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(Revised as of January 1, 1972)

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Chapter I—Agricultural Marketing Service (Standards Inspection, Marketing Practices), Department of Agriculture

PART 46—REGULATIONS (OTHER THAN RULES OF PRACTICE) UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

Full Payment Promptly

On June 9, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 11586) stating that the Department of Agriculture was considering amending 7 CFR Part 46 to redefine the term "full payment promptly" and to specify that a confirmation or memorandum of sale issued by a broker should include any express agreement as to the time when payment is due. The amendment is intended to clarify and strengthen the definition of "full payment promptly" by providing primary rules as to time of payment in various situations; for example, in a purchase transaction that payment is due in 10 days after the produce is accepted by the buyer and that, as an exception to such rules, the parties to a transaction may agree, but only by express agreement, on a different time for payment.

Interested persons were invited to submit written data, views, or arguments within 30 days after publication. A number of written comments were received, all favoring the proposed amendment to the regulations.

Accordingly, the regulations (other than rules of practice) issued pursuant to authority contained in the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531, as amended; 7 U.S.C. 499a et seq.) are amended as follows:

1. Amend 7 CFR 46.2(aa) to read as follows:

§ 46.2 Definitions.

* * * * *

(aa) "Full payment promptly" is the term used in the act in specifying the period of time for making payment without committing a violation of the act. "Full payment promptly," for the purpose of determining violations of the act, means:

(1) Payment of the net proceeds for produce received on consignment or the pro rata share of the net profits for produce received on joint account, within 10 days after the day on which the final sale with respect to each shipment is made;

(2) Payment by growers, growers' agents, or shippers of deficits on consignments or joint account transactions, within 10 days after the day on which the accounting is received;

(3) Payment of the purchase price, brokerage, and other expenses to buying brokers who pay for the produce, within 10 days after the day on which the broker's invoice is received by the buyer;

(4) Payment of brokerage earned and other expenses in connection with produce purchased or sold, within 10 days after the day on which the broker's invoice is received by the principal;

(5) Payment for produce purchased by a buyer, within 10 days after the day on which the produce is accepted;

(6) Payment to growers, growers' agents, or shippers by terminal market agents or brokers, who are selling for the account of a grower, growers' agent, or shipper and are authorized to collect from the buyer or receiver, within 5 days after the agent or broker receives payment from the buyer or receiver;

(7) Payment to the principal, within 10 days after receipt, of net proceeds realized from a carrier claim in connection with a consignment transaction or, in connection with a joint account transaction, payment to the joint account partners of their share of the joint account net proceeds realized from a carrier claim;

(8) Payment by growers' agents, or shippers distributing individual lots of produce for or on behalf of others, within 5 days after receipt of payment from the purchaser or receipt of the net proceeds on consigned or joint account transactions;

(9) Partial payments at reasonable intervals during the shipping season by a growers' agent or shipper who harvests, packs, or distributes entire crops or multiple lots therefrom for or on behalf of others and final payment within a reasonable time following the close of the season's transactions: *Provided, however,* That as an exception to subparagraphs (1) through (9) of this paragraph, the parties may, by express agreement at the time the contract is made, provide a different time for payment, and if they have so agreed, then payment within the time provided shall constitute "full payment promptly": *Provided further,* That the party claiming the existence of such express agreement as to time of payment shall have the burden of proving it.

Nothing in the regulations in this part shall limit the seller's privilege of shipping under a closed or advise bill of lading or other arrangement requiring cash on delivery unless there has been express prior agreement to the contrary between the parties; or prohibit cooperative associations from settling with their members on the basis of seasonal pools or other arrangements provided by their regulations or bylaws. Payment in connection with any transaction or situation not specifically covered herein shall be made within a reasonable time; and, if there is a dispute concerning a transaction, the foregoing time periods apply only to the undisputed amount.

