

FEDERAL LEGISLATION, DECISIONS, ORDERS, ETC.

Department of Agriculture

HERRING AND MACKEREL SET-ASIDES: None of the 1946 pack of canned Atlantic sea herring, including Maine sardines, and no canned Pacific mackerel will be set aside for delivery to Government agencies, the United States Department of Agriculture announced on August 9, when issuing Amdt. 21 to WFO-44, effective August 11. Atlantic mackerel canned after August 10 is also exempted from set-aside provisions.

It is estimated that about 575,000 cases of Maine sardines and 361,000 cases of canned mackerel will be released to domestic civilian consumers as a result of the amendment.

Originally, canners had been required to set aside 45 percent of their packs of these species for delivery to the Government during the year beginning April 1, 1946. Recent reductions in requirements for the United Nations Relief and Rehabilitation Administration and other relief needs, Department spokesmen said, have made it possible to revoke delivery restrictions. Canners of the affected species, however, must continue to report their packs until March 31, 1947.

IMPORT CONTROLS: The Department of Agriculture, on August 15, removed 27 commodities from import controls under WFO-63. Amdt. 14 to WFO-63, in the form of a complete revision of the Appendix listing commodities still under control of the order, became effective on that date.

The amendment removed from import controls the following fishery items: fish scrap and fish meal, excluding fish scales; and crabmeat, including crab sauce and crab paste, canned.

The spokesman for the Department, in announcing the removal of import controls on the items, stated that the supply is such that the removal of the import controls would not interfere with equitable world distribution.

SALTED FISH: Import quotas covering the 1946 pack of salted cod and related species from Newfoundland, Canada, and Norway were announced on August 1 by the U. S. Department of Agriculture. The action was effected through an amendment to WFO-72 and covers imports into the continental United States.

The quotas for each qualified importer--effective August 1, 1946--are as follows: from Canada, 75 percent of the quantity he imported from that country in 1942; from Norway, 80 percent of his annual average importations in the period from 1938 to 1940; from Newfoundland, 65 percent of the combined quantity he imported in 1942 from Newfoundland and Iceland. Importers who in 1942 imported salted fish only from Iceland may fill their quotas with imports from Newfoundland.

The 75 percent quota for Canadian packed salted fish compares with a quota of 60 percent last year, while the Newfoundland quota remains unchanged. No quotas were established for salted fish imports from Norway last year.

Purpose of the action is to assure equitable distribution among importers of the total supply of salted fish recommended to be allocated to the United States by the International Emergency Food Council.



Civilian Production Administration

TIN SUPPLY: World tin production will not attain prewar levels until some time in 1949, John J. Croston, special investigator for the Civilian Production Administration, reported on July 29 following a recent on-the-spot survey of Far Eastern conditions. Only about 41,000 tons of tin were located in the Orient, which is normally the source of 70 percent of the world's tin supply, he said. This 41,000-ton supply is approximately three months' world consumption at the present rate.

Mr. Croston, who is Deputy Director of CPA's Metals and Minerals Division, recently returned to this country after visiting India, Burma, Malaya, the Netherlands East Indies, Japan, China, French Indo-China, and Siam. He was lent by CPA to the Reconstruction Finance Corporation to make this tin survey and to help speed rehabilitation of the tin mines there.

The relatively small tin stocks available after three and one-half years of Japanese domination exploded the story, based on Japanese reports during the war, that enormous quantities of tin were being produced by Japan. The Japanese Government reported then that a huge tin production had been attained with the aid of enthusiastic mine workers in the "Greater East Asia Co-Prosperity Sphere."

Tin's greatest peacetime as well as war use is as a coating for steel plate in making food containers and other types of containers that must be sealed. It is also used in the production of bronze and in many types of motor bearings.

The poor condition of the Far Eastern tin mines will limit 1946 production to approximately 24,000 tons in 1946, compared with a peacetime production in the Orient of over 160,000 tons. The 1947 rate will be only about one-half of the peacetime rate, and even in 1948 and 1949 may not reach a prewar basis. Political unrest, inadequate food supplies, and lack of proper working conditions are contributing factors in the expected production lag.

The United States cannot obtain all of this production, since it must be divided among all the consuming nations hungry for tin after starvation rations for more than four years.



Food and Drug Administration

OYSTER STANDARDS: The Food and Drug Administration on August 23 issued a new regulation defining standards of identity and quality, and fill of containers, for raw and shucked oysters. The regulation, which is changed only in minor details from the proposed order (Commercial Fisheries Review, August 1946, p. 39), reads as follows:

By virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U.S.C. 341, 371); the Reorganization Act of 1939 (53 Stat. 561; 5 U.S.C. 133); and Reorganization Plans No. I (53 Stat. 1423, 4 F.R. 2727) and No. IV (54 Stat. 1234, 5 F.R. 2421); and upon the basis of evidence of record at the hearing held pursuant to the notices issued on June 16, 1945 (10 F.R. 7266-7) and October 19, 1945 (10 F.R. 13005), and upon consideration of exceptions filed to the proposed order issued by the Acting Federal Security Administrator on July 3, 1946 (11 F.R. 7530), the following order is hereby promulgated:

Findings of fact. 1. In the United States oysters are taken commercially from the salty coastal waters and bays of nineteen states on the Atlantic, Gulf, and Pacific coasts. The oysters found along the Atlantic and Gulf coasts belong to the species *Ostrea virginica* and are commonly called oysters, and in some areas "Eastern oysters." The oysters grown along the Pacific coast belong to one of two species: *Ostrea lurida*, commonly called Olympia oysters, and *Ostrea gigas*, now commonly called Pacific oysters. From the consumers' standpoint the most significant difference between oysters of these species is their size. The range of sizes of the shucked oysters of the three species are as follows:

Species:	Approximate number of oyster meats per gallon
<i>O. lurida</i>	1,600-2,400
<i>O. virginica</i>	150- 600
<i>O. gigas</i>	40- 160

2. Eastern oysters after removal from the shell are sold to consumers under the names "oysters", "fresh oysters", and "shucked oysters". Pacific oysters and Olympia oysters after removal from the shell are sold to consumers under the names "Pacific oysters" and "Olympia oysters". Within recent years increasing amounts of raw oysters of all species have been packed in hermetically sealed containers for direct sale to consumers. Some confusion has arisen on the part of consumers due to the similarity of such containers to those used for canned oysters which are processed by heat. Oysters not processed by heat require constant refrigeration to prevent spoilage while those which are processed by heat in sealed containers require no refrigeration. The terms "raw oysters" or "shucked oysters" are designations rea-

sonably calculated to prevent confusion. The term "fresh oysters" conveys another meaning in addition to that conveyed by "raw" or "shucked" and may be confusing.

