Mitchell v. *Huntsville Nurseries,* 267 F.2d 286.)

(i) *Tobacco.* Handling, grading, drying, stripping from stalk, tying, sorting, storing, and loading.

(j) *Livestock.* Handling and loading.

(k) *Poultry.* Culling, grading, cooping, and loading.

(l) *Honey.* Assembling, extracting, heating, ripening, straining, cleaning, grading, weighing, blending, packaging, and storing.

(m) *Fur.* Removing the pelt, scraping, drying, putting on boards, and packing.

SPECIFIED DELIVERY OPERATIONS

§ 780.152 General scope of specified delivery operations.

Employment in ''secondary'' agriculture, under section 3(f), includes employment in ''delivery to storage or to market or to carriers for transportation to market'' when performed by a farmer as an incident to or in conjunction with his own farming operations. To the extent that such deliveries may be accomplished without leaving the farm where the commodities delivered are grown, the exemption extends also to employees of someone other than the farmer who raised them if they are performing such deliveries for the farmer. However, normally such deliveries require travel off the farm, and where this is the case, only employees of a farmer engaged in making them can come within section 3(f). Such employees would not be engaged in agriculture in any workweek when they delivered commodities of other farmers, however, because such deliveries would not be performed as an incident to or in conjunction with ''such'' farming operations, as explained previously. If the ''delivery'' trip is within section 3(f) the necessary return trip to the farm is also included.

§ 780.153 Delivery "to storage."

The term ''delivery to storage'' includes taking agricultural or horticultural commodities, dairy products, livestock, bees or their honey, fur-bearing animals or their pelts, or poultry to the places where they are to be stored or held pending preparation for or delivery to market. The fact that the commodities have been subjected to some other practice ''by a farmer or on a farm as an incident to or in conjunction with such farming operations'' does not preclude the inclusion of ''delivery to storage'' within section 3(f). The same is true with respect to ''delivery to market'' and ''delivery to carriers for transportation to market.''

§ 780.154 Delivery "to market."

The term ''delivery * * * to market'' includes taking agricultural or horticultural commodities, dairy products, livestock, bees or their honey, fur-bearing animals or their pelts, or poultry to market. It ordinarily refers to the initial journey of the farmer's products from the farm to the market. The market referred to is the farmer's market which normally means the distributing agency, cooperative marketing agency, wholesaler or processor to which the farmer delivers his products. Delivery to market ends with the delivery of the commodities at the receiving platform of such a farmer's market (*Mitchell* v. *Budd,* 350 U.S. 473). When the delivery involves travel off the farm (which would normally be the case) the delivery must be performed by the employees employed by the farmer in order to constitute an agricultural practice. Delivery by an independent contractor for the farmer or a group of farmers or by a ''bird-dog'' operator who has purchased the commodities on the farm from the farmer is not an agricultural practice (see *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). However, in the case of fruits or vegetables, the Act provides a special overtime pay exemption for intrastate transportation of the freshly harvested commodities from the farm to a place of first marketing or first processing, which may apply to employees engaged in such transportation regardless of whether they are employed by the farmer. See subpart J of this part 780, discussing the exemption provided by section 13(b)(16).

§ 780.155 Delivery "to carriers for transportation to market."

The term ''delivery * * * to carriers for transportation to market'' includes taking agricultural or horticultural