* * * * *

§ 46.28 [Amended]

2. That portion of 7 CFR 46.28(a) which reads: "After all parties agree on the terms and the contract is effected, the broker shall prepare in writing and deliver promptly to all parties a properly executed confirmation or memorandum of sale setting forth truly and correctly all of the essential details of the agreement between the parties." is hereby amended to read: "After all parties agree on the terms and the contract is effected, the broker shall prepare in writing and deliver promptly to all parties a properly executed confirmation or memorandum of sale setting forth truly and correctly all of the essential details of the agreement between the parties, including any express agreement as to the time when payment is due."

(Sec. 15, 46 Stat. 537, as amended; 7 U.S.C. 499o)

Effective date. This amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

Dated: July 18, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72-11299 Filed 7-20-72;8:52 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 11]

PART 725—FLUE-CURED TOBACCO

Subpart—Flue-Cured Tobacco, 1970–71 and Subsequent Marketing Years

MISCELLANEOUS AMENDMENTS

Basis and Purpose. This amendment is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281, et seq.).

The main purpose of this amendment is to extend the period for leasing and transferring flue-cured tobacco acreage allotments and marketing quotas pursuant to Public Law 92-311, approved June 6, 1972. Other changes are included.

The changes in the regulations to incorporate this amendment are as follows:

1. Section 725.72 is completely rewritten and paragraph (i) of § 725.87 is added to incorporate the provisions of Public Law 92–311.

2. Section 725.87 is amended by adding a new paragraph (a)(3) to provide that a person who is not a producer on a farm in the current year shall not have the right to use the marketing card issued for the farm to market his proportionate share of any carryover tobacco.

3. In § 725.87, subparagraphs (1), (2), and (3) of paragraph (f) are revised to incorporate a change in the format of the 1972 flue-cured tobacco marketing card (MQ–76) which eliminates the 10 percent of quota space on the reverse side of the marketing card.

4. In § 725.87, paragraph (h) is revised to provide for entering other data on marketing cards when specified by the Deputy Administrator.

5. In § 725.91, paragraphs (a) and (e)(3) are amended to provide that tobacco marketed from a farm in a quota area shall be identified by Form MQ–76 unless an AMS certification shows it to be nonquota tobacco, to eliminate provision for entering 10 percent of quota on reverse side of marketing card and to clarify that auction warehouses shall keep separate records for nonquota as well as quota tobacco.

Tobacco farmers are nearing the marketing stage with their 1972 crop of flue-cured tobacco covered by these regulations and need to know the provisions of the amendments herein. Hence, it is essential that the amendments contained herein be made effective at the earliest possible date. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. The amendments contained herein shall become effective upon the date of filing of this document with the Director, Office of the Federal Register.

The amendments are as follows:

1. Section 725.72 is revised to read as follows:

§ 725.72 Lease and transfer of tobacco marketing quotas.

(a) *General.* For the 1970 and subsequent crop years, notwithstanding the provisions of §§ 725.51 through 725.71, but subject to the limitations provided in this section, the owner and operator (acting together if different persons) of any farm for which an old farm tobacco acreage allotment is established for the current year may lease and transfer all or any part of the farm marketing quota established for such farm to any other owner or operator of a farm in the same county with a current year's allotment (old or new farm) for flue-cured tobacco for use on such farm. The allotment established for a farm as pooled allotment under Part 719 of this chapter may be leased and transferred during the 3-year life of the pooled allotment. The lease and transfer of marketing quotas shall be recognized and considered valid by the county committee subject to the conditions set forth in this section.

(b) *Lease agreement period.* Any lease for 1970 shall be made on an annual basis, and any lease for the 1971 and subsequent crops shall be made for such term of years not to exceed five as the parties thereto agree, and on such other terms and conditions, except as otherwise provided in this section, as the parties thereto agree.

(c) *Filing and approval of transfer agreement*—(1) *General.* The approval or disapproval of an agreement to transfer all or any part of an effective farm marketing quota shall be the responsibility of the county committee. Notwithstanding this paragraph, the county committee may redelegate authority to approve transfers to the county executive director or other county office employees. In addition, county office employees in market town locations designated by the State committee shall have authority to approve annual transfers under the terms and conditions of this section even though the farms involved (which must be located in the same county) may be from a different county or State than the county committee supervising the market town location, subject to the review of the county committee for the county where the farms are administratively located.

