THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 7 NUMBER 5

Washington, Thursday, January 8, 1942

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER V—MILITARY RESERVATIONS AND NATIONAL CEMETERIES

PART 53—NATIONAL CEMETERIES [1]

§ 53.4 *Burials in national cemeteries.*

* * * * *

(c) *Interment of members of families.* (1) The wives of both officers and enlisted men may be buried with their husbands in a national cemetery. The wife may be interred prior to the death and burial of her husband provided the officer or enlisted man gives assurance that regardless of whether or not he remarries he will eventually be buried in the adjacent grave site reserved for the purpose. In those cemeteries where lots are assigned to an individual, the burial of his minor children and unmarried adult daughters (this includes daughters who have never married, widows, and divorcees) is permitted under the following conditions, provided there is room in the lot:

(i) That the fact of the interment shall be entered on the records of the cemetery, but the name shall not appear on any monument on the lot.

(ii) That the grave shall be marked, if so desired, at private expense, only with a footstone sunk flush with the ground, not exceeding 10 by 20 inches at the top, with a suitable identifying inscription and dates of birth and death.

(iii) That the written concurrence in the above conditions by the legal next of kin be forwarded to The Quartermaster General.

(2) No lots or grave sites will be assigned in advance of their actual requirement for burial purposes. (R.S. 4878; 41 Stat. 552; 49 Stat. 339; 24 U.S.C. 281) [Par. 8 *b* (4), AR 30–1840, Oct. 6, 1941, as amended by Cir. 261, W.D., Dec. 17, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–155; Filed, January 7, 1942; 9:37 a. m.]

[1] § 53.4 (c) is amended.

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS [1]

§ 81.33 *Open market procurement; authorizations.*

* * * * *

(f) *Purchases made without advertising in order to expedite the building up of the national defense.*

* * * * *

(2) *Expediting procurement; decentralization.* (i) Purchases made under the authority of this section are, in general, referred to as "negotiated purchases." This authority will be utilized in all cases where this method of procurement will expedite the accomplishment of the war effort. In order further to decentralize procurement—

(*a*) *Awards of contracts.* Awards of defense contracts, whether for supplies or construction, when the amount of the contract (or the estimated amount in the case of a cost-plus-a-fixed-fee contract) is $5,000,000 or more, will be made only after approval of the Under Secretary of War, on recommendation of the chief of the supply arm or service concerned. Awards of contracts of less amount, whether for supplies or construction, and including defense aid contracts, except as hereafter provided otherwise, may be made with the approval of the chief of supply arm or service concerned or under such further decentralization and safeguards as the chief of supply arm or service may prescribe. Contracts will be negotiated on a cost-plus-a-fixed-fee basis only when the use of that form of contract is essential.

(*b*) *Change orders and supplemental agreements.* Change orders and supplemental agreements will be submitted through the chief of supply arm or service to the Under Secretary of War for approval in cases where there is an increase in the contract price (or in the estimated cost if a cost-plus-a-fixed-fee contract) amounting to $5,000,000 or more. Change orders or supplemental

[1] § 81.33 (f) (2) (i) is amended.

CONTENTS

RULES, REGULATIONS, ORDERS

NOTICES

(Continued on next page)

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

CONTENTS—Continued

agreements of less amount may be made by the chief of the supply arm or service concerned or under such safeguards and conditions as such chief of supply arm or service may prescribe. The foregoing does not authorize the making, without reference to the Under Secretary of War, through the chief of supply arm or service, of material changes in the character of an award or contract previously approved by him, or in the terms or conditions thereof, nor does it authorize in any case deviations to be made from standard or approved contract provisions without such reference to him.

(c) *Procurements in theaters of operations.* Nothing contained in this subparagraph will be construed to abridge the powers of commanders in theaters of operations to make necessary procurements. (Sec. 1, 54 Stat. 712 as continued in effect by sec. 9, Act June 30, 1941, Public Law 139, 77th Cong.) [Par. 9a AR 5-240, Feb. 11, 1936, as amended by Proc. cir. 91, W.D., Dec. 29, 1941]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-150; Filed, January 6, 1942; 2:44 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER II—NATIONAL GUARD AND STATE GUARD

PART 211—STATE GUARD REGULATIONS [1]

§ 211.10 *Training texts and regulations.* The Chief of the National Guard Bureau has available a limited number of sets of the manuals listed below, and such other manuals as may be required, for distribution to State guards. The following list includes manuals relating to subjects which are fundamental for State guards and to subjects which may be found desirable for study:

Manual No.	*Title*
FM 21-6	List of Publications for Training (Consult this publication for the latest published manual).
FM 21-10	Military Sanitation and First Aid.
FM 21-15	Equipment, Clothing, and Tent Pitching.
FM 21-20	Physical Training.
FM 21-25	Map and Aerial Photograph Reading.
FM 21-40	Defense Against Chemical Attack.
FM 21-45	Scouting and Patrolling, Dismounted.
FM 21-50	Military Courtesy, Salutes, Honors, and Discipline.
FM 21-100	Soldier's Handbook.
FM 22-5	Infantry Drill Regulations.
FM 23-10	U. S. Rifle, Caliber .30, M1903
FM 23-50	Browning Machine Gun, Caliber .30 HB, M1919 A 4 (Mounted in Combat Vehicles).
FM 26-5	Interior Guard Duty.
FM 27-15	Domestic Disturbances.
FM 29-5	Military Police.

(Sec. 61, Act of June 3, 1916, 39 Stat. 198; 32 U.S.C. 194) [Par. 11, AR 850-250, Apr. 21, 1941, as amended by Cir. 266, W.D., Dec. 24, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-151; Filed, January 6, 1942; 2:44 p. m.]

[1] § 211.10 is amended.

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 921—ALUMINUM

Supplementary Order No. M-1-d To Conserve the Supply and Direct the Distribution of Aluminum Scrap

Whereas national defense requirements have created a shortage of aluminum; and

Whereas aluminum scrap of acceptable quality for reprocessing for use for defense purposes is not coming forward in sufficient volume, due, for the most part, to the fact that under prevailing practices the scrap generated in the course of industrial processes is not being appropriately segregated by alloy content; and

Whereas this can only be remedied by the institution, in all plants generating aluminum scrap, of effective scrap collection programs designed to effect such segregation; and

Whereas the restrictions and requirements relating to the use of aluminum hereinafter set forth are necessary to conserve the supply and direct the distribution thereof in the interest of national defense;

Now, therefore, it is ordered, That:

§ 921.6 *Supplementary Order M-1-d*—(a) *Definitions.* For the purposes of this Order:

(1) "Aluminum" means any material the principal individual ingredient of which by either weight or volume is metallic aluminum.

(2) "Scrap" means all materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescense, failure or other reason, the principal ingredient of which by either weight or volume is metallic aluminum.

(3) "Plant scrap" means that Scrap which is generated in the course of manufacture, including also drosses, skimmings, and defective or rejected material the principal metallic ingredient of which is aluminum.

(4) "Segregated scrap" means Scrap which has been segregated and otherwise handled in such manner as to be acceptable for reprocessing into Aluminum of the original specifications, without the necessity for other than routine examination by the processor.

(5) "Mixed scrap" means all Scrap other than Segregated Scrap.

(6) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not,

(7) "Producer" means the Aluminum Company of America, the Reynolds Metals Company and any other Person who may be so designated by the Director of Priorities.

(8) "Approved smelter" means any Person whose name appears on Schedule A attached to this Order, as the same may be amended from time to time by the Director of Priorities.

(9) "Dealer" means any Person regularly engaged in the business of buying and selling Scrap.

(b) *Contamination.* No person shall contaminate Scrap or other Aluminum with any other metal or material unless specifically authorized by the Director of Priorities, whether by allocation of aluminum for the purpose or otherwise. The foregoing provision shall not prevent a Producer or Approved Smelter from mixing Aluminum with other metals in the production of Aluminum alloys.

(c) *Restrictions on use of scrap.* No Person other than a Producer or Approved Smelter may melt, reprocess, smelt or otherwise use Aluminum Scrap unless specifically authorized by the Director of Priorities: *Provided, however,* That a Person who in normal course of operations melts Aluminum Scrap in fabricating Aluminum products may use his Plant Scrap in the plant in which it is generated in the production of those products (and only those products) for which he is currently obtaining allocations of Aluminum from the Director of Priorities, if in applying for such allocations he shall have reduced his requirements by a reasonable amount in anticipation of the amount of recoverable Plant Scrap.

