

**ORIGINAL**Decision No. 52050

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into )  
 the rates, rules, regulations, charges, )  
 allowances and practices of all common )  
 carriers, highway carriers and city )  
 carriers relating to the transportation )  
 of general commodities (commodities for )  
 which rates are provided in Minimum Rate )  
 Tariff No. 2).

Case No. 5432  
 (Petition No. 57)

In the Matter of the Investigation into )  
 the rates, rules, regulations, charges, )  
 allowances and practices of all common )  
 carriers, highway carriers and city )  
 carriers relating to the transportation )  
 of property in the City and County of )  
 San Francisco and the Counties of )  
 Alameda, Contra Costa, Marin, Monterey, )  
 Napa, Santa Clara, Santa Cruz, San )  
 Benito, San Mateo, Solano and Sonoma. )

Case No. 5441  
 (Petition No. 14)

Jack P. Sanders, for petitioner.  
Paul Porton, for Libby McNeill & Libby;  
Ralph E. Bell, for H. J. Heinz Company;  
Robert D. Boynton and Joseph C. Kaspar,  
 for California Trucking Associations;  
 interested parties.

O P I N I O N

By Petition for Modification No. 57, as amended, in Case No. 5432, and Petition No. 14, as amended, in Case No. 5441, Gerber Products Company seeks amendment of certain items of Minimum Rate Tariff No. 2 and of City Carriers' Tariff No. 2-A - Highway Carriers' Tariff No. 1-A, respectively, by the inclusion therein of canned or preserved baby food.

Public hearing of the petitions was held at San Francisco on June 21, 1955, before Examiner Carter R. Bishop.

The tariff items involved herein are Item No. 610 series of Minimum Rate Tariff No. 2 and Item No. 280 series of City Carriers' Tariff No. 2-A - Highway Carriers' Tariff No. 1-A. They contain extensive lists of canned or preserved foodstuffs, including, among others, fruits, vegetables, meats and soups, on which class and commodity rates, named elsewhere in the tariffs, are applicable.<sup>1</sup> Petitioner proposes to add the following specific entry to these items:

"Food, baby, canned or preserved, other than frozen, consisting only of strained and chopped foods, in hermetically sealed containers."

Petitioner's traffic manager testified that his company has in Oakland a production plant, warehouse and distribution center for the western states, that the plant turns out more than two million cans of baby food daily, and that petitioner manufactures 60 different varieties of such foods. He asserted that all of these baby foods are now embraced by the aforesaid tariff items, under various entries, and that no change in rates would result under the proposal herein.<sup>2</sup> The purpose of the request, he said, is to clarify the tariffs and to simplify the rating of shipments and the preparation of freight bills.

---

1

The list of commodities in Item No. 610 series applies in connection with state-wide fifth-class (carload) and 90 per cent of fourth-class (less-than-carload) rates, and with commodity rates applicable between San Francisco Bay points, Sacramento and Stockton, on the one hand, and San Joaquin Valley points on the other; also between San Francisco Bay points and the Los Angeles area. The list in Item No. 280 series relates to fourth-class rates and certain minimum tonnage commodity rates, all of which apply between points in the so-called East Bay drayage area.

2

Examples of the commodity descriptions now included in Item No. 610 series, applicable to products of applicant, assertedly are: egg yolk; fruit (not dried, evaporated or fresh); meats, cooked, cured or preserved, with or without cereal or vegetable ingredients; puddings; soups; and vegetables, not dehydrated, evaporated or fresh.

In the early days of canned baby food production when the number of products was small, the witness stated, there were few questions regarding their proper classification. Now, however, with the great variety of canned baby foods produced by the industry, questions are frequently raised as to their proper description and their eligibility for movement under the tariff provisions in question.<sup>3</sup> The adoption of the description proposed herein, he said, would eliminate the possibility of misinterpretation of the tariffs and would reduce the costs incurred both by carriers and shippers in man-hours consumed in the explanation and determination of the applicable tariff provisions.

Granting of the petition, the traffic manager also testified, would simplify the billing of shipments of canned baby foods. The use of the single entry proposed herein, he said, would eliminate the necessity of setting forth on the shipping documents the separate description and weight of each of the kinds of canned baby food included in a shipment.

According to the witness the transportation characteristics of canned baby foods are the same as those of canned foods for adult consumption which are now specifically named in the tariff items involved herein. The cans of baby foods are packed in fibreboard cartons complying with Rule 5 of the Consolidated Freight Classification, as are canned foods for adults; the amount of handling accorded the two classes of traffic is substantially the same; canned baby foods, like adult canned foods, will not contaminate other freight; and the claim experience in each class is

---

3

According to the witness, the carriers have consistently applied the rates governed by the items here in issue on applicant's shipments of baby foods. Frequently, in order to establish the propriety of those rates, it has been necessary to furnish the carriers detailed information regarding the products in question.

