

Decision No. 61599**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into )  
 the rates, rules and regulations, charges, )  
 allowances and practices of all common )  
 carriers, highway carriers and city )  
 carriers relating to the transportation )  
 of any and all commodities between and )  
 within all points and places in the State )  
 of California (including, but not limited )  
 to, transportation for which rates are )  
 provided in Minimum Rate Tariff No. 2). )

Case No. 5432  
 Petition for Modification  
 No. 209

OPINION AND ORDER

By petition filed January 4, 1961, American Home Foods, Division of American Home Products Corporation, seeks an order from the Commission amending Item 610 of Minimum Rate Tariff No. 2 to include therein the following commodity description:

"Noodles (prepared) with cheese, meat, fish or vegetable ingredients."

Item 610 provides commodity rates on articles listed therein under the heading "Canned Goods". Included in said item are:

"Macaroni (prepared) with or without cheese, meat or vegetable ingredients."

"Spaghetti (prepared) with or without cheese, meat or vegetable ingredients."

"Vermicelli (prepared) with or without cheese, meat or vegetable ingredients."

The only differences among noodles, egg macaroni, egg spaghetti and egg vermicelli are the shape and size of the products. Noodles are ribbon shaped, macaroni is tube shaped and more than 0.11 inch but not more than 0.27 inch in diameter, spaghetti is tube shaped or cord shaped and more than 0.06 inch but not more than 0.11 inch in diameter and vermicelli is cord shaped and not more than

0.16 inch in diameter.<sup>1</sup> The related nature of the products is shown by their treatment in Western Classification No. 77, Items 40270, 40280 and 40290 where ratings are provided for "macaroni, noodles, spaghetti or vermicelli" in various forms. There is no reason why noodles (prepared) should not be accorded the same minimum rates and ratings as macaroni, spaghetti or vermicelli (prepared).

Petitioner asks for the inclusion of the word "fish" as an ingredient of the "prepared noodles" in order to cover a product made of tuna and noodles. Apparently, they do not have a product in which tuna or other fish is an ingredient with macaroni, spaghetti or vermicelli. It is possible, however, that other shippers might have such a product and, as stated above, where the only difference in products is whether an ingredient is noodles or one of the other noodle or macaroni products, such difference, standing alone, is not sufficient to warrant a difference in minimum rates. The appropriate item in the tariff will be amended to read:

"Macaroni, noodles, spaghetti or vermicelli, prepared, with or without cheese, meat, fish or vegetable ingredients."

On December 28, 1960, the Commission issued Decision No. 61256 in Case No. 5432 amending Minimum Rate Tariff No. 2 in several respects, including cancellation of Item 610 and the assignment of exception ratings to canned goods, groceries, animal feed, and food-stuffs for human consumption. The effective date of such amendments was February 11, 1961. "Noodles" will be given the same treatment as was given "macaroni", "spaghetti" and "vermicelli" in said decision.

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<sup>1</sup> Federal Food, Drug and Cosmetic Act, Title 21, Part 16, Sec. 16.1.

Upon consideration of all of the facts and circumstances, we are of the opinion and find that the minimum rates and ratings which will be established in the order which follows are the just, reasonable and nondiscriminatory minimum rates for the transportation of macaroni, noodles, spaghetti or vermicelli, prepared, with or without cheese, meat, fish or vegetable ingredients, in inner containers of earthenware, glass, or metal cans, and that a public hearing is not necessary, therefore,

IT IS ORDERED:

1. That Minimum Rate Tariff No. 2 (Appendix D of Decision No. 31606, as amended) is further amended by incorporating therein, to become effective April 15, 1961, the revised pages attached hereto and by this reference made a part hereof which pages are listed as follows:

Twenty-fourth Revised Page 7  
Ninth Revised Page 37-A  
Eleventh Revised Page 38

2. That tariff publications which are 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.

3. That common carriers, in establishing and maintaining the rates and charges authorized hereinabove, be and they are authorized to depart from the provisions of Article XII, Section 21, of the Constitution of the State of California, and Section 460 of the Public Utilities Code, to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; that such outstanding authorizations be and they are hereby modified only to the extent necessary to comply with this order; and that

common carriers, in publishing rates under the authority conferred in this ordering paragraph shall make reference in their schedules to the prior orders authorizing the long- and short-haul departures and to this order.