(d) *Segregation of plant scrap.* (1) After March 1, 1942, no Person who at any one plant generates 1,000 pounds, or more, of Aluminum Scrap per month may sell or otherwise dispose of any Scrap generated in such plant unless he is carrying out the Aluminum Scrap Segregation Program set forth as Schedule B attached to this Order and made a part hereof.

(2) The Director of Priorities may at any time terminate the right of a plant to dispose of Aluminum Scrap if he is not satisfied with the manner in which such Segregation Program is being carried out.

(e) *Sale of plant scrap.* Unless specifically authorized by the Director of Priorities, no Person generating Plant Scrap may sell or deliver any such Scrap that he is not entitled to use in accordance with paragraph (c), except as follows:

(1) *17S, 24S and 52S solids.* Segregated Scrap consisting of 17S, 24S and 52S Aluminum alloys in solid form, respectively, shall be sold and shipped directly to a Producer.

(2) *All other segregated scrap.* All other Segregated Scrap shall be sold and shipped directly to a Producer or Approved Smelter: *Provided, however,* That where the amount of Segregated Scrap of any one alloy specification and form type does not amount to 1,000 pounds or more per month, it may be sold to a Dealer.

(3) *Mixed scrap.* Mixed Scrap shall be sold to an Approved Smelter or Dealer.

(f) *All other scrap.* No person who owns or originates any Scrap, (other than a Person generating Plant Scrap or a Dealer) may sell or deliver such Scrap except to a Producer, Approved Smelter or Dealer; he shall not use or dispose of such Scrap in any other way.

(g) *Dealer's operations.* No Dealer may sell or deliver any Scrap or other Aluminum owned or accumulated by him except to a Producer or Approved Smelter, and shall not use or dispose of such Scrap or other Aluminum except by such a sale: *Provided, however,* That he may sell any Scrap to another Dealer if, in the regular course of business, he does not currently collect sufficient Scrap to make it practicable for him to sell directly to a Producer or an Approved Smelter.

(h) *Designation of segregated scrap.* The seller of Segregated Scrap shall see that it is clearly marked as such, showing also the alloy specification, form and source, and each party to the transaction shall keep records so designating the Scrap involved in each transaction. No Scrap other than Segregated Scrap shall be so designated by any Person.

(i) *Tolling prohibited.* Except as the Director of Priorities may specifically authorize, no Scrap shall be delivered for processing or returned under any toll, repurchase, or similar arrangement.

(j) *No acquisition or delivery in violation of order.* No Person shall hereafter acquire or deliver Aluminum Scrap or products made therefrom if he has reason to believe such material has been or is to be used in violation of the terms of this or of any other Order of the Director of Priorities: *Provided,* That for any purpose permitted by this Order, any Producer or Approved Smelter may freely acquire Aluminum Scrap at any time, irrespective of the status under this Order of the Person disposing of the same.

(k) *Record and reports.* Each Person who participates in any transaction to which this Order applies (except an individual originating Scrap other than Plant Scrap) shall keep and preserve for at least two years complete and accurate records as to all transactions in Scrap, which shall be subject to inspection by the Office of Production Management. Each such Person shall file such reports and questionnaires as the Director of Priorities may require.

(l) *Specific authorizations.* Where this Order calls for specific authorization by the Director of Priorities, an allocation or other written authorization to carry out the particular action proposed is required; and Preference Rating Orders or Certificates do not constitute such specific authorization.

(m) *Revocation.* Supplementary Order M–1–c, all Serially numbered Orders of Preference Rating Order No. P–12, and all authorizations and directions issued pursuant thereto are hereby terminated, effective immediately, except that the following, if operative immediately prior to the effective date of this Order shall constitute valid authorization hereunder:

(1) Any approval issued by the Director of Priorities subsequent to October 31, 1941, of any toll arrangement;

(2) Any approval on the basis of a Form PD–1 application issued by the Director of Priorities subsequent to September 30, 1941; and

(3) Insofar as concerns Scrap which is in transit as of the effective date of this Order, any other applicable authorization from the Director of Priorities issued prior to the effective date of this Order.

(n) *Effective date.* This Order shall take effect immediately upon its issuance and unless sooner terminated by the Director of Priorities shall expire on the 31st day of December 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 7th day of January 1942.

DONALD M. NELSON,
Director of Priorities.

SCHEDULE "A"—APPROVED ALUMINUM SMELTERS

State, smelter and address

California: Federated Metals Div. (Am. Smelting & Refining), Los Angeles, Calif.; Federated Metals Div. (Am. Smelting & Refining), San Francisco, Calif.; Berg Metal Company, 2652 Long Beach Avenue, Los Angeles, Calif.; Morris P. Kirk and Sons, Inc., 2717 So. Indiana Street, Los Angeles, Calif.

Illinois: Apex Smelting Company, 2537 W. Taylor Street, Chicago, Ill.; Aurora Refining Company, P. O. Box 88, Aurora, Ill.; Wm. F. Jobbins Inc., Chicago, Ill.; R. Lavin & Sons, Inc., 3426 S. Kedzie Avenue, Chicago, Ill.; U. S. Reduction Company, East Chicago and Melville Aves., Chicago, Ill.

Indiana: Federated Metals Div. (Am. Smelting and Refining), Whiting, Ind.

Kansas: Sonken-Galamba, Riverview at 2nd Street, Kansas City, Kans.

Michigan: Federated Metals Div. (Am. Smelting & Refining), Detroit, Mich.; Bohn Aluminum and Brass Corporation, Detroit, Mich.

Missouri: Federated Metals Div. (Am. Smelting & Refining), St. Louis, Mo.

New Jersey: Federated Metals Div. (Am. Smelting & Refining), Barber, N. J.

New York: Alloys and Products, Inc., Oak Point Avenue and Barry Street, Bronx, N. Y.; Electro Refractories and Alloys Co., Willet Road, Lackawanna, N. Y.; Samuel Greenfield Co., Inc., 31 Stone Street, Buffalo, N. Y.; Niagara Falls Smelt. & Ref. Co., 2204 Elmwood Avenue, Buffalo, N. Y.

Ohio: Aluminum Smelting and Refinery Co., 5463 Dunham Road, Maple Heights, Ohio; Aluminum & Magnesium, Inc., 1 Huron Street, Sandusky, Ohio; Cleveland Electro Metals Company, 2391 West 38th St., Cleveland, Ohio; National Bronze & Aluminum Foundry, Cleveland, Ohio; National Smelting Company, P. O. Box 1791, Cleveland, Ohio.

Pennsylvania: General Smelting Company, 2901 E. Westmoreland St., Philadelphia, Pa.; North American Smelting Co., Edgemont and Tiogo Sts., Philadelphia, Pa.; George Sall Metals Company,

Westmoreland and Tulip Sts., Philadelphia, Pa.

SCHEDULE "B"—ALUMINUM SCRAP SEGREGATION PROGRAM

I. *Segregation by alloy content and form*—(1) *By alloy content.* Scrap of each individual alloy (for example 17S, 24S, 52S, 112, 645, etc., also 2S pure Aluminum) shall be segregated from Scrap of other alloys.

Exception. In any division of a plant devoted to any one phase of operations, no more than the three most important alloys need be segregated.

NOTE: Scrap from coated material (Alclad or Pureclad sheet) may be included with uncoated material of the same alloy specification; but Scrap from painted material shall not be included with unpainted material of the same alloy specification except in very minor amounts.

(2) *By form.* In addition to the above segregation on the basis of alloy content, the Scrap of each alloy shall be segregated into two form types:

(i) "*Solids*"—generated by shearing, clipping, cutting, blanking, or similar process, also defective or rejected wrought Aluminum parts, defective or rejected castings and gates, sprues, risers or similar foundry Scrap;

(ii) "*Machinings*"—generated by machining, drilling, boring, turning, milling or like operations.

In no event shall Solids and Machinings be combined.

NOTE: Grindings, sawings or other fines, drosses, skimmings and sweepings need not be segregated as to alloy specification but shall be treated as Mixed Scrap as provided below.

II. *Mixed scrap.* All Scrap which is not required to be segregated as to alloy content as above provided, or which cannot be identified as to alloy content, shall be classified as Mixed Scrap. However, Mixed Scrap consisting of (i) drosses and skimmings, (ii) Solids, and (iii) Machinings shall be handled separately from each other and from all other Mixed Scrap.

