hereunder shall meet the following specifications:

- a. Fish shall be firm, of good appearance, and well cleaned. Fish shall be practically unbroken, and practically free from objectionable material. Salt or salt brine, which may contain 2 percent vinegar, shall have been added to the can. Cans shall be packed as full as practicable. The average net content of the No. 300 (300 x 407) can shall be not less than 14 ounces. If other sizes of cans are used, the net content shall be in the same proportion as the relative size of the can.
- b. Definitions: For the purpose of the above specifications, the following definitions shall apply:
  1. The term "Net Content" means the total weight of the fish and liquid in the can.
  2. The term "Well Cleaned" means that the fish shall have the head and tail removed, shall be free from entrails and the blood sac along the backbone shall have been punctured to allow drainage of blood.
- c. A lot may be considered as meeting specifications if not more than one-sixth of the containers in a lot fail in some respect to meet the requirements of the specifications: Provided, That none of the containers which may fail to meet the specifications shall fail to meet the requirements of the Federal Food, Drug and Cosmetic Act and amendments and regulations thereunder.

**CANNED CONTINENTAL UNITED STATES SALMON:** The Production and Marketing Administration, United States Department of Agriculture, announced on May 22, in Announcement SC-85, that it will receive offers for the sale of canned salmon packed in the continental United States, required to be set aside in 1946 pursuant to WFO-44.

Purchases will be made by negotiated contracts executed by the Commodity Credit Corporation. The contract terms and conditions are set forth in three separate documents:

- Form PBT-400 - Standard Contract Conditions---contains conditions which apply to purchases of all commodities
- Form SCT-56 - Canned Fish - General Contract Conditions---contains additional terms applying to purchases of canned fish
- Form SCO-85 - Canned Salmon, Continental United States - Offer of Sale--- which details the conditions applying specifically to those types of fish.

Canners who expect to operate during 1946 are requested to submit their proposals on the offer of sale form as soon as practicable, but in any case prior to September 15, 1946.

Excerpts from Form SCO-85 follow:

SPECIFICATIONS: Fish delivered hereunder shall meet the following specifications:

- a. Canned Columbia River chinook salmon shall meet detailed specifications for grades of canned Columbia River chinook salmon, Form PBP 1021a, revised 11/28/42.
- b. All other species of fish shall meet the requirements of "Federal Specifications for Canned Salmon," PP-S-31a, as amended May 6, 1942, Sections B to F inclusive; Provided, That salmon packed within the continental United States may have added oil, and shall not be required to meet "Federal Specifications for Canned Salmon," Sections B to F inclusive, as to color of oil and color of flesh, but color of flesh shall be characteristic of the species in the district in which the salmon is packed, and further: Provided, That for all species except red (including sockeye and blueback), Section E-1 of such specifications are revised, for the purposes of this contract to delete the words "shall be reasonably free from watermarking" and insert in lieu, thereof, the words "watermarking shall be scored only when texture, color of flesh, amount of oil, odor and flavor have been affected."

All fish delivered hereunder shall conform in every applicable respect to the requirements of the Federal Food, Drug, and Cosmetic Act, and amendments and regulations thereunder.

SALMON SET-ASIDE: Canners of certain species of salmon previously exempted from set-aside provisions of WFO-44, will be required to deliver to the Government 33 percent of their pack from April 1, 1946 to March 31, 1947, the Department of Agriculture announced on May 17, in Amdt. 19 to WFO-44.

This action was taken in an amendment extending the order's provisions to include red, sockeye, or blueback salmon packed in the continental United States, and king, chinook or spring salmon, and steelhead. All species of salmon now are included in the order, which provides for the purchase of canned fish for Government, military, and relief purposes.

The order was amended because of increased requirements by claimant agencies. It will have little effect on domestic supply as the additional set-aside will represent a small portion of the total pack, according to the Department.

## Office of Price Administration

**EXEMPTIONS:** Continuing its decontrol program, the Office of Price Administration on May 15 exempted from price ceilings all sales of about a hundred miscellaneous products or groups of products, most of them food items, that are not significant in the cost of living or in business costs, when issuing Amdt. 28 to SO-132, effective on May 15, 1946.

The action extends a previous exemption of lobster products to include canned lobster products.