3. With few exceptions shucked oysters, other than Olympia oysters, are separated into size groups. Occasionally the oysters as shucked are of such uniform size that no separation is made. In either case prices are based on size as measured by the number of oyster meats required to fill a gallon container. Trade designations for the various sizes of eastern oysters, based on the number of oysters per gallon, are now and have for many years been commonly used by packers, wholesalers, and some retailers of oysters. Consumers generally and many retail dealers are not now familiar with these trade designations because oysters have not commonly been sold to consumers under these designations. Consumers are interested in the size of the oysters and in purchasing them generally state the size desired by such terms as "large" or "frying" oysters and "small" or "stewing" oysters. The price of eastern oysters increases with the size.

4. Four classifications of eastern oysters according to size are well established and in general use in the trade. The trade designations for these sizes are, in the order of decreasing size: counts (in some areas called plants), extra selects, selects, and standards. Occasionally, oysters much smaller than those usually packed as "standards" are sold under this designation. A separate designation is necessary to describe such oysters properly. The number per gallon of eastern oysters of a designated size varies somewhat in practice. Different packers do not always use the same designations for oysters of the same or comparable size and the same packer may at different times pack oysters of the same or comparable size under different size designations. Several years ago the oyster industry suggested certain descriptive names synonymous with trade size designations but such descriptive names have not been used to any significant extent. Reasonable ranges of count per gallon, the corresponding trade terms for such sizes, and self-explanatory descriptive names are as follows:

Trade name	Descriptive name	Count per gallon
Counts or plants...	Extra large..	Not more than 160.
Extra selects.....	Large.....	161-210.
Selects.....	Medium.....	211-300.
Standards.....	Small.....	301-500.
Standards.....	Very small..	Over 500.

5. It is in the interest of consumers to have oysters of a designated size classification of approximately the same size. To assure uniformity of size of eastern oysters it is reasonable to require that a quart measure which is filled by selecting the largest oysters from a representative gallon contain not less than 22.5 percent of the minimum number of oysters permitted in such gallon, and that a quart measure which is filled by selecting the smallest oysters contain not more than 27.5 percent of the maximum number of oysters permitted in such gallon.

6. Pacific oysters are segregated and sold according to size on the basis of the number of oyster meats in a gallon. Prior to 1942 the size classifications were designated by letters as follows in descending order from largest to smallest:

AAA, AA, A, B, C, and D. All packers did not grade the oysters uniformly and the meanings of the letter designations were not generally known to consumers. The price of Pacific oysters, by weight or volume, in general, decreases as the size increases.

7. During the war packers of Pacific oysters began selling such oysters to the United States Army by weight and designating sizes by the number of oysters per pound. This practice soon spread to civilian sales and is now in general use. A consumer size package commonly used has a capacity of one pint and is filled by slightly more than one pound of oysters and is usually labeled to indicate the number of oysters per pint or pound. Labels of larger containers now commonly designate the number of oysters per pint or pound. The designation of Pacific oysters by the number per pint or pound has become common practice for identifying them as to size. The designations now in common use for the various size classifications of Pacific oysters are as follows:

Count per gallon:	Designation
40 to 64.....	5 to 8 per pint.
65 to 80.....	8 to 10 per pint.
81 to 96.....	10 to 12 per pint.
97 to 120.....	12 to 15 per pint.
121 to 144.....	15 to 18 per pint.
More than 144.....	over 18 per pint.

It is desirable that in a particular size designation the oysters be comparable in size or approximately the same size. To assure uniformity of size of Pacific oysters it is reasonable to require that the largest oyster in the container be no more than twice the weight of the smallest oyster therein.

8. Shucked Olympia oysters are much smaller than the eastern or Pacific oysters and are not segregated for size.

9. The process of preparing shucked oysters from shell oysters varies somewhat in different localities but is essentially as follows for all these species: The shell containing the oyster, which may have been washed to remove adhering dirt, silt, etc., is opened, the muscle of the oyster cut from the shell and the oyster removed and placed into a shucking pail. In some plants the shucking pails contain no fresh water, in some the shucking pails are partly filled with fresh water, and in others the pails are perforated. In some plants immediately

after shucking the oysters are dropped by the shucker into a trough containing flowing water by which the oysters are carried to the place in the plant where they are washed. This is called "fluming". The oysters, if not already drained during the shucking process, are drained to remove the liquid which has exuded from them and any which was in the shucking pail. The oysters are then washed to remove any foreign adhering matter such as sand, dirt, silt, pieces of shell, etc. After washing the oysters are drained to remove wash water, and packed without the addition of any other substance.

10. There is considerable variation in the methods of washing. In some plants the oysters, either individually or in mass, are washed on a strainer usually called a "skimmer" with a stream or spray of water. In some plants the oysters are placed into a container with water and agitated. A very common method of washing, particularly on the Atlantic and Pacific coasts, is known as "blowing." In this process the oysters are placed in a tank with water and agitated by a current of compressed air usually introduced through a pipe at the bottom of the tank. Blowing is an efficient method of cleaning the oysters and 3 to 5 minutes blowing time is generally sufficient. In order to remove a black pigment which is sometimes found on the mantle of Pacific oysters it is at times necessary to blow such oysters for longer periods. This pigment is not harmful but it detracts from the appearance of the oysters.

