McComb, 337 U.S. 755 cf. *Maneja* v. *Waialua,* 349 U.S. 254).

§ 780.105 "Primary" and "secondary" agriculture under section 3(f).

(a) Section 3(f) of the Act contains a very comprehensive definition of the term ''agriculture.'' The definition has two distinct branches (see *Farmers Reservoir Co.* v. *McComb,* 337 U.S. 755). One has relation to the primary meaning of agriculture; the other gives to the term a somewhat broader secondary meaning for purposes of the Act (*NLRB* v. *Olaa Sugar Co.,* 242 F. 2d 714).

(b) First, there is the primary meaning. This includes farming in all its branches. Listed as being included ''among other things'' in the primary meaning are certain specific farming operations such as cultivation and tillage of the soil, dairying the production, cultivation, growing and harvesting of any agricultural or horticultural commodities and the raising of livestock, bees, fur-bearing animals or poultry. If an employee is employed in any of these activities, he is engaged in agriculture regardless of whether he is employed by a farmer or on a farm. (*Farmers Reservoir Co.* v. *McComb,* supra; *Holtville Alfalfa Mills* v. *Wyatt,* 230 F. 2d 398.)

(c) Then there is the secondary meaning of the term. The second branch includes operations other than those which fall within the primary meaning of the term. It includes any practices, whether or not they are themselves farming practices, which are performed either by a farmer or on a farm as an incident to or in conjunction with ''such'' farming operations (*Farmers Reservoir Co.* v. *McComb,* supra; *NLRB* v. *Olaa Sugar Co.,* 242 F. 2d 714; *Maneja* v. *Waialua,* 349 U.S. 254).

(d) Employment not within the scope of either the primary or the secondary meaning of ''agriculture'' as defined in section 3(f) is not employment in agriculture. In other words, employees not employed in farming or by a farmer or on a farm are not employed in agriculture.

EXEMPTION FOR ''PRIMARY'' AGRICULTURE GENERALLY

§ 780.106 Employment in "primary" agriculture is farming regardless of why or where work is performed.

When an employee is engaged in direct farming operations included in the primary definition of ''agriculture,'' the purpose of the employer in performing the operations is immaterial. For example, where an employer owns a factory and a farm and operates the farm only for experimental purposes in connection with the factory, those employees who devote all their time during a particular workweek to the direct farming operations, such as the growing and harvesting of agricultural commodities, are considered as employed in agriculture. It is also immaterial whether the agricultural or horticultural commodities are grown in enclosed houses, as in greenhouses or mushroom cellars, or in an open field. Similarly, the mere fact that production takes place in a city or on industrial premises, such as in hatcheries, rather than in the country or on premises possessing the normal characteristics of a farm makes no difference (see *Jordan* v. *Stark Brothers Nurseries,* 45 F. Supp. 769; *Miller Hatcheries* v. *Boyer,* 131 F. 2d 283; *Damutz* v. *Pinchbeck,* 158 F. 2d 882).

FARMING IN ALL ITS BRANCHES

§ 780.107 Scope of the statutory term.

The language ''farming in all its branches'' includes all activities, whether listed in the definition or not, which constitute farming or a branch thereof under the facts and circumstances.

§ 780.108 Listed activities.

Section 3(f), in defining the practices included as ''agriculture'' in its statutory secondary meaning, refers to the activities specifically listed in the earlier portion of the definition (the ''primary'' meaning) as ''farming'' operations. They may therefore be considered as illustrative of ''farming in all its branches'' as used in the definition.