Among the items exempted are:

- Anchovies in brine (imported and domestic)
- Anchovies and anchovy paste, canned (imported and domestic)
- Anchovy sprats (imported)
- Cod liver, canned (imported and domestic)
- Cod liver paste, canned (imported and domestic)
- Crabmeat specialties, canned (imported and domestic) This includes, but is not limited to, cakes and cocktails.
- Fish cakes, canned and frozen
- Fish chowders, canned
- Shad, canned
- Shark fillets, salted (imported and domestic)
- Vinegar cured herring
- Vinegar cured herring products (imported and domestic)

**FISH MEAL AND SCRAP:** In Amendment 9 to Revised Price Schedule 73, effective May 13, the Office of Price Administration raised the prices of fish meal and fish scrap. The price of the former was increased \$10.00 per ton and that of the latter \$7.50 per ton. According to the regulation, Paragraph A of Section 1363.12 should be amended to add \$10.00 per ton to the prices listed in the table covering fish meal. For fish scrap, f.o.b. conveyance to fish reduction plant, the maximum price shall be \$5.50 per ton under the prices listed in Paragraph A of the Section.

Fish meal and scrap remain subject to price control despite the removal or suspension of these controls on many other fishery items.

**NORWEGIAN SARDINES:** Maximum prices have been established for importers' sales of Norwegian sild sardines packed in refined herring oil, the Office of Price Administration announced on May 3 in Order 363 to Order 38 under the Revised Maximum Import Price Regulation effective May 7, 1946.

This canned fish product is again available to United States buyers, and importers have requested authorization of individual ceiling prices, OPA said. The new prices, applicable to all importers, will relieve both OPA and importers from the burden of handling individual applications for ceiling prices, the agency added.

The prices (subject to adjustment for duty), ex-dock or warehouse continental United States point or port of entry, duty paid, are:

## Sales by importers to--

Per case of 100 3 1/4-  
ounce Norwegian  
sild sardines in re-  
fined herring oil

	Aluminum containers	Tin con- tainers
Wholesalers and chain stores	\$15.31	\$14.35
Independent retailers	16.12	15.11
Industrial and institutional users	16.80	15.75

Retail ceiling prices for Norwegian sild sardines packed in aluminum tins will be computed under other regulations, OPA said, and will range from 19 cents to 23 cents a can, depending upon the location and classification of the retail store.

**PRICE CONTROLS SUSPENDED:** Suspension of price control from most fresh and frozen fish, and most foods processed from fish, except canned fish, for 90 days beginning May 20, 1946, was announced on May 16 by the Office of Price Administration in issuing Amdt. 31 to SO-132.

On the effective date of the amendment, only the following items will remain under control:

All canned fish items except canned shrimp;

All varieties of fresh and frozen Pacific salmon, halibut, tuna and tuna-like fish;

Pilchards, alewives and sea herring (sardines);

Any foods processed from Pacific Coast salmon, halibut, tuna and tuna-like fish, pilchards, alewives and herring, such as kippered salmon, mild-cured salmon and smoked boneless herring;

The following salt fish: Salt cod, hake, pollock, haddock, cusk, ling, and saithe;

The following canned fish items: Salmon, mackerel, squid, fish flakes, Atlantic sea herring and alewives, Maine sardines, California sardines, tuna or tuna-like fish;

Fish byproducts, including oils and meals.

In the judgment of the Administrator, average prices for those fish products and those foods processed from fish products which are being suspended will be no higher than the weighted average of existing ceilings. Directive No. 68, issued by the Director of Economic Stabilization, authorizes the Administrator to suspend ceilings on a commodity whenever he makes a judgment that prospective uncontrolled market prices will not, as a whole, exceed previous ceiling levels.

Present production levels plus anticipated high future production and imports make the supply outlook as favorable as in the record production year of 1941, the OPA reported. Considering only those fish products which are being suspended at this time, the prospect is for the highest supply level of recent times during the present and ensuing spring and summer seasons. For example, the catch in the three major New England ports in 1945 was some 30 million pounds above the 1941 record production of 540 million pounds despite the fact that several large boats were not returned by the Navy until after the Japanese surrender. Some 30 new

boats equipped to catch over 60 million pounds of fish annually are now ready for fishing. Most of these fish go into the fresh and frozen market. Increased production expected in other areas is due, not only to additional boats, but also to the return of fishermen, particularly where one and two man boats and in-shore operations are important.

In addition to the expected increased production of domestic fish, the volume of imports during 1946 is expected to reach record levels. In 1945, some 250 million pounds of fish were imported, including 43 million pounds of frozen fillets. Present conditions point to well over 50 million more pounds of fillets, from Iceland, Canada, and Newfoundland in 1946. Anticipated increased production in these countries and new supplies from European countries, with a lessening of demand by Great Britain, indicate that a substantial further amount will be available.