(2) *Filing transfer agreements.* The transfer by lease of an effective farm marketing quota or any part thereof shall not be effective until a copy of the lease, determined by the county committee to be in compliance with the provisions of this section, is filed by the parties to the transfer with the county committee of the county where the farms are administratively located or with a designated county office employee at a market town location not later than November 30 of the current crop year. The filing of a properly executed record of transfer of allotment or quota, Form ASCS–375, will be considered to meet the requirements of this paragraph.

(3) *Record of transfer on ASCS–375.* No lease and transfer of any quota under this section for 1972 and subsequent crops shall become effective until a record of the transfer has been executed on Form ASCS–375 and filed with the county committee by the parties to the transfer: *Provided*, That county office employees in market town locations designated by the State committee shall have authority to approve annual leases and transfers under the terms and conditions of this section even though the farms involved (which must be located in the same county) may be from a different county or State than the county committee supervising the market town location, subject to the review of the county committee for the county where the farms are administratively located. If the owner and operator of the farm from which transfer by lease is made are different persons, both owner and operator shall execute the record of transfer; however, only the signature of the owner or operator of the receiving farm is required. A State or county committee member or employee must witness the signature of either the owner or operator of the transferring farm and the owner or operator of the receiving farm. If such signatures cannot be witnessed in the county office where the farm is administratively located or in a market town location, they may be witnessed in any State or county office convenient to the owner's or operator's residence. The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or similar hardship cases may be met by mail, provided a verbal request is made by the producer.

(4) *Approval of transfer agreement filed after June 14.* Notwithstanding subparagraphs (1) through (3) of this paragraph (c), the approval of a transfer by lease of any marketing quota filed after June 14 of the current crop year shall be subject to the following:

(i) If the lessor's farm marketing quota is 2,000 pounds or less, any transfers may be approved subject to other conditions and limitations in this section; or

(ii) If the lessor's farm marketing quota exceeds 2,000 pounds, the transfer shall not be approved unless the acreage of tobacco planted on both the lessee's and lessor's farm during the current year was at least 50 percent of the farm acreage allotment in effect for each of such farms at the time of certification of acreage. In the case of a revised certification of acreage for the farm, the last certification filed shall be the one used for determining if the farm meets the 50 percent planting provision, applicable to leases and transfers filed after June 14.

(5) *Approval of transfer agreements filed after final certification date.* Approval of any transfer agreement filed after the final certification date for the county shall be limited to 1 year. The 50 per centum of cropland limitation in paragraph (d) of this section shall not apply to 1-year leases approved under this subparagraph.

(6) *Approval of leases for pyramiding quota prohibited.* The county committee shall not approve a lease and transfer to a farm where it is determined that the primary purpose of the transfer is to pyramid the quota on the farm (Pyramiding for the purpose of this subparagraph means leasing to and from the farm for a period of 2 or more years to protect and increase the quota with no satisfactory evidence of plans for producing the quota during such period.)

(d) *Marketing quota basis for lease and transfer.* Marketing quota, pound for pound, shall be the basis for lease and transfer under the acreage-poundage program. The computed acreage for pounds leased and transferred to a lessee farm (the sum of its own allotment and the upward adjustment in acreage for lease and transfer) shall not exceed 50 per centum of the cropland acreage in the lessee farm, but this proviso shall not apply to transfers approved under subparagraph (5) of paragraph (c) of this section. The maximum marketing quota that may be leased and transferred from a farm shall be limited to the effec-

tive farm marketing quota for the lessor farm.

(e) *Adjustment of acreage allotment.* The acreage allotment for a farm involved in a lease and transfer agreement shall be adjusted as follows:

(1) The acreage allotment for the lessee farm shall be adjusted upward by the number of acres obtained by dividing the pounds leased and transferred to the farm by the current year's farm yield for the lessee farm.

(2) The acreage allotment for the lessor farm shall be adjusted downward by the number of acres obtained by dividing the pounds leased and transferred from the farm by the current year's yield for the lessor farm.

(f) *Allotment acreage considered fully planted.* For purpose of establishing allotments for subsequent years, the tobacco acreage computed for pounds transferred from a lessor farm shall be considered to have been planted on the lessor farm.