11. When oysters of any species are removed from the shell and placed in contact with fresh water some of their soluble constituents are removed, and the oysters absorb some of the water. Generally the amount of water absorbed and the amounts of soluble constituents lost are in direct relation to the length of time the oysters are in contact with fresh water. Contact of shucked oysters with fresh water generally results in increasing their size due to water absorption, in loss of flavor and of desirable nutritive ingredients. This is contrary to the interest of consumers. Prolonged contact of oysters with fresh water during the washing process is one of the chief causes of such abuses. Oysters should not be washed longer than is necessary to clean them. It is impracticable to prescribe a uniform method of washing which is effective and unobjectionable or to specify the exact time necessary for washing oysters that will be applicable to all oysters at all times. A reasonable method of preventing excessive or unnecessary absorption of water and loss of nutritive ingredients and flavor due to action of fresh water is to limit the total length of time during which oysters are in contact with fresh water.

12. When oysters are agitated during contact with fresh water, whether the agitation is by blowing or otherwise, the action of the water on the oysters, i. e., the absorption of water by the oysters and the loss of salt and solids, is about twice as rapid as when oysters are in contact with still or unagitated fresh water. In computing a reasonable time that oys-

ters may be in contact with fresh water after removal from the shucking pail, allowance should be made for the time necessary to prepare the oysters for washing, by blowing or otherwise, the actual washing time, and the time necessary to transfer the oysters to the skimmer for draining. The total time of contact with fresh water after the oysters are removed from the shuckers' pails until draining commences need not exceed 30 minutes and is usually much less. Since the reaction of oysters with fresh water is about twice as rapid when the oysters are being agitated as when still, the length of time of contact with fresh water during which oysters are agitated should be doubled when computing a reasonable time limit for preventing unnecessary abuse of oysters.

13. When oysters are shucked into pots which contain fresh water there is some absorption by the oysters of some of the water. Where the container into which oysters are shucked contains no more fresh water than $\frac{1}{4}$ of the capacity of the container, and it is filled with oysters by the shucker, the composition of the water is rapidly altered by material which exudes from the oysters and the absorption of water is not excessive. It is reasonable to place this limit on the amount of water in the shucking containers.

14. All oysters exude some fluid after removal from the shell. This is called bleeding. This fluid is practically all water. Shucked oysters, even of the same species and grown in the same geographical area when subjected to the same or similar conditions, do not always react in the same way. The differences manifest themselves in many ways, among them the amount of bleeding, the length of time of bleeding, the amount of water absorbed when placed in fresh water, and the amount of soluble material and nutrients lost when placed in fresh water. Oysters in some sections of the country, particularly in certain sections of the Gulf area, bleed more freely and for longer periods of time than oysters from other sections of the country. If oysters are washed, drained, and packed while still bleeding, liquid will appear in the container in which packed, giving the appearance of inadequate drainage.

15. Failure to drain the oysters properly after washing is the principal cause which results in the inclusion of extraneous and unnecessary water in the packed oyster. Adequate drainage is accomplished by permitting the oysters to drain on a skimmer or other perforated surface for a sufficient time. The oysters should be distributed evenly over the surface. The draining area should be not less than 300 square inches per gallon of oysters drained and the perforations should be at least $\frac{1}{4}$ of an inch in diameter and not less than $\frac{1}{4}$ inches apart. Adequate drainage may be determined objectively by measuring the amount of liquid remaining in the packed oysters. When such oysters contain not more than 5 percent liquid when tested within 15 minutes after packing by the method described in Finding 16 they may be considered to have been adequately drained. An alternative requirement ap-

plicable to oysters which bleed for long periods of time is to require that they be drained under the conditions heretofore described in this finding for not less than five minutes after the last washing with fresh water.

16. The method of testing referred to in Finding No. 15 is as follows: Take at least a gallon of oysters and obtain weight; drain these oysters for 2 minutes on a skimmer of the dimensions and in the manner described in Finding No. 15; remove and weigh drained oysters and calculate weight lost as percentage of weight before draining.

17. Shucked oysters placed in contact with water of a higher degree of salinity than the water in which they were grown shrink and when placed in contact with water of a lower salinity there is loss of solids and absorption of water, increasing as the salinity decreases. There is no known formula by which the amount of shrinkage or absorption can be determined. The salinity of the water in which oysters grow varies from approximately 2 to 32 parts per thousand (.2 to 3.2 percent salt). If water in containers into which oysters are shucked or in which oysters are washed contains not less than .75 percent salt no appreciable loss of solids or absorption of water is likely to occur.

18. The practice of holding oysters prior to shucking in water of lower saline content than that in which they were grown, sometimes called "floating", or any other practice which causes the oysters to absorb water prior to shucking, is not in the interest of consumers and should be prohibited.

Conclusions. On the basis of the foregoing findings of fact it is concluded that the following regulations fixing and establishing definitions and standards of identity for oysters, raw oysters, shucked oysters, will promote honesty and fair dealing in the interest of consumers:

- Sec.
- 36.10 Oysters, raw oysters, shucked oysters; identity.
- 36.11 Extra large oysters, oysters counts (or plants), extra large raw oysters, raw oysters counts (or plants), extra large shucked oysters, shucked oysters counts (or plants); identity.
- 36.12 Large oysters, oysters extra selects, large raw oysters, raw oysters extra selects, large shucked oysters, shucked oysters extra selects; identity.
- 36.13 Medium oysters, oysters selects, medium raw oysters, raw oysters selects, medium shucked oysters, shucked oysters selects; identity.
- 36.14 Small oysters, oysters standards, small raw oysters, raw oysters standards, small shucked oysters, shucked oysters standards; identity.
- 36.15 Very small oysters, very small raw oysters, very small shucked oysters; identity.
- 36.16 Olympia oysters, raw Olympia oysters, shucked Olympia oysters; identity.
- 36.17 Pacific oysters sizes 5 to 8 per pint, raw Pacific oysters size 5 to 8 per pint, shucked Pacific oysters size 5 to 8 per pint; identity.
- 36.18 Pacific oysters size 8 to 10 per pint, raw Pacific oysters size 8 to 10 per pint, shucked Pacific oysters size 8 to 10 per pint; identity.