III. *General provisions*—(1) *Official responsible for handling scrap.* Each Person operating a plant shall appoint a responsible employee to supervise the collection, segregation and handling of all Scrap generated in the plant. The name of such employee shall be forwarded to the Aluminum and Magnesium Branch, Office of Production Management, Washington, D. C. All such functions shall be performed by employees in the plant acting under direction of such supervisory employee. No Dealer or other Person not a regular employee of the plant shall perform any such functions except as the Director of Priorities may specifically authorize.

(2) *Collection and identification.* Segregation shall be effected by collection at the machine where the Scrap is generated. Separate containers for collection and bins for storage shall be provided for Scrap of each alloy as distinct from other alloys, and also for the Solid Scrap and for the Machining Scrap of the same alloy. All containers and bins shall be clearly marked to identify the alloy and the form of Scrap for which they are intended, and they shall be kept clean, dry and in good condition, so that their contents shall be protected from contamination and the weather. Each container and bin shall be used only as a receptacle for the alloy and form of Scrap for which it is designated and marked.

(3) *Identification of segregated scrap for shipment.* Each unit of Segregated Scrap shall, upon shipment, be clearly marked or labelled as to alloy specification, form, and source, i. e., the plant where generated.

(4) *Obligation as regards subcontractors.* Each Person operating a plant, as part of his arrangement with any subcontractor to whom he furnishes Aluminum, shall impose an obligation upon, and otherwise make every effort to see to it that, such subcontractor institutes and carries out an adequate Scrap collection and segregation program.

[F. R. Doc. 42-162; Filed, January 7, 1942; 10:28 a. m.]

PART 933—COPPER

General Preference Order No. M-9-a as Amended January 7, 1942—To Conserve the Supply and Direct the Distribution of Copper and Copper Base Alloys and Products Thereof

Section 933.2 (*General Preference Order M-9-a*) as extended December 31, 1941 is hereby amended to read as follows:

Whereas the national defense requirements have created a shortage of Copper, Copper Base Alloys and products thereof, as hereinafter defined, for defense, for private account, and for export, and it is necessary in public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered:

§ 933.2 *General Preference Order M-9-a*—(a) *Priorities Regulation No. 1 incorporated.* All of the provisions and definitions of Priorities Regulation No. 1 issued by the Director of Priorities (Part 944) as amended from time to time, are hereby included as a part of this Order with the same effect as if specifically set forth herein, except as otherwise specifically provided herein.

(b) *Definitions.* For the purpose of this Order:

(1) "Copper" means Copper metal which has been refined by any process of electrolysis or fire refining to a grade and in a form suitable for fabrication such as cathodes, wire bars, ingot bars, ingots, cakes, billets, wedge bars or other refined shapes, or Copper shot or other forms produced by a Refiner.

(2) "Copper base alloy" means any alloy in the composition of which the percentage of Copper metal by weight equals or exceeds the percentage of all other metals.

(3) "Copper products" means fabricated products made of Copper or Copper Base Alloys.

(4) "Refiner" means any Person who produces Copper, as hereinbefore defined, from Copper-bearing material or scrap by any process of electrolysis or fire refining; "Refiner" also includes any Person who has such Copper produced for him under toll agreement.

(5) "Dealer" means one who receives physical delivery of Copper and sells or holds the same for sale without change in form.

(6) "Brass mill products" means sheet, wire, rod or tube made from Copper or Copper Base Alloy.

(7) "Wire mill products" means bare or insulated wire for electrical conduction made from Copper or Copper Base Alloy.

(8) "Warehouse" means any Person regularly engaged in the wholesale business who maintains stocks of Brass Mill or Wire Mill Products and sells or holds the same for sale without change in form.

(c) *Allocation of copper*—(1) *Deliveries of copper by refiners.* No deliveries of Copper shall be made by any Refiner except as specifically authorized by the Director of Priorities (hereinafter called the "Director") pursuant hereto. The Director will for each month allocate all Copper which Refiners will be permitted to deliver during each month. Persons (including Dealers) who require Copper directly from Refiners may make application to the Office of Production Management, Ref. M-9-a, for Allocation Certificates entitling them to specified amounts of Copper to be delivered by Refiners. Notwithstanding the foregoing, Copper of Foreign origin imported under bond or drawback agreement may be reexported by a Refiner pursuant to an Export License duly issued by the Office of Export Control, Board of Economic Warfare.

(2) *Basis of allocation.* Allocations of Copper will be made by the Director to assure the satisfaction of all military requirements. After the satisfaction of all such military requirements, the residual supply will be allocated by the Director for essential and other civilian uses to the extent possible. In making such allocations, the Director may take into consideration possible dislocation of labor and resulting unemployment and the necessity of keeping a plant in operation so that it may be able to fill future Defense Orders.

(3) *Obtaining copper from dealers.* Persons who customarily obtain their Copper from Dealers may obtain their Copper from Dealers without the necessity of such allocation certificates: *Provided, however,* That no Dealer shall sell or deliver Copper to any Person who has received an Allocation Certificate entitling such Person to a specified amount of Copper from Refiners during the same month.

(4) *Acceptance of delivery.* No Person shall accept delivery of any Copper except as provided for above or pursuant to other specific authorization of the Director of Priorities.

(d) *Deliveries by all others except refiners.* Except as otherwise specifically authorized by the Director, de-

liveries of Copper by Dealers, and of Copper Base Alloys and Copper Products by any Person shall be made only in accordance with Priorities Regulation No. 1.

(e) *Toll agreements.* (1) No Person shall, after January 15, 1942, process any Copper, Copper Base Alloy, or Copper Product under any existing or future toll agreement, conversion agreement, or other form of agreement by which title remains vested in a Person other than the one processing the material, or which agreement is contingent upon repurchase of Copper, Copper Base Alloy or Copper Product in any quantities equivalent or otherwise by the Person delivering the material, unless and until such an agreement shall have been approved by the Director of Priorities. Any Person desiring to have such an agreement approved must file with the Office of Production Management a statement setting forth the names of the parties to such agreement, the material involved as to kind and grade (except Copper Scrap for which provision is made under Supplementary Copper Order No. M–9–b), the form of the same, the estimated tonnage involved, the estimated rate of delivery, the length of time such agreement or other similar agreement has been in force, the duration of the agreement, the purpose for which the Copper, Copper Base Alloy or Copper Product is to be used, and any other pertinent data that would justify such approval.

(2) All Refiners who are parties to toll agreements for the refining of Copper (who have not already filed the information with the Director of Priorities) must file with the Office of Production Management, a statement setting forth the names of the parties to such agreements, the material involved, whether blister, scrap or in other form, the estimated tonnage involved, the estimated rate of delivery, and the duration of the contract. A like statement must be filed with reference to any new agreement or amendment to existing or new agreements within ten days after the effective date of such new agreement or amendment respectively.

(f) *Assignment of preference rating to deliveries to warehouses.* A Preference Rating of A–9 is hereby assigned to deliveries of Brass Mill or Wire Mill Products to Warehouses, as defined herein, for deliveries after February 28, 1942, where and to the extent that such deliveries are within the provisions of paragraph (g) below.

(g) *Limitation on deliveries of brass mill or wire mill products to warehouses.* After February 28, 1942:

(1) No Warehouse shall in any calendar month accept delivery of either Brass Mill Products or Wire Mill Products, respectively, by weight of Copper or Copper Base Alloy content in excess of the total weight of either class of such products by weight of Copper or Copper Base Alloy content delivered by such Warehouse to fill Defense Orders as defined by Priorities Regulation No. 1 during the second month preceding the month in which delivery is accepted.

(2) No Person shall deliver to a Warehouse and no Warehouse shall accept delivery of Brass Mill Products or Wire Mill Products, respectively, by weight of Copper or Copper Base Alloy content in any calendar month in excess of 1/12 of the total weight of either class of such products by weight of Copper or Copper Base Alloy content delivered by such Person to such Warehouse during the calendar year 1941.

(3) No Warehouse shall accept delivery of Brass Mill Products or Wire Mill Products in any calendar month unless such Warehouse shall have filed Form PD–227 with the Office of Production Management, Ref.: M–9–a, and with each of its Suppliers on or before the 10th day of the previous month.

(h) *Addressing of communications.* All applications, statements, or other communications filed pursuant to this Order or concerning the subject matter hereof should be addressed "Office of Production Management, Ref: M–9–a, Washington, D. C."

(i) *Duration of order.* This Order may be revoked or modified by the Director at any time; shall take effect immediately; and, unless previously terminated, shall expire on the 30th day of June, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629; Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2(a) Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 7th day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42–161; Filed, January 7, 1942; 10:27 a. m.]

