

Decision No. 61932**ORIGINAL**

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 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. 215

OPINION AND ORDER

By petition filed March 14, 1961, Proctor and Gamble Distributing Company requests revision of Minimum Rate Tariff No. 2 so as to include "Peanut Spread" in the list of articles in Item No. 320 of said tariff taking exception ratings applicable to "canned goods."

Petitioner has a product marketed nationally under the brand name of "Jif" which is a blend of approximately 75 percent roasted peanuts. It has the general appearance and usage of peanut butter. Petitioner alleges that its value, transportation characteristics and methods of packing and shipping are the same as peanut butter. It is called peanut spread because the U. S. Food and Drug Administration has ruled that a product which is labeled, advertised, marketed and otherwise held out as peanut butter must consist of not less than 87 percent ground peanuts.

Peanut spread is rated as a sandwich spread. Both peanut butter and sandwich spread are listed in Item No. 320 under "canned goods." For marketing reasons petitioner would prefer to ship its product as peanut spread rather than sandwich spread.

The proposal does not involve an increase or decrease in rating but merely a change of description. We take notice that the

Commission in its Decision No. 61828 issued April 11, 1961, in Application No. 42835 authorized J. P. Hackler to revise the Western Classification to provide ratings in the same item for Peanut Butter and Peanut Spread.

In the circumstances a public hearing is not necessary. The petition will be granted.

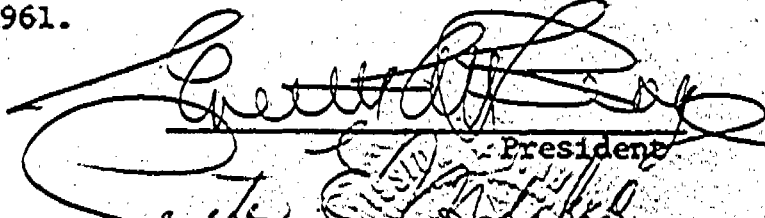

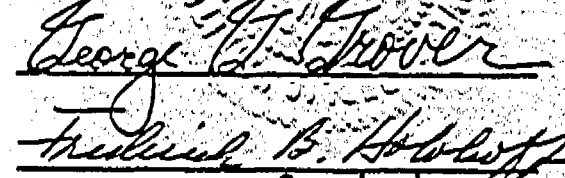
IT IS ORDERED that Minimum Rate Tariff No. 2 (Appendix D of Decision No. 31606, as amended) is further amended by incorporating therein, to become effective June 17, 1961, the revised pages attached hereto and by this reference made a part hereof, which pages are numbered as follows:

Twenty-fifth Revised Page 7  
Eleventh Revised Page 37-A

IT IS FURTHER ORDERED that tariff publications authorized to be made by common carriers as a result of the order herein may be filed not earlier than the effective date hereof, and 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 minimum rate tariff pages incorporated in this order.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 1st day of May, 1961.

  
\_\_\_\_\_  
President  
  
\_\_\_\_\_  
George J. Hoover  
  
\_\_\_\_\_  
Frederick B. Holloway  
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</sup> / <sub>2</sub>	Packers	365
Meal, Perilla Seed	652-654 <sup>1</sup> / <sub>2</sub>	Paint, asphaltic (M)	377.5, 723-726
Meal, Rape Seed	652-654 <sup>1</sup> / <sub>2</sub>	Paint, liquid (M)	377.5, 723-726
Meal, Rice	652-654 <sup>1</sup> / <sub>2</sub>	Paint, liquid or paste	377
Meal, Safflower Seed	652-654 <sup>1</sup> / <sub>2</sub>	Paper, abrasive	302
Meal, Sesame Seed	652-654 <sup>1</sup> / <sub>2</sub>	Paper, emery	302
Meal, Soya Bean	652-654 <sup>1</sup> / <sub>2</sub>	Parts, Boiler (M)	365
Meal, Sunflower Seed	652-654 <sup>1</sup> / <sub>2</sub>	Parts, Mud Mixer	360
Meal, Tomato Pomace	652-654 <sup>1</sup> / <sub>2</sub>	Paste, Alimentary	360
Meal, Tucum Nut	652-654 <sup>1</sup> / <sub>2</sub>	Paste, Confectioners'	360
Meal, Vegetable	652-654 <sup>1</sup> / <sub>2</sub>	Paste, Tomato	320
		Peanut Butter	320
		#Peanut Spread	320

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

# Addition, Decision No.

EFFECTIVE JUNE 17, 1961

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

Correction No. 1139

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)	
	EXCEPTIONS TO WESTERN CLASSIFICATION AND EXCEPTION SHEET (Continued)	Class Rating
*320	<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 (prepared), with or without cheese, meat, 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, Noodles (prepared), with cheese, meat, fish or vegetable ingredients, Oil, cooking, olive or salad, Olives,</p>	

Onion, powdered, or onion chips,  
 Paste, tomato,  
 # Peanut Spread,  
 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,  
 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,  
 Spaghetti (prepared), with or without cheese,  
 meat or vegetable ingredients,  
 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,  
 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 tempera-  
 ture control service.

\* Change )  
 # Addition, results in ) Decision No.  
 neither increase nor reduction )

EFFECTIVE JUNE 17, 1961

Issued by the Public Utilities Commission of the State of California,  
 San Francisco, California.  
 Correction No. 1140