Sec.

- 36.19 Pacific oysters size 10 to 12 per pint, raw Pacific oysters size 10 to 12 per pint, shucked Pacific oysters size 10 to 12 per pint; identity.
- 36.20 Pacific oysters size 12 to 15 per pint, raw Pacific oysters size 12 to 15 per pint, shucked Pacific oysters size 12 to 15 per pint; identity.
- 36.21 Pacific oysters size 15 to 18 per pint, raw Pacific oysters size 15 to 18 per pint, shucked Pacific oysters size 15 to 18 per pint; identity.
- 36.22 Pacific oysters size over 18 per pint, raw Pacific oysters size over 18 per pint, shucked Pacific oysters size over 18 per pint; identity.

§ 36.10 *Oysters, raw oysters, shucked oysters; identity.* (a) Oysters, raw oysters, are the class of foods each of which is obtained by shucking shell oysters and preparing them in accordance with the procedure prescribed in paragraph (b) of this section. The name of each such food is the name specified in the applicable definition and standard of identity prescribed in §§ 36.11 to 36.22, inclusive.

(b) If water, or salt water containing less than 0.75 percent salt, is used in any vessel into which the oysters are shucked, the combined volume of oysters and liquid when such oysters are emptied from such vessel is not less than four times the volume of such water or salt water. Any liquid accumulated with the oysters is removed. The oysters are washed, by blowing or otherwise, in water or salt water, or both. The total time that the oysters are in contact with water or salt water after leaving the shucker, including the time of washing, rinsing, and any other contact with water or salt water is not more than thirty minutes. In computing the time of contact with water or salt water, the length of time that oysters are in contact with water or salt water that is agitated by blowing or otherwise, shall be calculated at twice its actual length. Any period of time that oysters are in contact with salt water containing not less than 0.75 percent salt before contact with oysters, shall not be included in computing the time that the oysters are in contact with water or salt water. Before packing into the containers for shipment or other delivery for consumption the oysters are thoroughly drained and are packed without any added substance.

(c) For the purposes of this section:

(1) "Shell oysters" means live oysters of any of the species, *Ostrea virginica*, *Ostrea gigas*, *Ostrea lurida*, in the shell, which, after removal from their beds, have not been floated or otherwise held under conditions which result in the addition of water.

(2) "Thoroughly drained" means one of the following:

(i) The oysters are drained on a strainer or skimmer which has an area of not less than 300 square inches per gallon of oysters drained and has perforations of at least $\frac{1}{4}$ of an inch in diameter and not more than $1\frac{1}{4}$ inches apart, or perforations of equivalent areas and distribution. The oysters are distributed evenly over the draining surface of the skimmer and drained for not less than five minutes; or

(ii) The oysters are drained by any method other than that prescribed by subdivision (i) of this subparagraph whereby liquid from the oysters is removed so that when the oysters are tested within 15 minutes after packing by draining a representative gallon of oysters on a skimmer of the dimensions and in the manner described in subdivision (i) of this subparagraph for two minutes, not more than 5 percent of liquid by weight is removed by such draining.

§ 36.11 *Extra large oysters, oysters counts (or plants), extra large raw oysters, raw oysters counts (or plants), extra large shucked oysters, shucked oysters counts (or plants); identity.* Extra large oysters, oysters counts (or plants), extra large raw oysters, raw oysters counts (or plants), extra large shucked oysters, shucked oysters counts (or plants), are of the species *Ostrea virginica* and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains not more than 160 oysters and a quart of the smallest oysters selected therefrom contains not more than 44 oysters.

§ 36.12 *Large oysters, oysters extra selects, large raw oysters, raw oysters extra selects, large shucked oysters, shucked oysters extra selects; identity.* Large oysters, oysters extra selects, large raw oysters, raw oysters extra selects, large shucked oysters, shucked oysters extra selects, are of the species *Ostrea virginica* and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 160 oysters but not more than 210 oysters; a quart of the smallest oysters selected therefrom contains not more than 58 oysters, and a quart of the largest oysters selected therefrom contains more than 36 oysters.

§ 36.13 *Medium oysters, oysters selects, medium raw oysters, raw oysters selects, medium shucked oysters, shucked oysters selects; identity.* Medium oysters, oysters selects, medium raw oysters, raw oysters selects, medium shucked oysters, shucked oysters selects, are of the species *Ostrea virginica* and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 210 oysters but not more than 300 oysters; a quart of the smallest oysters selected therefrom contains not more than 83 oysters, and a quart of the largest oysters selected therefrom contains more than 46 oysters.

§ 36.14 *Small oysters, oysters standards, small raw oysters, raw oysters standards, small shucked oysters, shucked oysters standards; identity.* Small oysters, oysters standards, small raw oysters, raw oysters standards, small shucked oysters, shucked oysters standards, are of the species *Ostrea virginica* and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 300 oysters but not more than 500 oysters; a quart of the

smallest oysters selected therefrom contains not more than 138 oysters and a quart of the largest oysters selected therefrom contains more than 68 oysters.

§ 36.15 *Very small oysters, very small raw oysters, very small shucked oysters; identity.* Very small oysters, very small raw oysters, very small shucked oysters, are of the species *Ostrea virginica* and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 500 oysters, and a quart of the largest oysters selected therefrom contains more than 112 oysters.

§ 36.16 *Olympia oysters, raw Olympia oysters, shucked Olympia oysters; identity.* Olympia oysters, raw Olympia oysters, shucked Olympia oysters, are of the species *Ostrea lurida* and conform to the definition and standard of identity prescribed for oysters in § 36.10.

