where it operates ''what might be called the agricultural analogue of the modern industrial assembly line'' (*Maneja* v. *Waialua*, 349 U.S. 254).

§ 780.131 Operations which constitute one a "farmer."

Generally, an employer must undertake farming operations of such scope and significance as to constitute a distinct activity, for the purpose of yielding a farm product, in order to be regarded as a ''farmer.'' It does not necessarily follow, however, that any employer is a ''farmer'' simply because he engages in some actual farming operations of the type specified in section 3(f). Thus, one who merely harvests a crop of agricultural commodities is not a ''farmer'' although his employees who actually do the harvesting are employed in ''agriculture'' in those weeks when exclusively so engaged. As a general rule, a farmer performs his farming operations on land owned, leased, or controlled by him and devoted to his own use. The mere fact, therefore, that an employer harvests a growing crop, even under a partnership agreement pursuant to which he provides credit, advisory or other services, is not generally considered to be sufficient to qualify the employer so engaged as a ''farmer.'' Such an employer would stand, in packing or handling the product, in the same relationship to the produce as if it were from the fields or groves of an independent grower. One who engaged merely in practices which are incidental to farming is not a ''farmer.'' For example, a company which merely prepares for market, sells, and ships flowers and plants grown and cultivated on farms by affiliated corporations is not a ''farmer.'' The fact that one has suspended actual farming operations during a period in which he performs only practices incidental to his part or prospective farming operations does not, however, preclude him from qualifying as a ''farmer.'' One otherwise qualified as a farmer does not lose his status as such because he performs farming operations on land which he does not own or control, as in the case of a cattleman using public lands for grazing.

§ 780.132 Operations must be performed "by" a farmer.

''Farmer'' includes the employees of a farmer. It does not include an employer merely because he employs a farmer or appoints a farmer as his agent to do the actual work. Thus, the stripping of tobacco, i.e., removing leaves from the stalk, by the employees of an independent warehouse is not a practice performed ''by a farmer'' even though the warehouse acts as agent for the tobacco farmer or employs the farmer in the stripping operations. One who merely performs services or supplies materials for farmers in return for compensation in money or farm products is not a ''farmer.'' Thus, a person who provides credit and management services to farmers cannot qualify as a ''farmer'' on that account. Neither can a repairman who repairs and services farm machinery qualify as a ''farmer'' on that basis. Where crops are grown under contract with a person who provides a market, contributes counsel and advice, make advances and otherwise assists the grower who actually produces the crop, it is the grower and not the person with whom he contracts who is the farmer with respect to that crop (*Mitchell* v. *Huntsville Nurseries*, 267 F. 2d 286).

§ 780.133 Farmers' cooperative as a "farmer."

(a) The phrase ''by a farmer'' covers practices performed either by the farmer himself or by the farmer through his employees. Employees of a farmers' cooperative association, however, are employed not by the individual farmers who compose its membership or who are its stockholders, but by the cooperative association itself. Cooperative associations whether in the corporate form or not, are distinct, separate entities from the farmers who own or compose them. The work performed by a farmers' cooperative association is not work performed ''by a farmer'' but for farmers. Therefore, employees of a farmers' cooperative association are not generally engaged in any practices performed ''by a farmer'' within the meaning of section 3(f) (*Farmers Reservoir Co.* v. *McComb*, 337 U.S. 755; *Goldberg* v. *Crowley Ridge Ass'n.*, 295 F. 2d 7;