PART 1003—TITANIUM PIGMENTS

Amendment No. 2 to General Preference Order M–44 to Conserve the Supply and Direct the Distribution of Titanium Pigments

(a) Section 1003.1 (*General Preference Order M–44* [1]) is hereby amended in the following respects:

(1) Paragraph (b) (4) is amended to read as follows:

(b) *Additional definitions.*

* * * * *

(4) "Producer" means any person producing titanium pigments by processing ilmenite or other ores containing titanium dioxide.

* * * * *

(2) Paragraph (e) (2) is amended by adding the following sentence at the end thereof:

(e) *Directions with respect to residual supply.*

* * * * *

(2) * * * All such certificates shall be filed with the producer or jobber on or before the twentieth day of the month prior to the month the requirements whereof are covered by such certificate.

* * * * *

(3) Paragraph (e) (4) is amended to read as follows:

(4) (i) Except as provided in (ii) below, no producer shall refuse to accept an order from a manufacturer, who is a former customer of such producer and who meets such producer's regularly established credit terms, for delivery in any one month of an amount of titanium dioxide in pigment form equal to or less than said manufacturer's basic monthly poundage calculated solely upon his previous purchases from such producer.

(ii) If, in any month, beginning with the year 1942, such producer's previous deliveries in the calendar year to such customer shall have been equal to, or in excess of, the total amount of titanium dioxide in pigment form which such customer would be eligible to order during the entire calendar year under (i) above, assuming that the Reserved Quota Percentage were to remain unaltered for the remainder of the calender year, then, and in such event, such producer may refuse to accept such orders from such customer.

* * * * *

(b) *Effective date.* Paragraphs (a) (1) and (a) (2) of this Amendment shall take effect immediately. Paragraph (a) (3) shall take effect with respect to certificates to be filed covering monthly requirements for the month of February, 1942, and succeeding months. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941; 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 7th day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42–163, Filed, January 7, 1942; 10:28 a. m.]

PART 1024—PIGS' AND HOGS' BRISTLES

Supplementary Order M–51–a To Conserve the Supply and Direct the Distribution of Pigs' and Hogs' Bristles

Pursuant to § 944.17 of Priorities Regulation No. 1,[1] which is incorporated in General Preference Order M–51 by paragraph (a) of that Order, all Persons affected by General Preference Order M–51 shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request;

Now, therefore, it is hereby ordered, That:

§ 1024.2 *Supplementary Order M–51–a.* (a) Each person having title to any Pigs' or Hogs' Bristles, as defined by General Preference Order M–51, shall complete

[1] 6 F.R. 5934, 5996.

[1] 6 F.R. 6682.

and file in duplicate Form PD-217 with the Bureau of the Census, Washington, D. C., as tabulating agent for the Office of Production Management, on or before January 15, 1942. Failure to make such a report on the part of any person shall be deemed a representation to the Government, subject to the penalties of Section 35A of the United States Criminal Code, that such person does not have title to any Pigs' or Hogs' Bristles.

(b) This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 7th day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-160; Filed, January 7, 1942; 10:27 a. m.]

CHAPTER XIII—OFFICE OF PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

[Recommendation No. 28]

PART 1503—PRODUCTION

AVIATION GRADE PETROLEUM

To the Governors and people of all oil-producing States, to the State regulatory agencies having jurisdiction with respect to the exploration, development, production, or conservation of petroleum, to the Production Committee of District Five, to all producers of crude petroleum and to all producers of liquid and gaseous hydrocarbons from condensate pools:

It is essential, in the national interest, that the supplies of all grades of aviation gasoline for military, defense, and essential civilian uses be increased immediately to the maximum. A vast program of expansion of the facilities for manufacturing aviation grades of gasoline has been undertaken jointly by various agencies of the Government, together with the oil industry. The Petroleum Coordinator for National Defense has issued several Recommendations in furtherance of this program, viz. Recommendations Nos. 8, 8 supplement, 13, 16, and 23. To assure the successful accomplishment of this program it is necessary that there be ready and adequate supplies of aviation grade crude petroleum and aviation grade gasoline components from the natural gas, condensate and oil fields of each State to fill the demand of existing facilities and of additional facilities as they become available.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

§ 1503.20 *Production of aviation grade petroleum.* Within the recommended production rates certified to the various States each month by the Petroleum Coordinator for National Defense, production allowables to fields and pools shall be fixed in such a manner as will efficiently:

(a) provide aviation grade crude petroleum, to the full extent that such petroleum can be utilized for the production of aviation gasoline, to refineries that are actually utilizing their aviation gasoline refining facilities and their current supplies of aviation grade crude petroleum principally for the production of aviation grade gasoline for military purposes;

(b) provide increased allowables to the extent that the production can be utilized by additional aviation grade gasoline refinery capacity as it becomes available, to those fields capable of supplying such additional refinery capacity with aviation grade crude petroleum;

(c) encourage the efficient recovery of additional quantities of aviation grade gasoline components from natural gas, condensate and oil fields of each State.*

*§§ 1503.20 to 1503.21, inclusive, issued under the authority contained in the President's letter of May 28, 1941 to the Secretary of the Interior (6 F.R. 2760).

§ 1503.21 *Definitions.* For the purposes of this Recommendation:

(a) "Aviation grade crude petroleum" shall be defined as a crude petroleum which will yield, by normal distillation processes, at least 5 percent by volume of a debutanized naphtha having the requisite qualities of "aviation grade naphtha" as defined herein. The quantity of such "aviation grade naphtha" contained in the crude shall be sufficient to permit its separation from the crude by means of existent distillation facilities in a manner consistent with normal refinery practices.

(b) "Aviation grade naphtha" shall be defined as a naphtha having the following characteristics:

(1) The temperature at the 90 percent point by ASTM distillation shall not be less than 240 degrees F.

(2) The octane number shall not be less than 90 after addition of 4 milliliters of tetraethyl lead per gallon.

(3) The Reid vapor pressure shall not be greater than 7 pounds per square inch.

(4) The distillation and testing specifications and methods shall be as required by Army-Navy specifications AN-VV-F-776.*

R. K. DAVIES,
Acting Petroleum Coordinator for National Defense.

JANUARY 1, 1942.

[F. R. Doc. 42-153; Filed, January 7, 1942; 9:37 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER E—LOAD LINES

[Order No. 194]

PART 48—FOREIGN VOYAGES DURING THE NATIONAL EMERGENCY[1]

JANUARY 7, 1942.

Section 48.4 (*Freeboard*) is amended to read as follows:

§ 48.4 *Freeboard.* Vessels referred to in § 48.3 of this part, which the Bureau of Marine Inspection and Navigation shall find are in proper condition, and shall so certify to the assigning authority, may load, when engaged on ocean voyages:

(a) When in a summer zone or season, to the tropical load line.

(b) When in a tropical zone or season, to the tropical fresh water line.

(Vessels operating at timber load lines determined by Part 43 of this Subchapter shall operate at such load lines.)

Vessels engaged in voyages in seasonal winter zones shall comply with the requirements of Part 43 of this subchapter, except that a vessel certified for deeper loading that shall leave a United States port in the winter season bound southerly on a course that will bring her to a summer zone within 30 hours of departure may depart when loaded to her tropical load line; *Provided*, That the voyage under consideration will not be commenced during or when anticipating dangerous weather conditions during the next 30 hours: *Provided, also*, That vessels certified for deeper loading bound for ports located on the east coast of North America west of long. 60° W. that leave south of lat. 20° N. and north of or from South America may cross lat. 36° N., west of long. 60° W., during the winter season without regard to the position of their seasonal winter load line. (Sec. 2, 45 Stat. 1493, 46 U.S.C., 85a; Proc. 2487, 6 F.R. 2617; Proc. 2500, 6 F.R. 3999)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 42-173; Filed, January 7, 1942; 11:52 a. m.]

CHAPTER II—UNITED STATES MARITIME COMMISSION

PART 241—SHIP WARRANT REGULATIONS

SHIP WARRANT REGULATIONS, AMENDED

DECEMBER 16, 1941.

Subject to, and effective immediately upon approval by the President, the Ship Warrant Regulations issued by the Commission on August 14, 1941,[2] pursuant to the authority contained in the Act, approved July 14, 1941 (Public Law 173,

[1] 6 F.R. 5297.
[2] 6 F.R. 4537.

77th Congress), and Executive Order of August 26, 1941 (No. 8871), are amended as follows:

The respective phrases "Class A–1", "Class A–2" and "Class A–3" wherever they appear in the Ship Warrant Regulations are deleted and in lieu thereof are inserted the respective phrases "Class SW–1", Class SW–2" and "Class SW–3".