§ 36.17 *Pacific oysters size 5 to 8 per pint, raw Pacific oysters size 5 to 8 per pint, shucked Pacific oysters size 5 to 8 per pint; identity.* Pacific oysters size 5 to 8 per pint, raw Pacific oysters size 5 to 8 per pint, shucked Pacific oysters size 5 to 8 per pint, are of the species *Ostrea gigas* and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains less than 65 oysters and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.18 *Pacific oysters size 8 to 10 per pint, raw Pacific oysters size 8 to 10 per pint, shucked Pacific oysters size 8 to 10 per pint; identity.* Pacific oysters size 8 to 10 per pint, raw Pacific oysters size 8 to 10 per pint, shucked Pacific oysters size 8 to 10 per pint, are of the species *Ostrea gigas* and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 64 and not more than 80 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.19 *Pacific oysters size 10 to 12 per pint, raw Pacific oysters size 10 to 12 per pint, shucked Pacific oysters size 10 to 12 per pint; identity.* Pacific oysters size 10 to 12 per pint, raw Pacific oysters size 10 to 12 per pint, shucked Pacific oysters

size 10 to 12 per pint, are of the species *Ostrea gigas* and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 80 and not more than 96 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.20 *Pacific oysters size 12 to 15 per pint, raw Pacific oysters size 12 to 15 per pint, shucked Pacific oysters size 12 to 15 per pint; identity.* Pacific oysters size 12 to 15 per pint, raw Pacific oysters size 12 to 15 per pint, shucked Pacific oysters size 12 to 15 per pint, are of the species *Ostrea gigas* and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 96 and not more than 120 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.21 *Pacific oysters size 15 to 18 per pint, raw Pacific oysters size 15 to 18 per pint, shucked Pacific oysters size 15 to 18 per pint; identity.* Pacific oysters size 15 to 18 per pint, raw Pacific oysters size 15 to 18 per pint, shucked Pacific oysters size 15 to 18 per pint, are of the species *Ostrea gigas* and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 120 and not more than 144 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.22 *Pacific oysters size over 18 per pint, raw Pacific oysters size over 18 per pint, shucked Pacific oysters size over 18 per pint; identity.* Pacific oysters size over 18 per pint, raw Pacific oysters size over 18 per pint, shucked Pacific oysters size over 18 per pint, are of the species *Ostrea gigas* and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 144 oysters and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

The regulations hereby promulgated shall become effective January 1, 1947.

Dated: Aug. 23, 1946.

[SEAL] MAURICE COLLINS,
Acting Administrator.



Office of Price Administration

FISH MEAL PRICES: On May 13, 1946, the Price Administrator increased maximum prices of fish meal by \$10.00 per ton, and maximum prices of fish scrap and tankage by \$7.50 per ton.

The Emergency Price Control Act of 1942, as amended, the OPA said on August 29, now provides that the Administrator shall, in establishing maximum prices

applicable to wholesale or retail distributors, allow the average current cost of acquisition of any commodity plus such average percentage discount or markup as was in effect on March 21, 1946. It becomes necessary, therefore, to adjust maximum markups for wholesalers, retailers, jobbers, and car-door sellers for commodities covered by the regulation in which base prices were increased since March 31, 1946. Accordingly, Amdt. 10 to RPS-73 has been issued to reflect the increases required by the above provision.

Excerpts follow:

Revised Price Schedule 73 is amended in the following respects:

1. Paragraphs (h) (1), (h) (2), and (h) (3) of § 1363.12 are amended to read as follows:

(h) *Maximum prices for sales by commercial distributors.* (1) The maximum price of a commercial distributor on the sale of fish meal or fish scrap which he purchased from the producer, and on the sale of fish meal made from fish scrap which he purchased from the producer, shall be the maximum price which said producer may charge hereunder plus a markup not exceeding the percentage markup over cost of acquisition (or weighted average of percentage markups) which said commercial distributor used on March 31, 1946 on sales of like fish meal or fish scrap.

(2) The maximum price of a commercial distributor purchasing fish meal or fish scrap for resale from another commercial distributor (who in turn purchased directly from a producer) shall not exceed the maximum price which

said last mentioned commercial distributor may charge hereunder plus a markup not exceeding the percentage markup over cost of acquisition (or weighted average of percentage markups) which said first mentioned commercial distributor used on March 31, 1946 on sales of like fish meal or fish scrap.

(3) Any commercial distributor not in business on March 31, 1946 shall adopt and use the percentage markup of that commercial distributor who is his closest competitor.

2. Paragraph (i) of § 1363.12 is amended to read as follows:

(i) *Maximum prices for sales at retail.* The maximum price for sales of fish meal at retail is the maximum price the retailer seller could lawfully have paid to the person from whom he purchased the fish meal delivered to the receiving point of the seller, plus \$8.00 per ton.

This amendment shall become effective September 3, 1946.

EXEMPTIONS: Exemption from price control of about 50 miscellaneous items--consisting almost entirely of imported food specialties and other commodities not significantly affecting the cost of living or business costs--was announced on August 5 by the Office of Price Administration when issuing Amdt. 42 to SO-132.

Any items contained in the new list which are at present decontrolled under provisions of the new price control act will remain free from price control even though major food items from which they are derived are returned to price control by the Decontrol Board, OPA said.

A complete list of exempted fishery items, of which two animal feeds--clam shells and oyster shells--have been under indefinite suspension from price control follows:

Clam shells--cleaned, washed, graded, and ground shells of clams
 Fish loaf, ground, canned
 Fish pastes--imported and domestic
 Octopus, dried, canned--imported and domestic
 Oyster shells--cleaned, washed, graded, and ground shells of oysters
 Salted sardine fillets--imported and domestic
 Sardine and tomato paste--imported and domestic
 Stockfish, baled--imported
 Trout, canned--imported and domestic
 Turtle meat, canned--imported and domestic

PRICE CONTROL EXTENSION ACT: Clarification as to how foods and their by-products are affected by exemption provisions of the Price Control Extension Act of 1946 was made on July 27 by the Office of Price Administration.

Products that are removed from ceilings are generally those foods or feeds containing 20 percent or more by volume of commodities that have been specifically exempted from price control under the new act. If they contain less than 20 percent of the exempted item, they remain under ceilings.

On all but one group of exempted food items--poultry and eggs and their by-products--ceilings will be restored on August 21, 1946, unless the decision of the Decontrol Board is that they not be brought back under ceilings. On the above exceptional group, action of the Decontrol Board to restore ceilings will be required before they may go back under price control.