In all other respects the aforesaid 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 29th day of FEBRUARY, 1961.

Carroll W. Page  
President

D. L. Mitchell

E. L. Fox

George W. Grover

Fredrick B. Haloff  
Commissioners

## INDEX OF COMMODITIES (Continued)

COMMODITY	Item Number	COMMODITY	Item Number
Lime, Chlorinated	730	Meal, Velvet Bean	652-654½
Liners	365	Meat, other than fresh	360
Liners, Polished Rod	365	Meat Substitutes	360
Lines, Measuring	365	Meats, cooked, cured or preserved	320, 345
Links	365	Meats, fresh	376
Lipsticks, medicated (chap sticks)	395	Mechanics' Tools (M)	365
Liquid, cigar or cigarette lighter (M)	377.5, 723-726	Medicines	395
Liquors, Malt	360	Middlings	652-654½
Liquors, Vinous	360	Military toilet kits	395
Lubricant, Grease Binder	377.5, 723-726	Milk (condensed, evaporated or sterilized) liquid	320
Lubricant, metal cutting, drawing or drilling (M)	377.5, 723-726	Milk and cocoa compound	375
Lumber	690, 700, 710	Milk, dried	345, 652-654½
Lye, Concentrated	730	Milk, Malted	360, 375
		Milk Solids, dry	345
Macaroni (M)	652-654½	Milk, sour skim	652-654½
Macaroni, except canned	360	Milk Food, other than liquid, other than malted milk	375
Macaroni (prepared)	320	Milo Maize	652-654½
Macaroni and Cheese	360	Mince Meat	320
Machines, Oil Well Pulling	365	Mix, Pizza Pie	345
Machines, Rotary Drilling	365	Mixtures, Mineral	652-654½
Maize	652-654½	Molasses	320, 652-654½
Malt	652-654½	Molasses, Blackstrap	652-654½
Malt, milk and cocoa compound	360, 375	Molasses, Beet Sugar Final	652-654½
Malt Sprouts	652-654½	Molasses, Corn Sugar Final, (Hydrol)	652-654½
Malted milk	360, 375	Mud Mixer Parts	365
Margarine (M)	315, 605	Mustard	360
Mash	652-654½	Mustard (prepared)	320
Meal, Alfalfa	652-654½	*Noodles (prepared)	320
Meal, Babassu Nut	652-654½	*Noodles, except canned	360
Meal, Bean Straw	652-654½	Noodles (M)	652-654½
Meal, Bone	652-654½	Nuts, edible, shelled	360
Meal, Blood	652-654½		
Meal, Clover	652-654½	Oats	652-654½
Meal, Clover, ground	652-654½	Oats, rolled	652-654½
Meal, Coconut	652-654½	Offal	652-654½
Meal, Copra	652-654½	Offal, Wheat Cereal	652-654½
Meal, Corn Germ	652-654½	Oil, cooking	320, 730
Meal, Corn Oil (M)	652-654½	Oil, Fish (M)	652-654½
Meal, dried Fruit Seed	652-654½	Oil, Olive	320
Meal, Fish	652-654½	Oil, (other than medicinal) (M)	377.5, 723-726
Meal, Flaxseed	652-654½	Oil, petroleum medicinal (M)	377.5, 723-726
Meal, Fruit pomace	652-654½	Oil, Salad	320
Meal, Grass dehydrated	652-654½	Olives	320
Meal, Gluten	652-654½	Onion Chips	320
Meal, (Grain)	652-654½	Onion Powdered	320
Meal, Hemp Seed	652-654½	Outfits, insect destroying (M)	377.5, 723-726
Meal, Hull or Shell, Nut	652-654½	Outfits, Oil, Water or Gas Well	365
Meal, Kapok Seed	652-654½	Outfits, Wire Line Pumping	365
Meal, Linseed	652-654½		
Meal, Meat	652-654½		
Meal, Mesquite (M)	652-654½		
Meal, Molasses	652-654½		
Meal, Oil Cake	652-654½		
Meal, Palm	652-654½		
Meal, Palm Kernel	652-654½		
Meal, Peanut	652-654½		

