engaged in a closely related process or occupation directly essential to the production of agricultural or horticultural commodities. To so construe the term would render unnecessary the remainder of what Congress clearly intended to be a very elaborate and comprehensive definition of ''agriculture.'' The legislative history of this part of the definition was considered by the U.S. Supreme Court in reaching these conclusions in *Farmers Reservoir Co.* v. *McComb,* 337 U.S. 755.

§ 780.118 "Harvesting."

(a) The term ''Harvesting'' as used in section 3(f) includes all operations customarily performed in connection with the removal of the crops by the farmer from their growing position (*Holtville Alfalfa Mills* v. *Wyatt,* 230 F. 2d 398; *NLRB* v. *Olaa Sugar Co.,* 242 F. 2d 714). Examples include the cutting of grain, the picking of fruit, the stripping of bluegrass seed, and the digging up of shrubs and trees grown in a nursery. Employees engaged on a plantation in gathering sugarcane as soon as it has been cut, loading it, and transporting the cane to a concentration point on the farm are engaged in ''Harvesting'' (*Vives* v. *Serralles,* 145 F. 2d 552).

(b) The combining of grain is exempt either as harvesting or as a practice performed on a farm in conjunction with or as an incident to farming operations. (See in this connection *Holtville Alfalfa Mills* v. *Wyatt,* 230 F. 2d 398.) ''Harvesting'' does not extend to operations subsequent to and unconnected with the actual process whereby agricultural or horticultural commodities are severed from their attachment to the soil or otherwise reduced to possession. For example, the processing of sugarcane into raw sugar (*Bowie* v. *Gonzalez,* 117 F. 2d 11, and see *Maneja* v. *Waialua,* 349 U.S. 254), or the vining of peas are not included. For a further discussion on vining employees, see § 780.139. While transportation to a concentration point on the farm may be included, ''harvesting'' never extends to transportation or other operations off the farm. Off-the-farm transportation can only be ''agriculture'' when performed by the farmer as an incident to his farming operations (*Chapman* v. *Durkin,* 214 F. 2d 360 cert. denied 348 U.S. 897; *Fort Mason Fruit Co.* v. *Durkin,* 214 F. 2d 363 cert. denied 348 U.S. 897). For further discussion of this point, see §§ 780.144 through 780.147; §§ 780.152 through 780.157.

RAISING OF LIVESTOCK, BEES, FUR-BEARING ANIMALS, OR POULTRY

§ 780.119 Employment in the specified operations generally.

Employees are employed in the raising of livestock, bees, fur-bearing animals or poultry only if their operations relate to animals of the type named and constitute the ''raising'' of such animals. If these two requirements are met, it makes no difference for what purpose the animals are raised or where the operations are performed. For example, the fact that cattle are raised to obtain serum or virus or that chicks are hatched in a commercial hatchery does not affect the status of the operations under section 3(f).

§ 780.120 Raising of "livestock."

The meaning of the term ''livestock'' as used in section 3(f) is confined to the ordinary use of the word and includes only domestic animals ordinarily raised or used on farms. That Congress did not use this term in its generic sense is supported by the specific enumeration of activities, such as the raising of fur-bearing animals, which would be included in the generic meaning of the word. The term includes the following animals, among others: Cattle (both dairy and beef cattle), sheep, swine, horses, mules, donkeys, and goats. It does not include such animals as albino and other rats, mice, guinea pigs, and hamsters, which are ordinarily used by laboratories for research purposes (*Mitchell* v. *Maxfield,* 12 WH Cases 792 (S.D. Ohio), 29 Labor Cases 68, 781). Fish are not ''livestock'' (*Dunkly* v. *Erich,* 158 F. 2d 1), but employees employed in propagating or farming of fish may qualify for exemption under section 13(a)(6) or 13(b)(12) of the Act as stated in § 780.109 as well as under section 13(a)(5), as explained in part 784 of this chapter.