A listing of exempted commodities follows:

MEATS: All livestock and all edible meats such as beef, veal, pork, lamb, and mutton. Specified edible products such as canned meats, natural casings, animal gelatin, and all products from livestock going into animal feeds and feeds made from these products.

FATS AND OILS: Cottonseed and soybean oils. Specified food products and feed byproducts of cottonseed and soybean oils such as most mayonnaise, salad dressings, oleomargarine and vegetable shortenings. Specified edible fats and oils made from livestock, for instance, lard and edible beef fats such as are used in some shortenings. Specified foods or feeds made from fats, oils, and greases derived from livestock. (Any fat or oil that is sold to an industrial user for production of an inedible product, such as paint, remains under price control.)

POULTRY AND EGGS: Poultry, such as chickens, turkeys and ducks, and eggs. Specified food products such as canned chicken and powdered eggs and feed byproducts made from poultry or eggs.

DAIRY PRODUCTS: All dairy products, including milk, butter, cheese, and ice cream. Specified food or feed byproducts made from dairy products.

GRAINS: All grains: wheat, corn, barley, oats, rye, grain sorghums, flaxseed, soybeans, and mixtures of these grains. Specified byproduct animal or poultry feeds made from these grains.

COTTONSEED AND SOYBEANS: All cottonseed and soybeans. Specified food or feed products made from them--among soybean food products, such items as various canned meat substitutes, soya flour and soya bread.

The following are examples of products that will remain under price control:

PROCESSED MEAT PRODUCTS containing less than 20 percent meat: Corned beef hash, meat stews, frankfurters and beans, chili con carne, tamales, soups, pork and beans, and spaghetti and meat balls.

OILS: Peanut oil, corn oil, linseed oil, olive oil, imported vegetable oils, inedible tallows, greases and fish oils, cottonseed and soybean oil products sold for non-edible purposes, such as for soap.

CANNED FOODS PACKED IN OILS: Sardines, tuna, and certain imported delicacies. (These remain under price control regardless of the percentage of soybean or cottonseed oil involved.)

ALL OTHER FOOD ITEMS THAT WERE UNDER PRICE CONTROL ON JUNE 30, 1946, NOT SPECIFICALLY EXEMPTED: Such as sugar and syrups, canned fish, certain fresh and frozen fish, malt beverages, other alcoholic beverages excepting wine, candy; jams, jellies and preserves; coffee, tea and cocoa; other imported foods.

DECONTROL: Extension for an indefinite period of decontrol of the fresh and frozen fish and seafood now free from ceilings and suspension of price control on halibut were announced on August 16 by the Office of Price Administration. These actions, effective August 16, were taken in Amdt. 48 to SO-132.

Decontrol of these fresh and frozen fish and seafood was to expire on August 18, OPA said. The Department of Agriculture is considering whether to put these items on their September 1 list of foods in short supply. If the Department does not certify these items, they will be decontrolled under the new price control law. Uncertainty resulting from reinstatement of controls on August 18 for what might be a temporary period until September 1 would disrupt production and distribution of these varieties of fish, the agency stated.

Halibut, which was decontrolled by the action, is distributed almost exclusively as fresh or frozen. It is sold through the same distributive channels as the previously uncontrolled varieties of fish. Decontrol of this species, OPA said, will have a negligible effect on the price level of fish generally.

Species not included in these actions include any species of salmon (Pacific), tuna and tuna-like fishes (Pacific), sardines, alewives, and sea herring (North Atlantic), and pilchards. All of these items are still under price control.

CEILINGS REMOVED: Twelve items considered unimportant to the cost of living are being removed from price controls, effective August 26, 1946, the Office of Price Administration announced when issuing Amdt. 50 to SO-132. Fishery products listed were: Canned clam broth, imported and domestic processed fish sauces (except when containing more than 30 percent of tomato solids in the total dry solids).

CONTROLLED ITEMS: The Office of Price Administration on August 31 made public a detailed list of the food, feed, and other agricultural and related commodities which will continue under price ceilings as of September 1.

The list is an elaboration of the Department of Agriculture's first monthly certification of agricultural commodities in short supply, issued in accordance with the Price Control Extension Act of 1946. Under the act, price controls lapse automatically on any agricultural commodity which is not certified to be in short supply.

Both the public and the trade have become accustomed to using OPA's definitions of commodities in operating under price ceilings. The Department of Agriculture has used much broader categories in certifying commodities in short supply. Consequently, the list is being issued to avoid, as far as possible, confusion as to whether specific items remain under ceilings.

Under the price control legislation, the Secretary of Agriculture must certify to the Price Administrator on the first of each calendar month each "agricultural commodity" which he determines to be in short supply. The certification governs the price control status of these commodities but does not affect control of prices on other commodities even though they may be farm products.

Generally speaking, an agricultural commodity is a commodity resulting from the cultivation of the ground, raising and harvesting crops, or the feeding, breeding, and management of livestock. However, the term "agricultural commodity" as it is used in the Emergency Price Control Act and the Stabilization Act has a more limited significance. It has been closely identified with and interpreted to mean those products for which parity or comparable prices have been figured. That interpretation is being continued in the application of the short supply certification.

The term also includes any food or feed commodity processed or manufactured in whole or in substantial part from any agricultural commodity. In addition, the price control act has defined fish as an agricultural commodity.

The Secretary of Agriculture has stated in his September 1 certification that a "food or feed product shall be deemed to be made in substantial part from an agricultural commodity if it contains one-third or more of any agricultural commodity or commodities calculated on the basis of the weight or volume of the total ingredients (exclusive of water added as an ingredient) in such product before mixture."

Food or feed product has been interpreted to mean any derivative of an agricultural commodity or commodities which is or may be eaten or drunk by humans or animals. Agricultural commodities do not, however, include drugs or medicines.