Meal, Perilla	652-654 <sup>1/2</sup>	Packers	365
Meal, Perilla Seed	652-654 <sup>1/2</sup>	Paint, asphaltic (M)	377-5, 723-726
Meal, Rape Seed	652-654 <sup>1/2</sup>	Paint, liquid (M)	377-5, 723-726
Meal, Rice	652-654 <sup>1/2</sup>	Paint, liquid or paste	377
Meal, Safflower Seed	652-654 <sup>1/2</sup>	Paper, abrasive	302
Meal, Sesame Seed	652-654 <sup>1/2</sup>	Paper, emery	302
Meal, Soya Bean	652-654 <sup>1/2</sup>	Parts, Boiler (M)	365
Meal, Sunflower Seed	652-654 <sup>1/2</sup>	Parts, Mud Mixer	360
Meal, Tomato Pomace	652-654 <sup>1/2</sup>	Paste, Alimentary	360
Meal, Tucum Nut	652-654 <sup>1/2</sup>	Paste, Confectioners'	360
Meal, Vegetable	652-654 <sup>1/2</sup>	Paste, Tomato	320
		Peanut Butter	320

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

\* Change }  
# Addition } Decision No. **61599**

EFFECTIVE: APRIL 15, 1961

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

Correction No. 1129

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)	
	EXCEPTIONS TO WESTERN CLASSIFICATION AND EXCEPTION SHEET (Continued)	Class Rating
<p>* 320</p>	<p>CANNED GOODS in inner containers of earthenware, glass, or metal cans, in outer containers, viz.: boxes, fibreboard boxes or crates; or in metal cans in metal strapped bundles; or in bulk in the following containers: barrels, hogsheads, pipes, puncheons, tierces, casks, drums, half-barrels, quarter-barrels, sixth-barrels, eighth-barrels or kegs; not subject to Item No. 300, viz.:</p> <p>Beans and Pork, Breads, Brine, Broths, Butter, fruit, Butter, peanut (peanut paste), Buttermilk (not Casein), not powdered or flaked, Chili, ground, Chowders, Corn, Egg Yolk, Fish, cooked, pickled or preserved, with or without fruit or vegetable ingredients, Fish, Roe, cooked, pickled or preserved, Food, baby, consisting only of strained and chopped foods, Fruit (not fresh), crushed, Fruit (not dried, evaporated nor fresh), in liquid other than alcoholic liquor, Fruit Drink, consisting of concentrated fruit juice, water and fruit derivatives, not carbonated, Garlic, powdered, or garlic chips, Hominy, Honey, Jam, Jelly, Juice, clam, Juice (not syrup) fruit, unfermented, artificial or natural, sweetened or unsweetened, Juice, tomato, Juice, vegetable, *Macaroni, noodles, spaghetti or vermicelli, (prepared), with or without cheese, meat, fish or vegetable ingredients, Meats, cooked, cured or preserved, with or without cereal or vegetable ingredients, Milk, condensed, evaporated or sterilized, liquid, flavored or not flavored, Mince Meat, Molasses or Syrups, as described under the heading "Foodstuffs, Beverages or Beverage Preparations, Not Named in Other More Specific Groups" in the Western Classification, Oil, cooking, olive or salad, Olives, Onion, powdered, or onion chips, Paste, tomato, Pectin, fruit or vegetable,</p>	

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,  
 Puree, tomato,  
 Ravioli (prepared), with or without cheese, meat or vegetable ingredients,  
 Rice-and-milk, cooked,  
 Sandwich Spreads, including cheese spreads,  
 Sausage,  
 Sausage Casings, pickled or salted,  
 Soups,

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Table Sauces, including Catsup, Prepared Horseradish, Prepared Mustard, Pepper Sauce or Salad Dressing,  
 Vegetables (not dehydrated, dried, evaporated nor fresh),

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Vinegar,  
 Welsh Rarebit,

Less than carload .....		90% of 4
Carload,		
Minimum weight 30,000 pounds .....		5
"          "      36,000      "      .....		B
"          "      42,000      "      .....		C
"          "      45,000      "      .....		(1)D

(1) Not applicable to shipments which are subject to charges for temperature control service.