All outstanding Merchant Ship Warrants bearing the respective class symbols "Class A–1" or "Class A–2" are to be honored until their expiration, revocation, modification, surrender or withdrawal, but warrants hereafter issued shall bear the class symbols "Class SW–1" or "Class SW–2" whichever may be appropriate.

By order of the Commission.

[SEAL] W. C. PEET, Jr.,
Secretary.

Approved:

FRANKLIN D ROOSEVELT
The White House, January 2, 1942.

[F. R. Doc. 42–152; Filed, January 6, 1942; 3:02 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A–1247]

PETITION OF MITCHELL-JONES CORPORATION, A CODE MEMBER IN DISTRICT NO. 6, FOR TEMPORARY REDUCTION IN THE EFFECTIVE MINIMUM PRICES FOR SIZE GROUP 3 COALS OF MINE INDEX NO. 192 FOR RAILROAD FUEL USE

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

An orginal petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with this Division by the above-named party, for a temporary reduction in the effective minimum prices for the Size Group 3 coals of its Standard No. 2 strip mine, Mine Index No. 192, for railroad fuel use.

The original petitioner alleges that on December 3, 1941, it erroneously shipped 6 cars of 2-inch first-cut lump coals in Size Group No. 3 to Pennsylvania Railroad scales at Mingo Junction, Ohio, for the account of The Cleveland-Cliffs Iron Company, its exclusive sales agent; that the applicable minimum price for such coal for railroad fuel use is 220 cents per net ton f. o. b. the mine; that first-cut coals of the said mine are customarily crushed to a 2-inch top size and sold as Size Group No. 12 coals; that the said sales agent has been unable to sell such first-cut 2-inch lump coal at not less than the effective minimum prices for Size Group No. 3 coals; that the cost of returning the said 6 cars to the mine for unloading and crushing is prohibitive and that considerable demurrage charges have and are accruing against such cars; and that Pennsylvania Railroad offered to purchase the said 6 cars at 165 cents per net ton for railroad fuel use, and that such offer is the best that the original petitioner has received for such cars.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth, that no petitions of intervention have been filed with the Division in the above-entitled matter, and that such action is necessary in order to effectuate the purposes of the Act.

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, Mitchell-Jones Corporation, a code member in District No. 6, is granted permission to sell six (6) cars, Nos. PRR 136187, PRR 171646, PRR 743322, PRR 160823, PRR 900431, and PRR 196652, of 2-inch lump coals in Size Group No. 3, produced at its Standard No. 2 Mine, Mine Index No. 192, to Pennsylvania Railroad for railroad fuel use at 165 cents per net ton f. o. b. the said mine.

It is further ordered, That when such cars have been so sold the original petitioner shall file with the Division a verified statement that such sale has been completed, and shall serve copies thereof upon all persons previously served in this proceeding; and

It is further ordered, That applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: January 3, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–159; Filed, January 7, 1942; 10:34 a. m.]

[Docket No. A–1194]

PETITION OF DISTRICT BOARD NO. 7 FOR A CHANGE IN SHIPPING POINTS OF MINE INDEX NO. 612

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party, alleging that in Docket No. A–1044 District Board No. 7 erroneously proposed price classifications and minimum prices for the coals of the Thompson Mine (Mine Index No. 612) of C. J. Thompson, a code member in District No. 7, for rail shipments on the Norfolk & Western Railroad from Springton, West Virginia, instead of from Matoaka, West Virginia; that the railway loading facilities of the Thompson Mine are and have been at Matoaka, West Virginia, which is four (4) miles nearer to this mine than Springton. The petition requests that the price classifications and minimum prices established for the coals of the Thompson Mine be made applicable to shipments from Matoaka, West Virginia.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention have been filed with the Division in the above-entitled matter; and

The following action is deemed necessary in order to effectuate the purposes of the Act;

It is therefore ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices established for the coals of the Thompson Mine (Mine Index No. 612) of C. J. Thompson, for rail shipments, shall be applicable only for shipments on the Norfolk & Western Railway from Matoaka, West Virginia, and shall no longer be applicable for shipments from Springton, West Virginia. All allowances or adjustments required or permitted mines in Freight Origin Group No. 20 shall be applicable for shipments of the coals of the Thompson Mine on the Norfolk & Western Railway from Matoaka, West Virginia.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–158; Filed, January 7, 1942; 10:33 a. m.]

[Docket No. A–1214]

PETITION OF N. T. JENKINS FOR CHANGE IN SHIPPING POINT OF HIS SNIDER #2 MINE, MINE INDEX NO. 1242, IN DISTRICT NO. 3, FOR ALL SHIPMENTS EXCEPT TRUCK

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Division by the above-named party, requesting a change in the shipping point of the Snider #2 Mine, Mine Index No. 1242, of N. T. Jenkins, in District No. 3, from Webster, West Virginia, on Baltimore & Ohio Railroad to Grafton, West Virginia, on the said railroad, for rail shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled proceeding, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the Snider #2 Mine, Mine Index No. 1242, of N. T. Jenkins, for rail shipments, shall be applicable only for shipments on Baltimore & Ohio Railroad from Grafton, West Virginia, and shall no longer be applicable for shipments on Baltimore & Ohio Railroad from Webster, West Virginia. All allowances or adjustments required or permitted mines in Freight Origin Group No. 50 shall be applicable for all shipments of the coals of the said mine from Grafton, West Virginia, on the said railroad.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-157; Filed, January 7, 1942; 10:33 a. m.]

[Docket No. B-132]

IN THE MATTER OF DEXTER-CARPENTER COAL CO., INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 2304, RESPONDENT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore set for hearing on January 12, 1942, in a hearing room of the Bituminous Coal Division at Room D, Washington Hotel, Washington, D. C.; and

It appearing to the Acting Director that it is advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same hereby is, postponed to a date and place to be hereafter designated by appropriate Order.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-156; Filed, January 7, 1942; 10:33 a. m.]

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

ORDER AUTHORIZING ASSISTANTS TO THE SECRETARY OF AGRICULTURE TO AUTHENTICATE DOCUMENTS OF THE DEPARTMENT

1. The employees of the Department of Agriculture who are designated by the Secretary of Agriculture from time to time as Assistants to the Secretary are hereby authorized, while holding such positions, severally to authenticate, under the seal of the Department of Agriculture, pursuant to section 882 of the Revised Statutes, as amended by section 6 (a) of the act approved June 19, 1934 (48 Stat. 1109; 28 U.S.C., sec. 661), copies of any books, records, papers, or other documents, or any books or records of account in whatever form, or minutes (or portions thereof) of proceedings, or copies of such books or records of account, or copies of such minutes of proceedings, in the Department of Agriculture. It is directed that, upon each such authenticated copy or original, as the case may be, there shall appear a recital that such copy or original has been authenticated and the seal of the Department of Agriculture affixed thereto by the direction of the Secretary of Agriculture. It is further directed that each certificate of authentication shall bear the genuine signature of the person executing such certificate.

2. The order dated December 3, 1936, authorizing Paul H. Appleby, J. D. LeCron, and R. M. Evans to authenticate documents is hereby revoked.

3. Except as indicated in paragraph 2 above, this order shall not be construed as affecting in any way other orders authorizing officials or employees of the Department of Agriculture to authenticate documents.

Done at Washington, D. C., this 7th day of January 1942.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-167; Filed, January 7, 1942; 11:03 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective January 8, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Green Star Manufacturing Company, Sharptown, Maryland; Men's Underwear; 5 percent (T); January 8, 1943.

Michaels, Stern and Company, Inc., Liberty Street, Penn Yan, New York; Men's and Boys' Clothing; 5 percent (T); January 8, 1943.

National Pad and Binding Company, 1932 Arch Street, Philadelphia, Pennsylvania; Canvas Fronts, Sleeve and Shoulder Pads; 5 percent (T); January 8, 1943.

Pullman Wholesale Tailors, 132 South West Temple Street, Salt Lake City, Utah; Men's Suits and Overcoats; 14 learners (E); May 7, 1942.

Red Bank Clothing Manufacturing Company, 210 West Front Street, Red Bank, New Jersey; Men's and Student's Clothing; 5 percent (T); January 8, 1943.

Single Pants, Shirts, and Allied Garments and Women's Apparel Industries

Consolidated Garment Manufacturing Company, 225 North Market Street, Galion, Ohio; Cotton Slips, Nightwear,

Slacks and Blouses; 10 learners (T); January 8, 1943.