Many other commodities commonly thought of as agricultural are not considered as such in the application of the price control act. Examples are lentils and green olives. Imported commodities, whether or not they have domestic counterparts, are not "agricultural commodities" in this sense. Their status under price control is independent of any action taken by the Secretary of Agriculture under his powers of short supply certification. Commodities produced in territories of the United States also are not considered as agricultural commodities. If such commodities were under control on August 31, they remain under ceilings until removed by independent OPA action.

It was pointed out that not all food, feed, and other agricultural commodities under control were included in the list. Miscellaneous minor commodities under the General Maximum Price Regulation not specifically designated here still are under control.

Some of the commodities ordered controlled by the Price Decontrol Board on August 21, which will not be under specified price ceilings until shortly after September 1, are included in the list of controlled commodities, since a new list of commodities in short supply will not be issued before September 30.

Fishery items included are listed below under two main listings:

Part A, including both imported and domestic items whose domestic portions are agricultural commodities in short supply.

Part B, limited to controlled items which are not agricultural commodities in the application of the act and whose continued control does not depend upon the certification of the Secretary of Agriculture.

PART A

Salmon and all food or feed products processed from salmon
 Tuna, bonito and yellowtail (including all tuna-like fish) and all food or feed products processed from them
 Pilchards (except for bait)
 Sardines, alewives and sea herring (North Atlantic)
 Canned fish of the following species: salmon, North Atlantic sea herring, North Atlantic alewives, Maine sardines, tuna, yellowtail, bonito, other tuna-like fishes, pilchards and mackerel
 Canned fish flakes
 Cured fish as follows: cod, hake, pollock, haddock, ling, saithe and cusk
 Fish oils and fish meal and fish scrap

PART B

Imported canned fish except those exempted by SO-132
 Imported smoked, dried, salted or pickled fish except those exempted by SO-132.
 Marine animal oils

In the case of imported commodities, OPA's general policy will be to remove from price control those imported items whose domestic counterpart is not under price control. Exceptions to this policy will be made where special circumstances require the maintenance of controls on the imported item.

CANNED AND FROZEN SOUPS: All canned and frozen condensed and ready-to-serve soups, including broths, bouillions, consommés, and chowders, have been removed from price control, the Office of Price Administration announced on August 26 when issuing Amdt. 51 to SO-132.

CANNED FISH: Amendments 1 to SO-134 and 20 to SR-14C to GMPR, effective August 13, revoke the provisions in those regulations which limited the percentage of canned fish or seafood which canners could sell to primary distributors during any calendar year.

This action is made necessary, OPA said, by the amendment to Section 2 (j) of the Emergency Price Control Act inserted by the Price Control Extension Act of 1946, which prohibits the Administrator from fixing "a quantity or percentage of any product which any seller may sell to any buyer."

MAINE SARDINES: Higher retail prices for canned Maine sardines are in prospect as the result of an increase of \$1.20 a case (100 $\frac{1}{4}$ pound cans or 48 $\frac{3}{4}$ pound cans) in canners' ceilings allowed August 28 by the Office of Price Administration in Amdt. 8 to MPR-184.

The canner increase will be effective August 28, 1946, and the retail increases, amounting to about 2 cents on the $\frac{1}{4}$ size can and 4 cents on the $\frac{3}{4}$ size, will be made with the first shipment each retailer receives after his supplier's price has risen.

The increase is necessary, OPA said, to permit the industry its peacetime percentage on net worth in the face of a prospective decline in this year's catch--

expected to be about 60 percent of last year's production--and to offset approved wage increases granted by part of the industry.

A former 30 cents a case addition permitted on sardines canned west of the Penobscot River or outside Maine is now removed, since the general increase makes it unnecessary.

Excerpts from Amdt. 8 to MPR-184 follow:

In Maximum Price Regulation No. 184, § 1364.112 (a) is amended to read as follows:

(a) The prices set forth below are the maximum prices per case for Maine sardines, packed in the listed container sizes and styles of pack, f. o. b., the railroad shipping point nearest the cannery. These maximum prices are gross prices and the canner must deduct therefrom his customary allowances, discounts, and differentials to purchasers of different classes. Cannery must notify wholesalers, retailers and other distributors of the prices listed below in accordance with the directions set out in § 1364.113.

Standard keyless can pack (cans not scored for convenience in opening and without keys).

1/4's cottonseed oil, soybean oil, mustard or tomato sauce.....	\$5.75
3/4's cottonseed oil, soybean oil, mustard or tomato sauce.....	5.75

Standard key can packs (cans scored for convenience in opening and with keys).

1/4's cottonseed oil, soybean oil, mustard or tomato sauce, decorated (lithographed) cans	\$6.38
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1/4's cottonseed oil, soybean oil, mustard or tomato sauce, wrapped or in cartons	6.63
3/4's mustard or tomato sauce, wrapped or in cartons.....	6.25

Fancy grade packs (cans scored for convenience in opening and with keys).¹

1/4's peanut oil, decorated (lithographed) cans.....	\$7.075
1/4's peanut oil, wrapped or in cartons	7.325
1/4's cottonseed oil, soybean oil, smoked, decorated (lithographed) cans	8.075
1/4's cottonseed oil, soybean oil, smoked, wrapped or in cartons....	8.325
1/4's olive oil, decorated (lithographed) cans.....	11.075
1/4's olive oil, wrapped or in cartons	11.325
1/4's olive oil, smoked, decorated (lithographed) cans.....	11.575
1/4's olive oil, smoked, wrapped or in cartons.....	11.825

This amendment shall become effective August 28, 1946.

Issued this 26th day of August 1946.

¹Without keys deduct \$0.125 from the listed price.

CANNED SALMON: Consumers will pay about four cents more for a one-pound can of pink salmon and about six cents more for a one-pound can of Alaska red salmon as a result of an increase in canners' maximum prices, the OPA announced on August 29.

This action was taken because the Department of Agriculture notified the Office of Price Administration that it was necessary to encourage production. Under the new price control law, OPA must put into effect price increases of this type when they are recommended by the Department of Agriculture.