C. 5432 (Pet. No: 57)  
C. 5441 (Pet. No. 14) AH

low. The witness also testified that the values of each of these groups of commodities are comparable.<sup>4</sup>

The commodity description proposed herein, applicant's traffic manager, further testified, has been approved for specific publication in the general canned goods items of numerous rail and highway common carrier tariffs. They include tariffs applicable between California and all states east of the Rocky Mountains as well as between California and other western states. Additionally, the witness said, specific publication of classification ratings on canned baby food had been approved by both the rail and highway carrier classification committees earlier this year. These ratings were the same for less-carload and less-truckload traffic, respectively, as those currently maintained in the carrier classification publications on canned food products in general, including fruits, fruit juices, puddings, soups and vegetables.<sup>5</sup>

---

<sup>4</sup> The traffic manager introduced into the record the following comparative data on weights and values:

<u>Commodity</u>	<u>Weight per case (Pounds)</u>	<u>Weight per cu.ft. (Pounds)</u>	<u>Value per lb. (Cents)</u>
Gerber Strained Baby Foods	19	45.8	21
Gerber Junior Items	13	48.0	19
Del Monte Asparagus	29	48.0	28
Del Monte Peas	31	58.0	13
Dolly Madison Raspberries	29	48.3	26
Dolly Madison Pears	31	44.0	14
Dole Pineapple	31	41.0	21

<sup>5</sup> Since the hearing in this matter the rail lines have published the same description as that sought herein in the general canned goods items of various tariffs applicable from and to California, including those of the Trans-Continental Freight Bureau, and of the Pacific Southcoast Freight Bureau. Classification ratings on canned baby foods have also been published in the National Motor Freight Classifications. These ratings are the same as those applicable to most canned foods. It appears that the rail classification publications have not yet been amended to include the commodity description sought herein.

The traffic managers of H. J. Heinz Company, and of Libby, McNeill & Libby, testified in support of the petitions. They emphasized the savings in clerical expense, as well as the minimization of problems of tariff interpretation, which would obtain if the petition were to be approved. Both these witnesses testified that the transportation characteristics of canned baby foods are the same as those of other canned foods.

No one opposed the granting of the petitions.

It appears that the issue primarily involved in these proceedings is one of tariff clarification and simplification. This is borne out by the testimony of petitioner's traffic manager to the effect that the carriers have consistently applied on all of its numerous kinds of canned baby foods the rates which are governed by the commodity descriptions presently contained in Items Nos. 280 series and 690 series, supra, and that no change in rates would result under the proposed publication.<sup>6</sup> Additionally, petitioner adduced testimony purporting to show that, from the standpoint of transportation characteristics and of comparative values, the rates and ratings applicable to shipments of canned baby foods, under the minimum rate tariffs involved herein, should be no different from those applicable to canned foods in general. While the showing made with respect to these latter features was not as detailed, the record, viewed as a whole, is persuasive that the inclusion of the proposed commodity descriptions in the tariff items in question has been justified.

6

While the proposed commodity description may not change the rates currently applicable to petitioner's shipments of canned baby foods, it may, because of its comprehensive nature, embrace foods not manufactured by petitioner and which are not now specified in the lists of articles set forth in Items Nos. 280 and 610 series, supra. For this reason, the inclusion of the proposed description in those items would be construed as a reduction.

C. 5432 (Pet. No. 57)  
C. 5441 (Pet. No. 14) AH

Upon careful consideration of all the evidence of record, the Commission is of the opinion and hereby finds that the petitions, as amended, should be granted. So that the distribution of tariffs will be limited to those parties interested in each of the publications involved, a separate order covering City Carriers' Tariff No. 1-A - Highway Carriers' Tariff No. 2-A will be issued.

O R D E R

Based upon the evidence of record, and upon the conclusions and findings set forth in the preceding opinion,

IT IS HEREBY ORDERED that Minimum Rate Tariff No. 2 (Appendix "D" to Decision No. 31606 as amended) be and it is hereby further amended by incorporating therein, to become effective November 15, 1955, the revised pages attached hereto and by this reference made a part hereof, which pages are numbered as follows:

Eleventh Revised Page 6 cancels Tenth Revised Page 6  
Twelfth Revised Page 47 cancels Eleventh Revised Page 47

IT IS HEREBY FURTHER ORDERED that tariff publications authorized to be made by common carriers as a result of the order herein may be made effective on not less than five days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the tariff changes herein involved.