Present inventories of frozen stocks are also at record levels and have been at record levels since November 1945. Holdings on March 1, 1946 were about 99 million pounds compared to 53 million in 1945, and  $57\frac{1}{2}$  million for the preceding 5-year average. Continued record levels through the summer are expected since we are at the season for in-storage movement and are starting out at a higher level.

Though there has been some weakening of prices at pre-retail levels, the situation at retail has not been too clear. There has been substantial evidence of below ceiling sales of whole fish and some fillets, but there has been little weakening in prices of such items as halibut and salmon steaks. These items, however, are not being removed from price control for various reasons. The general trend in fresh and frozen fish production plus the lessening in demand after the end of the Lenten season should tend to stabilize the market at prices not above present ceilings.

Fish byproducts including oils, meals, etc., remain subject to price control since controls are not being lifted on any non-edible products processed from fish. These are still in short supply.

Controls are being retained on all canned fish items except canned shrimp and those items already exempted by previous action taken under Section 2 of the Directive. Canned fish remaining under controls include tuna, salmon, pilchards, Maine sardines, mackerel, fish flakes, etc. Set-asides up to 45 percent, instituted by the Department of Agriculture on the major canned fish items will result in a continued general shortage of canned fish for the civilian market. To protect the canned fish ceilings and prevent a diversion of these species from the canneries, the maximum prices in MPR-579 and RMPR-507 at all levels of distribution are retained for all varieties of fresh and frozen Pacific Coast salmon, tuna and tuna-like fish, pilchards, alewives and sea herring (sardines). Similarly, any foods processed from these species, such as kippered and mild-cured salmon, remain under control. Troll-caught salmon and halibut also remain under control. Salmon and halibut, when marketed fresh and frozen, are generally shipped as whole fish through the same distribution channels, later to be cut into steaks, etc. The difficulty in distinguishing between the types of salmon, particularly at the consumer level, makes it necessary to retain controls on all salmon to prevent diversion and maintain present market stability. Controls are retained on halibut since supply is limited by international agreement.

Controls are also being suspended on a large number of processed fish items such as certain smoked fish, pickled fish, etc. To a great extent, these are specialty items and though the price on some of them may rise above existing ceilings, the administrative difficulty involved in their control might very well justify their removal from price control under Section 2 of the Directive. The Administrator believes that the increased production of fish generally should have a stabilizing effect on all shrimp prices. Also the industry feels that shrimp production will increase upon the removal of controls. Certain salt fish including salt cod, hake, pollock, etc., covered in RMPR-384 are also kept under control because the world supply is inadequate. At present, it is under allocation by the Combined Food Board.

Despite the favorable supply and demand conditions, it is possible that present general world food shortages plus specific domestic shortages in meat, cheese, poultry, and other protein foods might tend toward tightening the fish market. If such tendency becomes evident, and it appears to be more than temporary, the Administrator remains prepared to reinstitute controls at any time. If, as expected, prices remain at or below ceilings for the full 90-day period, further suspension will be considered.

If controls should again become necessary before August 18, 1946, there will be no time to issue advance notice and no provision can be made for any resulting inventory losses. On August 18, 1946, price controls will automatically go into effect if the Administrator has not meanwhile taken express action to restore control or to continue the suspension.

**SUMMER MARK-UPS:** Mark-ups to be used by retailers in determining their ceiling prices on North Atlantic and Pacific fresh fish and seafood for the forthcoming summer season--May through September--will be the same as summer mark-ups used last year, the Office of Price Administration announced on May 1, when issuing Amdt. 10 to RMPR-507, effective May 6, 1946.

The mark-ups reflect the normal seasonal increase in fresh fish supplies and the accompanying seasonal decline in wholesale prices.

This action, together with changing seasonal wholesale prices, will result in lower prices to consumers of from two to five cents a pound below the winter season prices, OPA said.

**WINTER MARK-UPS:** Winter retail mark-ups for fresh fish and seafood have been extended through May 8, the Office of Price Administration announced on May 3.

Winter mark-ups originally were intended to expire on May 1.

Summer mark-ups, originally intended to be effective May 6, 1946, took effect instead on May 9, 1946, to coincide with regular weekly establishment of community prices in retail stores.

Winter mark-ups are cents-per-pound applied to the net cost of fresh fish and seafood by species for the months of October, November, December, January, February, March, and April, when the supply of fish and seafood is at its lowest for the year.

Summer mark-ups, therefore, are lower, since the supply for the remaining months is at its normal peak.

Amdt. 11 to RMPR-507--Fresh Fish and Seafood--became effective on May 3, 1946.



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