The action, effective August 30, 1946, increases canners' ceilings for all varieties of canned salmon, except Columbia River bluebacks (the same species as Puget Sound sockeye), by 12½ percent.

Excerpts from Amdt. 5 to MPR-265--Sales by Cannery of Salmon--which became effective August 30, 1946, follow:

1. The table of prices in § 1364.562 is amended to read as follows:

Variety and style of container:	Price per case
Alaska King, 1-lb. talls.....	\$17.32

Alaska Chinook:	Price per case
1-lb. flats.....	21.78
1/2-lb. flats.....	12.38

	Price per case		Price per case
Alaska Red:		Chinook, Choice:	
1-lb. talls.....	18.56	1-lb. talls.....	19.80
1-lb. flats.....	19.18	1-lb. flats.....	21.78
½-lb. flats.....	12.38	½-lb. flats, C. R.....	12.38
Coho:		¼-lb. flats, C. R.....	6.44
1-lb. talls.....	14.36	Chinook, Standard:	
1-lb. flats.....	15.22	1-lb. talls.....	16.09
½-lb. flats.....	9.90	1-lb. flats.....	17.32
¼-lb. flats.....	6.44	½-lb. flats, C. R.....	9.90
Pink:		¼-lb. flats, C. R.....	5.94
1-lb. talls.....	\$9.90	Chinook, unclassified:	
1-lb. flats.....	9.90	1-lb. talls.....	\$12.38
½-lb. flats.....	6.93	1-lb. flats.....	13.61
¼-lb. flats.....	4.83	½-lb. flats, C. R.....	7.92
Chum:		Silverside:	
1-lb. talls.....	9.40	1-lb. talls.....	14.60
½-lb. flats.....	6.68	1-lb. flats.....	17.32
Copper River Sockeye:		½-lb. flats, C. R.....	9.90
1-lb. talls.....	18.56	¼-lb. flats, C. R.....	6.44
1-lb. flats.....	19.80	Steelheads:	
½-lb. flats.....	13.61	1-lb. talls.....	19.80
Puget Sound Sockeye:		1-lb. flats.....	21.78
1-lb. talls.....	23.28	½-lb. flats, C. R.....	12.38
1-lb. flats.....	23.51	½-lb. ovals, C. R.....	14.85
½-lb. flats.....	14.11	¼-lb. flats, C. R.....	6.44
COLUMBIA RIVER			
Chinook, Fancy:		Bluebacks:	
1-lb. talls.....	23.51	½-lb. flats, C. R.....	14.74
1-lb. flats.....	25.49	Chums:	
1-lb. ovals, C. R.....	29.70	1-lb. talls.....	9.40
½-lb. flats, C. R.....	16.09	1-lb. flats.....	11.14
¼-lb. ovals, C. R.....	19.80	½-lb. flats, C. R.....	6.19
¼-lb. flats, C. R.....	8.17		

CANNED TUNA: Retail price increases of 1½ cents for the No. ½ can of albacore and 3 cents for light meat tuna (including tonno tuna), bonito, and yellowtail packed in the same size container, were announced on August 23 by the Office of Price Administration, when issuing Amdt. 6 to MPR-299, effective August 23.

The increases are necessary to meet a provision of the Price Control Extension Act of 1946 which stipulates that maximum prices for "any fish or seafood commodity or for any commodity processed or manufactured in whole or substantial part therefrom shall not be below the average price therefor in the year 1942," OPA explained.

Ceilings for canners are effective August 23, 1946. Wholesalers, retailers, and other distributors will not pass on the new ceilings to their customers until the first shipment carrying the new rates is received from their sellers.

The new canners' ceilings are:

Variety	Style of container and price per case		
	No. 1 tuna	No. ½ tuna	No. ¼ tuna
Albacore:			
Fancy.....	\$29.20	\$16.00	\$9.00
Standard.....	25.45	14.00	8.00
Grated.....	25.00	13.00	7.50
Flake.....	25.00	13.00	7.50
Light meat:			
Fancy.....	21.80	12.00	7.00
Standard.....	19.95	11.00	6.50
Grated.....	19.70	10.35	6.20
Flake.....	19.00	10.00	6.00
Tonno.....	25.35	13.90	7.95
Bonito:			
Standard.....	17.85	9.50	5.75
Flake.....	16.00	8.50	5.25
Yellowtail:			
Standard.....	16.85	9.00	5.50
Flake.....	15.00	8.00	5.00

Ceiling prices for canned tuna containing dark meat are left unchanged, OPA said, as manufacture of this type of pack is a comparatively recent development in the industry.

CANNED PILCHARDS: An increase of \$8 a ton has been allowed in the California fishermen's ceiling price for pilchards, the Office of Price Administration announced on August 20, when issuing Amdt. 20 to MPR-579, to become effective on that date.

At the same time, the new ceiling of \$30 a ton was made applicable in the neighboring States of Oregon and Washington, where the pilchard catch has been increasing from low wartime levels.

Pilchards are not sold as fresh fish at wholesale and retail. They are sold direct by the fishermen to canneries.

No change has been made in the ceilings for canned pilchards. OPA stated that if the action results in financial hardship for the canneries, they can apply for an adjustment in the ceiling.

OPA also stated that the increase was granted to give the California fishermen returns on their pilchard catch equivalent to those experienced in 1944. Last year's production was only 75 percent of the 1944 volume, and indications are that the 1946 catch will be similar to the 1945 quantity.



Treasury Department

CANADIAN HALIBUT VESSELS: The Treasury Department, on July 29, issued an order waiving compliance with Section 4311 Revised Statutes (46 USC 251) to the extent necessary until and including December 31, 1946, to permit Canadian fishing vessels engaging in the North Pacific halibut fishery only to land their catch of halibut in ports of entry in Alaska upon compliance with applicable customs laws.



September is the biggest month of the hake and yellowtail fisheries. Cod catches are relatively low; haddock landings are falling off but still good, especially from South Channel. Rosefish and whiting are coming in almost as fast as they did at the peak of their seasons and whiting are still abundant. In Maine this is the best month for lobsters.

--Conservation Bulletin No. 33