

# U. S. Barred From Cease Orders Under P & S Act

The U.S. Fifth Circuit Court of Appeals has set aside a U.S. Department of Agriculture ruling issued under the Packers and Stockyards Act which ordered a Mississippi poultry processing firm to stop alleged "boycotting and blacklisting" of broiler farmers.

The Pelahatchie Poultry Co., Pelahatchie, Miss. had been charged with boycotting and blackballing poultry growers because of their membership in a bargaining group, the Mississippi Farm Bureau Marketing Association.

The Court's ruling also voids USDA's order to the poultry firm to reinstate, upon application, any growers whose contracts were terminated because of their membership in a growers' association.

In a brief statement, the Court agreed with the July 30,

1969, finding by the U.S. Eighth Circuit Court in a similar case.

"The controlling issue is whether the Department of Agriculture is authorized to hold a hearing and issue a cease and desist order with respect to a live poultry dealer or handler. In Arkansas Valley Industries, Inc. the Eighth Circuit recently considered and decided this question. It answered in the negative. We agree."

In the earlier case, the Eighth Circuit Court held that the respondents were "live poultry dealers or handlers," which makes them subject to the jurisdiction of USDA, but said that USDA does not have authority to issue a cease and desist order under provisions of the cited statute.

The Eighth Circuit Court said USDA could control poultry

dealers or handlers who violate the P&S Act by either presenting its evidence to the Court through the Justice Department

## U.S. Makes 16-Member Broiler Advisory Group

Secretary of Agriculture Clifford M. Hardin recently announced the appointment of a 16-member Broiler Advisory Committee to advise USDA in the development of broiler industry-related programs, legislation, and rules and regulations.

It may also advise on regulatory and marketing problems, including those which affect the wholesomeness and quality of products to be sold to consumers.

Assistant Secretary of Agriculture Richard E. Lyng will serve as Chairman of the Com-

mittee. Consumer and Marketing Service Administrator Roy W. Lennartson will serve as Vice Chairman. Eugene Bailey, Palmyra, is a member.

The USDA will continue its regulatory program under the Act as to poultry firms. The only change will be in the procedure followed in the event formal actions are necessary. Court proceedings, rather than administrative proceedings, will be instituted.

Proceedings in this case are open to the public. Copies of this decision, Case No. 27712 may be obtained from the Information Officer, Packers and Stockyards Administration, USDA, Washington, D.C. 20250.

## State Pork Producers Joins Farm Show Group

The Pennsylvania Farm Show Committee and the State Farm Products Show Commission have elected Elton B. Fatt of State College, secretary to succeed Harold R. McCulloch who held the positions since 1947.

McCulloch will remain as assistant secretary to both the Committee and the Commission, the positions held by Fatt since 1965.

One new organization, the Pennsylvania Pork Producers Council was elected to membership on the Committee, bringing to 61 the number of agricultural and allied groups represented. An application for membership was received from another organization, the Pennsylvania Hampshire Association.

## ● New Holland

(Continued from Page 2)

day Retail 25 75 27 50 Heavy-weights 24-25 25 Wholesale 2 3,4s 25 25-25 75 Sows 20 22 50, Boars 19 21

### CALVES

April 20, 1970

Receipts totaled 89 Choice and Prime 50 57 Good and Low Choice 43 49 50, Standard 39 50-42 50, Common 30-39

### HAY

Twenty one loads of hay sold as follows: Alfalfa 44 55, Mixed 25 46, Straw 42 47

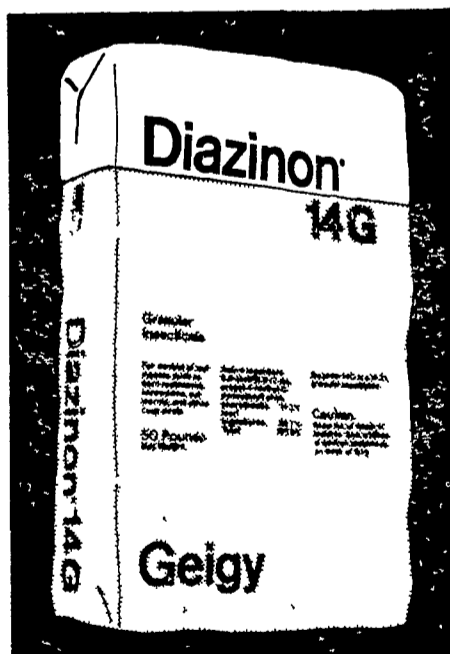
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