Coronet Manufacturing Company, 1000 Broadway, Kansas City, Missouri; Slack Suits, Sport Shirts; 10 learners (T); July 1, 1942. (This certificate replaces one issued bearing expiration date of December 22, 1942.)

G. W. Pants Company, 76 Mechanic Street, Norwich, Connecticut; Men's and Boys' Trousers; 10 percent (T);. January 8, 1943.

Grantham Manufacturing Company, Grantham, Pennsylvania; Ladies' and Junior Wash Dresses; 10 percent (T); January 8, 1943.

Her Majesty Underwear Company, Leola, Pennsylvania; Slips: 10 learners (T); January 8, 1943.

S. Liebovitz and Sons, Inc., Mont Alto, Pennsylvania; Men's Shirts; 10 learners (T); January 8, 1943.

Magnolia Garment Company, Jefferson Street, Laurel, Mississippi; Work Shirts, Work Pants; 10 percent (T); January 8, 1943.

New England Overall Company, 560 Harrison Avenue, Boston, Massachusetts; Overalls and Work Pants; 10 percent (T); January 8, 1943.

Queen City Dress Manufacturing Company, Inc., Third and Chew Streets, Allentown, Pennsylvania; Dresses; 10 percent (T); January 8, 1943.

Gloves

Wells Lamont Smith Corporation, Louisiana, Missouri; Work Gloves; 5 percent (T); January 8, 1943.

Knitted Wear

Bestok Underwear Company, 9th and Wiconisco, Tower City, Pennsylvania; Underwear; 10 learners (T); January 8, 1943.

Oneita Knitting Mills, 851 Broad Street, Utica, New York; Knit Underwear; 5 percent (T); January 8, 1943.

Millinery

Simon Millinery Company, 989 Market Street, San Francisco, California; Custom-Made Millinery; 5 learners (T); January 8, 1943.

Woolen

Lincolnsfield Mills, West Broadway, Lincoln, Maine; Worsted Menswear and Uniform Cloth; 14 learners (E); May 7, 1942.

Signed at Washington, D. C., this 7th day of January 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-171; Filed, January 7, 1942; 11:47 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective January 8, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Fredwill Manufacturing Company, 13th and Bushkill Drive, Easton, Pennsylvania; Textile, Converted Paper Products; 10 learners; 6 weeks for any one learner; 30 cents an hour; Sewing Machine Operator, Fancy Box Maker; May 28, 1942.

Signed at Washington, D. C., this 7th day of January 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-172; Filed, January 7, 1942; 11:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6230]

IN RE APPLICATION OF JAMES F. HOPKINS, INC. (NEW)

NOTICE OF HEARING

Application dated July 26, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Ann Arbor, Michigan; operating assignment specified: Frequency, 1050 kc.; power, 1 kw. day; hours of operation, daytime.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with application of Washtenaw Broadcasting Company, Inc. (New), Docket No. 6231, for the following reasons:

1. To determine the qualifications of the applicant to construct and operate a station at Ann Arbor, Michigan.

2. To determine the areas and populations now receiving primary service from Station WJBK (licensed to this applicant) which would receive primary service from the operation of the proposed station.

3. To determine the character of the proposed program service.

4. To determine the areas and populations which would gain primary service from the operation of the station proposed herein, and what other broadcast service is available to these areas and populations.

5. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radiobroadcast service as contemplated by Section 307 (b) of the Communications Act of 1934, as amended.

6. To determine whether there are other assignments available for the Ann Arbor, Michigan area which would permit unlimited time operation in accordance with the Standards of Good Engineering Practice.

7. To determine whether public interest, convenience and necessity would be served through the granting of this application, the application of Washtenaw Broadcasting Company, Inc., Docket No. 6231, or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

James F. Hopkins, Inc., 6559 Hamilton Avenue, Detroit, Michigan.

Dated at Washington, D. C., January 5, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-164; Filed, January 7, 1942; 10:44 a. m.]

[Docket No. 6231]

IN RE APPLICATION OF WASHTENAW BROADCASTING COMPANY, INC. (NEW)

NOTICE OF HEARING

Application dated September 6, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Ann Arbor, Michigan; operating assignment specified: Frequency, 1,050 kc.; power, 1 kw. day; hours of operation, daytime.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with application of James F. Hopkins, Inc. (New), Docket No. 6230, for the following reasons:

1. To determine the qualifications of the applicant to construct and operate a station at Ann Arbor, Michigan.

2. To determine the character of the proposed program service.

3. To determine the areas and populations which would gain primary service from the operation of the station proposed herein and what other broadcast service is available to these areas and populations.

4. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio broadcast service, as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

5. To determine whether there are other assignments available for the Ann Arbor, Michigan area which would permit unlimited time operation in accordance with the Standards of Good Engineering Practice.

6. To determine whether public interest, convenience and necessity would be served through the granting of this application, the application of James F. Hopkins, Inc., Docket No. 6230, or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Washtenaw Broadcasting Co., Inc., % Edward F. Baughn, 1890 Lakeland, Sylvan Village, Pontiac, Michigan.

Dated at Washington, D. C., January 5, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-165; Filed, January 7, 1942; 10:44 a. m.]

[Docket No. 6236]

IN RE APPLICATION OF S. BRAD HUNT (NEW)

NOTICE OF HEARING

Application dated July 28, 1941; for construction permit; class of service, broadcast; class of station, broadcast; location, Alton, Illinois; operating assignment specified: Frequency, 1,030 kc.; power, 1 kw.; hours of operation, daytime.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To obtain full information with respect to the relationships between applicant, Ronald V. Cochran and Robert W. Nickles, including all agreements and understandings, written or oral, and the effect thereof upon the operation of the proposed station and applicant's finances, should this application be granted.

2. To determine whether operation of the proposed station would provide primary service to (a) the business districts, (b) the residential districts, and (c) the metropolitan district of St. Louis, Missouri, as contemplated by the Standards of Good Engineering Practice.

3. To determine the areas and populations which would receive primary service from the operation of the proposed station and what other broadcast service is available to these areas and populations.

4. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radiobroadcast service as contemplated by section 307 (b) of the Communications Act of 1934 as amended.

5. To determine whether there are other assignments available which would permit the rendition of service by the applicant to Alton, Illinois, and the areas contiguous thereto during unlimited hours or daytime hours only, in accordance with the Standards of Good Engineering Practice.

6. To determine whether in view of the facts adduced under the foregoing issues public interest, convenience, and necessity would be served by the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: S. Brad Hunt, 3805 Lindell Boulevard, St. Louis, Missouri.

Dated at Washington, D. C., January 5, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-166; Filed, January 7, 1942; 10:45 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5760, Project No. 309]

IN THE MATTERS OF PENNSYLVANIA ELECTRIC COMPANY; AND THE CLARION RIVER POWER COMPANY AND PENNSYLVANIA ELECTRIC COMPANY

NOTICE OF APPLICATIONS

JANUARY 6, 1942.

Notice is hereby given that on January 5, 1942, an application was filed with the Federal Power Commission, pursuant to sec. 203 of the Federal Power Act, by Pennsylvania Electric Company, a corporation organized under the laws of the State of Pennsylvania and doing business in said State, with its principal office at Johnstown, Pennsylvania, seeking an order authorizing it to acquire all the utility assets and facilities of Solar Electric Company, Erie Lighting Company, The Clarion River Power Company, and Logan Light, Heat & Power Company, each of said companies being a corporation organized under the laws of the State of Pennsylvania and doing business in said State, and the utility assets and facilities of Youghiogheny Hydro-Electric Corporation, a corporation organized under the laws of, and doing business in, the State of Maryland, including utility assets and facilities of Associated Maryland Power Corporation proposed to be transferred first to Youghiogheny Hydro-Electric Corporation, by which acquisition the said Pennsylvania Electric Company will acquire such assets of Youghiogheny Hydro-Electric Corporation and the franchises and assets of each of the other named companies and, in the case of Solar Electric Company, will issue to said company 6,894 shares of Pennsylvania Electric Company common stock with an aggregate par value of $172,350; in the case of Erie Lighting Company, will surrender for cancellation all outstanding capital stock of Erie Lighting Company; in the case of The Clarion River Power Company, will cancel an open account indebtedness of The Clarion River Power Company to Pennsylvania Electric Company to the extent of $5,184,075.83; in the case of Logan Light, Heat & Power Company, will pay a cash consideration of $22,784.90 (subject to adjustments due to operations in the ordinary course of business between December 31, 1940, and the date of closing); and in the case of Youghiogheny Hydro-Electric Corporation, will issue to said corporation 184,488 shares of Pennsylvania Electric Company common stock with an aggregate par value of $4,612,200; and in addition to the foregoing considerations, Pennsylvania Electric Company will assume the payment of all of the debts and liabilities of the selling Companies except Youghiogheny Hydro-Electric Corporation, and except, in the case of Solar Electric Company, an open account indebtedness to Associated Electric Company, a corporation; all as more fully appears in the application on file with the Commission.