C. 5432 (Pet. No. 57)  
C. 5441 (Pet. No. 14) AH

IT IS HEREBY FURTHER ORDERED that in all other respects  
said Decision No. 31606, as amended, shall remain in full force and  
effect.

This order shall become effective twenty days after the date  
hereof.

Dated at San Francisco, California, this 11<sup>th</sup>  
day of (October), 1955.

(Signature)  
President  
Justin J. Cassin  
Paul L. Linterman  
(Signature)  
(Signature)  
Commissioners

INDEX OF COMMODITIES (Continued)			
COMMODITY	Item Number	COMMODITY	Item Number
Food, Clover	652, 654	Gable Ornaments	660, 690
Food, Gluten	652, 652, 654	Garlic Chips	(1)
Food, Mill	652, 652, 654	Garlic Powder	(1)
Feed, Poultry	652, 652, 654	Gas, petroleum liquefied	723-726
Feed, Sorghum (M)	652, 654	Gauges, Bit	365
Feterita	652, 652, 654	Colatine	360
Fig Paste	350	Generators, Electric (M)	365
Fig Pulp	350	Germ	652, 652, 654
Figs, dried	350, 640	Ginger Ale	600
Fire Brick (M)	365	Glucose	360
Fire Clay (M)	365	Glycerine, unmedicated	395
Fish, cooked, pickled or preserved	(1)	Grain Products, as described	652, 652, 654
Fish, other than fresh or frozen	360	Grains	652, 652, 654
Fish Roe	(1)	Grains, Brewers'	652, 652, 654
Fittings, Iron or Steel Pipe	365, 378	Grains, Distillers'	652, 652, 654
Fittings, Closet and Pantry	660, 690	Grate Bars	365
Fixtures, Built-in	660, 690	Grille Work	660, 690
Flakes, Brewers'	652, 652, 654	Grips	365
Flakes, Hominy	652, 652, 654	Grit	652, 654
Flavoring Compounds	360	Grits	652, 652, 654
Flaxseed	652, 654	Groats	652, 652, 654
Flour, Bean	653, 654	Guides, Wire Line	365
Flour, Grain	652, 652, 654	Gum, Chewing	360
Flour, Potato	653, 654	Gutters	660, 690
Flour, Prepared	653, 654, 655, 656	Handles, wooden	365
Flour, Rice	653, 654	Hand Rails	660, 690
Flowers, fresh cut	340	Hay	657, 658
Flues, Boiler	365	Heading	660, 690
Fodder, bean, cane, corn or pea	657, 658	Heads, Control Casing, Drive Pipe or Casing	365
Fondant, Candy	360	Hegari	652, 652, 654
Food, Cereal	360	Higera	652, 652, 654
Food, baby	(1)	Hominy	(1), 652, 652, 654
Food, Infants' or Invalids'	360	Hominy Flakes	652, 652, 654
Food Preparations, Cereal	360, 655, 656	Honey	360, 610
Forges	365	Honey Box Lumber	660, 690
Frames (Blind, screen and door)	660, 690	Hooks, Casing, Sucker Rod, Throwoff or Tubing	365
Frames, Window	660, 690	Horseradish	360
Fruit, candied, crystallized, glazed or stuffed	360	Horseradish, prepared	(1)
Fruit, crushed	(1)	Hulls	652, 652, 654
Fruit, dried	350, 640	Hulls, cottonseed	652, 654
Fruit (not dried, evaporated nor fresh)	(1)	Hulls, rice	652, 654
Fruit Juice	600	Ice	659
Fruit Juice Powders or Crystals, Citrus	360	Ice Cream	370
Fruit Peel, Candied, Crystallized, Glazed or Stuffed	360	Icings	360
Fruit Syrup	360	Insecticides (M)	723-726
		Ironing Boards	660, 690
		Iron, Plate or Sheet	365
		Jacks, Oil Well Pumping	365
		Jacks, Well Tool	365
		Jam	(1)
		Jams, Door	660, 690
		Jelly	(1)



Joists, Rotary Tool and Sucker Rod	365	Kelp	652 $\frac{1}{2}$ , 654
Juice, Clam	(1)	Kitchen Cabinets	660, 690
Juice, Fruit	(1)	Lacquers	377
Juice, Tomato	(1)	Lard	360, 730
Juice, Vegetable	(1)	Lard Compounds	360
Zaffir Corn	652, 652 $\frac{1}{2}$ , 654	Lard Substitutes	360, 730
Kaoliang	652, 652 $\frac{1}{2}$ , 654	Lath	660, 690
		Leaves, cactus	657, 658
		Lentils (M)	653, 654

# Addition, Decision No. 52050

(1) See "Canned Goods and Other Articles as described in Item No. 610."