(g) *Marketing quota for a new farm.* Marketing quota established for a new farm shall not be transferred by lease.

(h) *Farms under long-term land use programs.* Transfer of an allotment and quota to or from a farm covered by a long-term land use program agreement shall not be approved if the transferring or receiving farm has the allotment crop base designated under such program agreement.

(i) *Pooled allotments.* Marketing quotas established for allotments in a pool pursuant to Part 719 of this subchapter may be eligible for transfer during the 3-year life of the pooled allotment. An agreement to transfer shall not serve to extend the life of such pooled alltoment.

(j) *Subleasing and limitation on transfer to and from a farm*—(1) *No subleasing.* No transfer shall be made from a farm receiving quota under a transfer agreement for the term of the transfer agreement.

(2) *Limitation on lease and transfer to and from a farm.* If a transfer agreement is in effect for any farm, no transfer of quota shall be made (i) from such farm receiving quota by transfer or (ii) to such farm which had quota transferred from it.

(k) *Revised notices.* A revised notice showing the effective farm acreage allotment and effective farm marketing quota after transfer shall be issued by the county committee to each of the operators of all farms involved in the transfer agreement.

(l) *Violations.* If consideration of a violation is pending which may result in an allotment reduction for a farm for the current year, the county committee shall delay approval of any lease and transfer until the violation is cleared or the allotment reduction is made. However, if the allotment reduction in such a case cannot be made effective for the current crop year before April 1, a 1-year transfer may be approved by the county committee. In any case, if, after a transfer of a tobacco marketing quota has been approved by the county committee, it is determined that the allotment for the farm from which or to which the marketing quota is leased is to be reduced for a violation, the allotment reduction for such farm shall be delayed until the following year.

(m) *Zero allotment and zero marketing quota farms.* If the effective farm acreage allotment and effective farm marketing quota for a farm for the current year are reduced to zero for violation of the tobacco marketing quota regulations, no marketing quota for flue-cured tobacco may be transferred to such farm for the current year.

(n) *Marketing quota after transfer approval.* The acreage allotment and marketing quota finally determined (after transfer) for a farm under the provisions of this section shall be the allotment and marketing quota for such farm for the current year only for the purposes of determining: (1) Excess acreage, (2) the amount of penalty to be collected on marketings of excess tobacco, (3) eligibility for price support, (4) undermarketings and overmarketings, and (5) the amount of reduction in allotment and quota for violation of the tobacco marketing quota regulations. Notwithstanding this paragraph (n), a transfer after the farm has certified to acreage planted shall not be considered in determining excess acreage or eligibility for price support. The amount of reduction determined as applicable when the violation occured shall be applied to the allotment being reduced prior to any lease and transfer.

(o) *Cancellation, dissolution, or revision of transfer*—(1) *Cancellation.* Any transfer of allotment and quota under this section which was approved in error or on the basis of incorrect information furnished by the parties to the agreement shall be canceled by the county committee.

(i) Such cancellation shall be effective as of the date of approval for purposes of determining overmarketings and undermarketings from the farms, and for purposes of determining eligibility for price support and marketing quota penalties except that such cancellation shall not be effective for the current marketing year for price support and marketing quota penalties purposes if (*a*) the transfer approval was made in error or on the basis of incorrect information unknowingly furnished by the parties to the leasing agreement; and (*b*) the parties to the transfer agreement were not notified of the cancellation before the marketings for the receiving farm exceed the correct effective farm marketing quota. The provisions of this subparagraph (1) (i) shall not preclude application of the erroneous notice provisions under § 725.70 where such provisions are applicable.

(ii) Where a transfer of allotment and quota is canceled because of fraud on the part of the owner or operator of the transferring farm but without fault on the part of the owner or operator of the receiving farm, such cancellation shall be effective as of the date of approval except for purposes of determining eligibility for price support and marketing quota penalties for the receiving farm. In such case the overmarketings shall be charged against the farm from which the transfer of allotment and quota was made if such farm, after any such reconstitution as may be necessary as a result of the fraud, is assigned an allotment and quota against which the overmarketings could be charged: Otherwise, the overmarketings shall be charged against any other farm involved in the fraud having an allotment and quota after any reconstitution required by such fraud: *Provided,* That any overmarketings on the receiving farm which is in excess of the amount of quota involved in the canceled lease shall be charged against the receiving farm.