An application simultaneously filed by said The Clarion River Power Company and said Pennsylvania Electric Company requests approval of the transfer to Pennsylvania Electric Company of a license issued by the Federal Power Commission to said The Clarion River Power Company for Project No. 309, constituting a portion of the assets of said The Clarion River Power Company.

Any person desiring to be heard or to make any protest in reference to said application shall, on or before the 23d day of January 1942, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-154; Filed, January 7, 1942; 9:37 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-23]

IN THE MATTER OF PROPOSALS TO AMEND THE DEFINITIONS AND STANDARDS OF IDENTITY FOR CANNED APRICOTS, CANNED CHERRIES, CANNED PEACHES, AND CANNED PEARS

The above-entitled hearing having been duly held pursuant to notice thereof issued by the Federal Security Administrator on August 16, 1940,[1] on proposals to amend the regulations fixing and establishing definitions and standards of identity for canned peaches,[2] canned apricots,[3] canned pears,[4] and canned cherries,[5] and the further proposal that certain editorial revisions of said regulations be made, it is proposed that the order hereinafter set forth be promulgated.

As used in the proposed findings, the term "canned fruits" means canned peaches, canned apricots, canned pears, and canned cherries. The designations after such findings, with accompanying page numbers and exhibit numbers, refer to the records in the several hearings on proposed definitions and standards of identity for such canned fruits and proposed amendments thereto as follows: R. 5 I-A, canned peaches, held April 10-12, 1939; R. 5, II-A, canned apricots, held April 14, 1939; R. 5 III-A, canned pears, held April 15, 1939; R. 5 IV-A, canned cherries, held April 17-18, 1939; R. 5, canned peaches, canned apricots, canned pears, and canned cherries, consolidated, held May 1-2, 1939; and R. 23, canned peaches, canned apricots, canned pears, and canned cherries, consolidated, held September 16-30, 1940.

[1] 5 F.R. 2879.
[2] 4 F.R. 4921.
[3] 5 F.R. 94.
[4] 5 F.R. 104.
[5] 5 F.R. 99.

PROPOSED FINDINGS OF FACT [6]

Finding 1. One of the factors on the basis of which the different kinds of each of the canned fruits is differentiated is the packing medium used (R. 5, I-A, pp. 29, 36-38, 43, 91-92, 99, 120-122; II-A, pp. 88-89; III-A, pp. 73-74; IV-A, pp. 141-142, 163; R. 23, pp. 443-444, 686-687).

Finding 2. Until comparatively recently the sweetened packing media used in canned fruits have been water solutions of sugar within four different density ranges. Each density range of sugar solution was designed to contribute a particular degree of sweetness. The density range in which each such solution falls has, therefore, become the basis on which consumers identify such solutions as to sweetness (R. 5, I-A, pp. 36-41, 120-122, 126, 131-132, 218, 229, 297, 369, 400, 424-425, 442, 472; R. 23, pp. 325, 372, 452, 466-468).

Finding 3. The density of any such packing medium is usually changed when it is mixed with the fruit by reason of its commingling with the fruit juice present. If the density of the medium is greater than that of the juice, the density becomes less; if the density of the medium is less than that of the juice, the density becomes greater. It is customary to refer to the liquid drained from the finished canned fruit as the "cut-out" liquid and to the liquid before canning as "ingoing" liquid (R. 5, I-A, pp. 136-137, 352-353, 505; R. 23, pp. 440-443, 491-492).

Finding 4. Such a change in the density of the packing medium in the sealed and heat-processed can progresses until the density reaches an equilibrium which is normally reached within about fifteen days from the date of canning (R. 5, I-A, pp. 136-137; R. 23, pp. 491-492, 1646; Govt. Ex's. 15-20).

Finding 5. In the existing regulations fixing definitions and standards of identity for canned fruits the densities of the various sweetened packing media are specified for the ingoing liquid; but it has been the commercial practice over a long period to buy and sell canned fruits on the basis of the density of the cut-out liquid. Consumers generally are acquainted with the density of such packing media only at the time of opening the can (R. 5, I-A, pp. 141-142; R. 23, pp. 440-441, 465-468, 686-687, 829).

Finding 6. By following accepted commercial practices in preparing sweetened liquid packing media, the desired degree of density of the cut-out liquid can be obtained with a reasonable degree of certainty (R. 5, I-A, pp. 141-142; R. 23, pp. 442, 829, 1595).

Finding 7. The degree of sweetness of different kinds of canned fruits packed in sweetened packing media of a like density sometimes various because of the difference in the acidity and other characteristics of the kind or variety of fruits used. However, consumers and the trade desire a substantially equivalent degree of sweetness in different kinds of canned fruits packed in sweetened packing media. Therefore it is the practice of canners to vary the densities of such packing media on the basis of the kind and variety of fruit being canned. (See finding 10.) For example, the cut-out density of heavy sirup from canned peaches is not less than 19° Brix and such density of heavy sirup from red sour cherries is not less than 22° Brix and that from sweet cherries not less than 20° Brix (R. 5, I-A, pp. 37-39, 131; II-A, pp. 25-26; III-A, p. 25; IV-A, pp. 30, 154).

Finding 8. The term "sirup", as applied to packing media for canned fruits and irrespective of qualifying terms, connotes to consumers a liquid that is characterized primarily by a certain minimum degree of density and sweetness (R. 5, I-A, pp. 163, 470; IV-A, p. 1741; R. 23, pp. 497-498, 624-625, 567, 1549-1553).

Finding 9. The optional packing media specified in subparagraphs (A) and (B) of paragraph (2) of subsection (a) of each of the existing definitions and standards of identity for canned fruit and therein designated as "light sirup" are not of sufficient density so that the cut-out liquid will have a density and sweetness normally associated with the word "sirup", and they are, therefore, not sirups but slightly sweetened water, or slightly sweetened fruit juice, as the case may be. The packing media therein designated as "medium sirup" are of the lightest density and sweetness of the sugar solutions regarded by consumers as sirups and they are, therefore, in fact light sirups or light fruit juice sirups, as the case may be, and not medium sirups (R. 5, I-A, pp. 162-163, 470; IV-A, p. 174; R. 23, pp. 497-498, 567, 1549-1553).

Finding 10. The sweetened packing media which are suitable for use and are used in canned fruits are the aqueous solutions of saccharin substances, slightly sweetened water, light sirup, heavy sirup, extra heavy sirup, and the corresponding fruit-juice solutions of saccharin substances in the juice of the fruit being canned, such solutions having the same densities as the water solutions. The respective densities of such packing media are such that, fifteen days or more after canning, the densities fall within the ranges shown in the following tables:

Kinds of Packing Media and Brix Measurements

Peaches

Slightly sweetened water, or slightly sweetened peach juice, as the case may be: Less than 14°.

Light sirup, or light peach juice sirup, as the case may be: 14° or more, but less than 19°.

Heavy sirup, or heavy peach juice sirup, as the case may be: 19° or more, but less than 24°.

[6] The page references to certain relevant portions of the record are for the convenience of the reader. However, the findings are based upon a consideration of all the evidence of record at the hearing and not solely on that portion of the record to which reference is made.

Extra heavy sirup, or extra heavy peach juice sirup, as the case may be: 24° or more, but not more than 35°.

Apricots

Slightly sweetened water, or slightly sweetened apricot juice, as the case may be: Less than 16°.

Light sirup, or light apricot juice sirup, as the case may be: 16° or more, but less than 21°.

Heavy sirup, or heavy apricot juice sirup, as the case may be: 21° or more, but less than 25°.

Extra heavy sirup, or extra heavy apricot juice sirup, as the case may be: 25° or more, but not more than 35°.

Pears

Slightly sweetened water, or slightly sweetened pear juice, as the case may be: Less than 14°.

Light sirup, or light pear juice sirup, as the case may be: 14° or more, but less than 18°.

Heavy sirup, or heavy pear juice sirup, as the case may be: 18° or more, but less than 22°.