(M) Denotes articles on which application of rates is limited to mixed shipments.

EFFECTIVE NOVEMBER 15, 1955

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.

Correction No. 676

Item No.	SECTION NO. 3	COMMODITY RATES (Continued)
	(Applies in connection with rates or ratings making specific reference hereto.)	
	CANNED GOODS AND OTHER ARTICLES, in earthenware, glass or metal cans in boxes, or in bulk in barrels, except as otherwise provided (See Note 1), not subject to Item No. 300, viz.:	
	<p>Beans and Pork            Breads,            Brine,            Broths,            Butter, fruit,            Butter, peanut (peanut paste),            Buttermilk (not Casein), not powdered or flaked,              Chili, ground,            Chowders,            Coconut, prepared, in packages named, or in paper cartons in boxes, or in bulk in boxes, or in double bags, or in multiple-wall paper bags,            Corn,            Egg Yolk, in cans in boxes,            Food, animal, containing more than 50 percent of meat, in metal cans,            Fish, cooked, pickled or preserved, with or without fruit or vegetable ingredients, in packages named, or in bulk in boxes,            Fish Roe, cooked, pickled or preserved,            Food, baby, canned or preserved, other than frozen, consisting only of strained and chopped foods, in hermetically sealed containers,            Fruit (not fresh), crushed,            Fruit (not dried, evaporated or fresh) in liquid other than alcoholic liquor,            Garlic Chips, in packages named, or in bulk in boxes, or in double bags, or in multiple-wall paper bags,            Garlic Powder, in packages named, or in bulk in boxes, or in double bags, or in multiple-wall paper bags,              Hominy,            Honey, in bulk in metal cans,              Jam,            Jolly,            Juice, clam,            Juice (not syrup) fruit, unfermented,            Juice, tomato,            Juice, vegetable,</p>	<p>Oil, olive or salad,            Olives,            Onion Chips, in packages named, or in bulk in boxes, or in double bags, or in multiple-wall paper bags,            Onion Powder, in packages named, or in bulk in boxes, or in double bags, or in multiple-wall paper bags,              Paste, tomato,            Pectin, fruit or vegetable,            Pickles (Cauliflower, Cucumber, Dill Weed, Kraut, Mangoes, Onions and Tomato),            Pie Preparations (fruit in syrup or in paste form compounded with flour or sugar and flavored),            Pimentos (canned peppers),            Puddings,            Pulp, fruit or vegetable,            Purée, tomato,              Ravioli (prepared), with or without cheese, meat or vegetable ingredients,            Rice-and-milk cooked,              Sandwich Spread,            Sausage,            Sausage Casings, pickled or salted, in bulk in barrels,            Soups,            Spaghetti (prepared, with or without cheese, meat or vegetable ingredients,            Spaghetti and Cheese, with sauce, in combined packages in boxes,              Table Sauces, including Catsup, Prepared Horseradish, Prepared Mustard, Pepper Sauce or Salad Dressing,              Vegetables (not dehydrated, dried, evaporated nor fresh),            Vermicelli (prepared), with or without cheese, meat or vegetable ingredients,</p>
*610-L Cancels 610-X		

Macaroni (prepared), with or without cheese, meat or vegetable ingredients,	Vinegar,
Meats, cooked, cured or preserved, with or without cereal or vegetable ingredients, in packages named, or in bulk in crates or boxes,	Welsh Rarebit.
Milk (condensed or evaporated), liquid,	
Milk, sterilized, liquid, flavored or not flavored,	
Milk (not malted), Buttermilk (not Casein) or Dry Milk Solids, powdered or flaked, in packages named, or in fibre cans, or in bulk in boxes, or in double bags, or in multiple-wall paper bags,	
Mince Meat,	
Molasses or Syrups, as described under the heading "Foodstuffs, Beverages or Beverage Preparations, Not Named in Other More Specific Groups" in the current classification,	

Note 1.—Rates or ratings applicable to shipments in boxes will apply also to such shipments in fibreboard boxes in metal strapped bundles or crates.

Rates or ratings applicable to shipments in barrels will apply also to such shipments in hogsheads, pipes, puncheons, tierces, casks, drums, half-barrels, quarter-barrels, sixth-barrels, eighth-barrels or kegs.

* Change	} Decision No: 52050
# Addition	
@ Reduction	

EFFECTIVE NOVEMBER 15, 1955

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No: 677.