(2) *Dissolution or revision.* A transfer agreement may be dissolved or minor revisions made where a request by all parties to the agreement is made in writing to the county committee by November 30 of the current crop year. In such case, an official notice of the effective farm acreage allotment and effective farm marketing quota, reflecting the dissolution or revision, shall be issued by the county committee to each of the operators involved in the transfer agreement. If the request to dissolve or revise the lease is made after November 30 of the current crop year, but prior to the last crop year for which the transfer agreement is effective, the next allotments and quotas established for the farms shall reflect the dissolution or revision.

(p) *Reconstitutions after transfer.* Allotments for reconstituted farms shall be divided or combined in accordance with Part 719 of this chapter. For this purpose, the farm acreage allotment being divided or combined for a farm in the current year shall be the allotment after transfer has been made. However, in the case of a division, the county committee may allocate, under Part 719 of this chapter, the transferred quota involved to the tracts involved in the division as the parent farm owner and operator designate in writing. In the absence of a written designation, the county committee shall apportion the leased quota.

(q) *Consent of lienholder.* No transfer of allotment other than by annual lease shall be made from a farm subject to a mortgage or other lien unless the transfer is agreed to in writing by the lienholder.

(r) *Recomputation of allotment and quota for other than annual transfers.* The acreage allotment and marketing quota transferred shall be recomputed and adjusted where appropriate each year the transfer is in effect.

(s) *Allotment and marketing quota on land under restrictive lease.* If a farm is federally owned and a lease is in effect restricting the production of flue-cured tobacco, the quota established for such allotment shall not be eligible for transfer.

2. In § 725.87, a new paragraph (a) (3) and (i) are added, subparagraphs (1),

(2), and (3) of paragraph (f) are amended and paragraph (h) is revised.

§ 725.87 Issuance of marketing cards.

(a) *General.* * * *

(3) The procedure in subparagraph (2) of this paragraph shall not apply to a person who was a producer on the farm in a prior year but who is not a producer on the farm during the current crop year.

* * * * *

(f) *Farm quota data entered on marketing card and supplemental card.* (1) Any marketing card issued to market tobacco shall show when issued, in the space provided on the reverse side, the pounds computed by multiplying 110 percent times the effective farm marketing quota: *Provided,* That, if the tobacco available for marketing from the farm is determined by the county commitee or the county executive director to be less than the effective farm marketing quota and the quota is not eligible to be transferred from the farm under the provisions of § 725.72, the pounds determined to be available for marketing shall, for purposes of issuing a marketing card and showing thereon the farm's 110 percent of quota data, be considered the effective farm marketing quota for the farm: *Provided further,* That if any producer on the farm shows to the satisfaction of the county committee or county executive director that there are available for marketing from the farm pounds of tobacco above the pounds considered as the effective farm marketing quota under the provisions above, the data shown on the marketing card shall be increased accordingly but not to exceed the pounds which were or would have been computed under subparagraph (1) of this paragraph.

(2) Where the farm operator requests, a supplemental marketing card bearing the same name and identification as shown on the original marketing card may be issued for a farm upon return to the county office of an original marketing card or a supplemental marketing card. The pounds computed as the balance of 110 percent of quota from prior marketing card shall be shown in the first space on the reverse side of the marketing card.

(3) Two or more marketing cards may be issued for a farm if the farm operator so requests in writing and specifies in writing the number of pounds to be assigned to each card. In such case, each marketing card shall show the assigned quota plus 10 percent of such assigned quota in the space "110 percent of quota."

* * * * *

(h) *Other data entered on marketing cards and supplemental card.* Other data specified in instructions issued by the Deputy Administrator shall be entered on the marketing card.