\* Change )  
 \*\* Spaghetti and vermicelli now listed ) Decision No. 61599  
     with macaroni in this item )  
 # Addition )  
 b Reduction )

EFFECTIVE APRIL 15, 1961

Issued by the Public Utilities Commission of the State of California,  
 San Francisco, California.  
 Correction No. 1130



Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)		
	EXCEPTIONS TO WESTERN CLASSIFICATION AND EXCEPTION SHEET (Continued)		Class Rating
*360	<p>GROCERIES AND GROCERS' SUPPLIES, viz.:</p> <p>Bakery Goods, as described under that heading in the Western Classification,  Beverages, or Beverage preparations, as described in Items Nos. 39480, 39490, 39491, 40295, 40296, 40310, 40410 and 40420 of the Western Classification,  Candy or Confectionery, as described in Items Nos. 20110, 20111 and 20112 of the Western Classification,  Cereal and Nuts combined (Meat Substitutes),  Cereal Food Preparations, as described under that heading in the Western Classification (Subject to Notes 1 and 2),  Chocolate,  Chocolate Coating,  Cocoa,  Coffee,  Coffee, extract of (condensed coffee), dry,  Coffee Substitutes, Cereal, Fruit or Vegetables, including Chicory, Coloring, confectioners', Compounds, Food Curing, Preserving or Seasoning,  Dessert Preparations, as described in Items Nos. 39760 and 39761 of the Western Classification,  Eggs, Shelled (Egg Albumen, white or yolks), desiccated or frozen,  Extracts or Flavoring Compounds, not otherwise indexed by name in the Western Classification,  Fish, other than fresh or frozen,  Fondant, candy (candy filler),  Food, Infants' or Invalids' cereal, or Food, Prepared, not otherwise indexed by name in the Western Classification,  Fruit, or Fruit Peel, candied, crystallized, glazed or stuffed,  Fruit Juice Powders or Crystals, Citrus,</p>		<p>Fruit Syrups,  Gelatine,  Glucose,  Gum, Chewing  Honey,  Horseradish,  Lard, Lard Compounds or Lard Substitutes, as described in Items Nos. 33460 and 67840 of the Western Classification,  Liquors, malt, viz.:-  Ale,  Beer,  Porter,  Stout,  Liquors, vinous,  Macaroni, except Canned,  Macaroni and Cheese, in combined packages,  Malt Syrup,  Meat, other than fresh,  Milk, malted,  Mustard,  Noodles, except canned,  Nuts, edible, shelled, plain, salted or sweetened,  Paste, alimentary,  Paste, confectioners' or icing  Popcorn, not popped,  Popped Corn (subject to Notes 1 and 2),  Potato Chips (subject to Notes 1 and 2)  Powder, Baking or Yeast,  Sago,  Salads, Fish, Macaroni, Meat or Vegetable,  Salt (subject to Note 1),  Shortening,  Spaghetti, except Canned,  Spices,  Tapioca,  Tea,  Vermicelli, except Canned,  Yeast</p>

Minimum Weight 20,000 pounds .....  
Minimum Weight 30,000 pounds .....

4  
5

NOTE 1. - Ratings shown apply only when commodities subject to this note are shipped in mixed shipment with one or more other commodities named in this item.

NOTE 2. - Ratings shown apply only when the weight of the commodities subject to this note does not exceed 5 percent of the total weight of the shipment.

\* Change, Decision No.        **61599**

EFFECTIVE APRIL 15, 1961

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San Francisco, California.

Correction No. 1131