(i) *Lease only marketing card.* A marketing card for lease only may be issued in the name of the farm operator for a farm where there is no tobacco available for marketing in the current year if the farm is otherwise eligible to lease marketing quota. A lease only card shall not be issued for any farm where a marketing card was issued in the current year based on a determination by the county committee or the county executive director that the tobacco available for marketing from the farm was less than the effective farm marketing quota for the current year.

3. In § 725.91, paragraphs (a) and (e)(3) are amended to read as follows:

§ 725.91 Identification of marketings.

(a) *Identification of producer marketings.* Each auction and nonauction marketing of tobacco from a farm in a quota area in the current year shall be identified by a marketing card, Form MQ–76, issued for the farm unless an AMS certification shows it to be nonquota tobacco. The reverse side of the marketing card shall show in pounds: (1) 110 percent of quota, (2) balance of 110 percent of quota after each sale, and (3) date of each sale. Each producer sale at auction shall be recorded on a Form MQ–72–1, Report of Tobacco Auction Sale, and each producer sale at nonauction shall be recorded on Form MQ–72–2, Report of Tobacco Nonauction Purchase. For producer sales at nonauction, the dealer purchaser shall execute Form MQ–72–2 and shall enter the data on MQ–76. For producer sales at auction, Form MQ–72–1 and Form MQ–76 shall be executed only by the ASCS marketing recorder.

* * * * *

(e) *Separate display on auction warehouse floor.* * * *

(3) Make and keep records that will insure a separate accounting and reporting of each of such kinds of tobacco (quota and nonquota) sold at auction over the warehouse floor.

(Secs. 314, 316, 317, 373, 375, 52 Stat. 48, as amended, 75 Stat. 469, as amended, 79 Stat. 66, as amended, 52 Stat. 65, as amended, 66 as amended; 7 U.S.C. 1314, 1314b, 1314c, 1373, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on July 14, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72–11254 Filed 7–20–72;8:48 am]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

PART 876—SUGARCANE; HAWAII

Fair and Reasonable Prices for 1972 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence obtained at the public hearing held in Hilo, Hawaii, on April 25, 1972, the following determination is hereby issued.

The regulations previously appearing in these sections under "Determination of Prices; Sugarcane; Hawaii" remain in full force and effect as to the crops to which they were applicable.

Sec.
876.21 General requirements.
876.22 Toll agreements.
876.23 Purchase agreements.
876.24 Sugarcane weight and quality determination.
876.25 Overhead charges for services furnished to producers.
876.26 Reporting requirements.
876.27 Applicability.
876.28 Subterfuge.
876.29 Procedures for checking compliance.

AUTHORITY: The provision of these §§ 876.21 to 876.29 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153.

§ 876.21 General requirements.

A producer of sugarcane in Hawaii who is also a processor of sugarcane, to which this part applies as provided in § 876.27 (herein referred to as "processor") shall have paid, or contracted to pay, for sugarcane of the 1972 crop grown by other producers and processed by him, or shall have processed sugarcane of other producers under a toll agreement, in accordance with the following requirements.

§ 876.22 Toll agreements.

(a) The rate for processing sugarcane under a toll agreement at Olokele Sugar Co., Ltd., shall be not more than the rate provided in the agreement between the producer and the processor applicable to the prior crop.

(b) (1) The rate for processing sugarcane delivered by a producer under a toll agreement to those processors listed below shall be not more than that established for each such processor.

Processor	Rate for processing (percentage of gross proceeds from sugar and molasses)	Delivery point for sugarcane
Puna Sugar Co., Ltd.	34	Mill.
Kohala Sugar Co.	34	Do.
Laupahoehoe Sugar Co.	49	Loaded in trucks.
Paauhau Sugar Co., Ltd.	49	Do.
Hawaiian Agricultural Co.	49	Do.
Hutchinson Sugar Co., Ltd.	49	Do.

(2) The gross proceeds from sugar and molasses shall be determined in accordance with the Standard Sugar Marketing Contract and the Standard Molasses Marketing Contract entered into by the producer, or his agent, with the California and Hawaiian Sugar Co. (a cooperative agricultural marketing association herein referred to as C & H), except that for purposes of calculating the amount due producers, all items of raw sugar and molasses marketing expenses that were charged to producers under the marketing contracts in effect