Extra heavy sirup, or extra heavy pear juice sirup, as the case may be: 22° or more, but not more than 35°.

Sweet Cherries

Slightly sweetened water, or slightly sweetened sweet cherry juice, as the case may be: Less than 16°.

Light sirup, or light sweet cherry juice sirup, as the case may be: 16° or more, but less than 20°.

Heavy sirup, or heavy sweet cherry juice sirup, as the case may be: 20° or more, but less than 25°.

Extra heavy sirup, or extra heavy sweet cherry juice sirup, as the case may be: 25° or more, but not more than 35°.

Red Sour Cherries

Slightly sweetened water, or slightly sweetened red sour (or red tart) cherry juice, as the case may be: Less than 18°.

Light sirup, or light red sour (or red tart) cherry juice sirup, as the case may be: 18° or more, but less than 22°.

Heavy sirup, or heavy red sour (or red tart) cherry juice sirup, as the case may be: 22° or more, but less than 28°.

Extra heavy sirup, or extra heavy red sour (or red tart) cherry juice sirup, as the case may be: 28° or more, but not more than 45°.

Each of such packing media is an optional ingredient in canned fruits and the term whereby each is designated above is its common name (R. 5, I–A, pp. 120–121, 126, 131, 163–164, 184, 191, 229–230, 297, 238–239, 425; II–A, p. 69; III–A, p. 72; IV–A, pp. 140, 163; R. 23, pp. 630–640, 1172–1173; Govt. Ex's. 2 to 7 incl. and 14 to 21 incl.).

Finding 11. Since about 1937 certain additional packing media (findings 12 and 13) have been used in relatively small portions of the annual pack of canned fruit. (See references to record under findings 12 and 13.)

Finding 12. Sometimes fruit juice, and sometimes fruit juice mixed with water, is used in preparing a packing medium, but whenever any quantity of water is introduced into fruit juice, directly or indirectly, the entire liquid of the packing medium is considered to be water and not fruit juice when used as a packing medium in canned fruit, because of the inherent opportunity for fraud in introducing water into fruit juices (R. 23, pp. 630–638, 649–651, 659, 664, 695–697).

Finding 13. On the basis of recent limited commercial and experimental packing of canned fruits, water solutions or fruit juice solutions of sugar and dextrose, or corn sirup, or dried corn sirup, or any mixture of those, in which the quantity of dextrose, corn sirup, and dried corn sirup are limited, are regarded as suitable packing media for canned fruits (R. 5, I–A, pp. 182–183, 205, 227, 234, 250–251, 274–275, 292, 294, 300, 304, 308, 312, 313; R. 23, pp. 476–477, 501, 531, 539, 609, 613, 638–639, 695, 978, 1843).

Finding 14. Sugar is the refined product in crystallized form commonly obtained from sugar cane or sugar beet; it is chemically known as sucrose (R. 5, I–A, pp. 53, 132, 177, 350, 360, 397, 404, 416, 424, 442, 453, 461, 465, 472; R. 5, p. 48; R. 23, pp. 128 1089–1090).

Finding 15. When sugar in solution is subjected to certain treatments with the enzyme invertase or certain acids, it is wholly or partly converted into levulose and dextrose, the quantities of levulose and dextrose produced being equal. This chemical reaction is commonly known as the inversion of sugar (R. 5, I–A, pp. 160, 341, 371; R. 23, 1013).

Finding 16. Invert sugar sirup is an aqueous solution of refined or partly refined sugar which has been wholly or in large part inverted with the enzyme invertase or with hydrochloric or other acid, and which, if acid is used, has been neutralized with a carbonate (R. 23, pp. 1012–1014, 1041).

Finding 17. The quantity of ash present in invert sugar sirup is in general indicative of the degree of refinement of such sirup (R. 23, pp. 1026–1027, 1059–1066, 1071).

Finding 18. An invert sugar sirup which is insufficiently refined and which has an abnormally high ash content contributes a characteristic flavor, odor, and color which render it unsuitable for use as a saccharin substance in preparing packing media for canned fruit (R. 23, pp. 1026–1027, 1059–1066, 1071).

Finding 19. An invert sugar sirup which is sufficiently refined to be suitable for use as a saccharin substance in preparing a packing medium for canned fruit contains not more than 0.3 percent of ash in its solids, and is colorless, odorless, and flavorless except for sweetness (R. 23, pp. 1064–1068, 1070–1071, 1536–1537).

Finding 20. Dextrose is the refined anhydrous or hydrated monosaccharide obtained from hydrolized starch (R. 5, I–A, p. 322; R. 23, pp. 97–113).

Finding 21. Corn sirup is the product prepared by incompletely hydrolizing cornstarch and is a concentrated aqueous solution of the reducing sugars dextrose and maltose, and the non-sugar substance dextrin. When suitably refined for use as a saccharin substance in a packing medium for canned fruit, its solids contain not less than 58 percent of reducing sugars calculated as dextrose (R. 5, I–A, p. 322; R. 23, pp. 97, 191–192, 247–250, 617–618, 837–838, 851, 1093, 1143, 1218–1219).

Finding 22. Dried corn sirup differs from corn sirup only in that water has been removed from it by drying. When suitably refined for use as a saccharin substance in a packing medium for canned fruit, its solids contain not less than 58 percent of reducing sugars calculated as dextrose (R. 23, pp. 100–101, 106–109, 247–248, 399–400, 851, 838–839).

Finding 23. Important factors on the basis of which packing media of canned fruits are differentiated from each other are their density, flavor, food value, and sweetness; each of such factors is a significant element in the production cost and sale price of canned fruits, and in consumers' preference (R. 5, I–A, pp. 41, 61–62, 120–121, 131, 424; R. 23, pp. 38–40, 370–371, 452, 465–468, 1723).

Finding 24. The density, and hence the degree of sweetness, of a sweetened packing medium is not fixed precisely but only within a specified range. Therefore the same kind of packing medium may vary in density and sweetness within its own range to a noticeable degree irrespective of the saccharin substance from which it is made (R. 5, I–A, pp. 503, 511–512; see also finding 10).

Finding 25. Different varieties of the same fruit, and fruits of the same variety of different degrees of maturity, and fruits of the same variety and substantially the same degree of maturity but obtained from different localities or from different parts of the same tree, frequently differ in acidity, sugar content, and other properties, and such differences affect the sweetness of the sweetened packing media in which fruits are packed, so that even though a packing medium of a fixed density made from the same saccharin substance is used for each of such fruits there is some detectable difference in sweetness between such finished canned fruits (R. 5, I–A, pp. 56–57, 69–70, 86; R. 23, pp. 129, 133–134, 217–221, 251–252, 550).

Finding 26. One of the differences, among others, between the saccharin substances used in the preparation of the packing media for canned fruits is a difference in their degree of sweetness, sugar being the sweetest, dextrose being about two-thirds as sweet as sugar, and corn sirup being about one-half as sweet as sugar (R. 5, I–A, pp. 66–67, 174–175, 217, 260–261, 499–500, 513–517; R. 23, pp. 211–213, 253–256, 429, 780–781, 878, 1133–1134, 1379–1380, 1630).

Finding 27. When equal weights of the solids of sugar (whether inverted or not), of dextrose, and of corn sirup (whether added as corn sirup or as dried corn sirup), are each dissolved in water to make solutions of the same volume, the densities and calorific food values of such solutions are not materially different from each other (R. 5, I–A, pp. 153–154, 156, 172–175, 214–215, 229–230, 266, 269, 276, 289, 334–335; R. 23, pp. 143–157, 358–362, 372–375, 903–904).

Finding 28. There are slight differences in the cost of the different saccharin substances from which sweetened packing media are made, but such differences are not of material significance to consumers (R. 23, pp. 1253–1254, 1871–1872).

Finding 29. By reason of their lesser sweetening properties, dextrose or corn sirup, or any mixture of these, are always used in combination with sugar when used in preparing sweetened packing media for canned fruits, and the quantity of dextrose or corn sirup used is always limited to such amounts that the packing medium in the finished canned fruits is substantially of the same degree of sweetness as one of like density prepared from sugar alone (R. 5, I-A, pp. 183, 194, 205, 227–228, 234, 250–251, 258, 266–267, 274–275, 312, 438–440, 475–480, 501–502, 516, 531–533, 542–544, 609–611, 729–734, 868–881, 889–892).

Finding 30. The degree of sweetness of any packing medium in which dextrose or corn sirup, or any mixture of these, is used in combination with sugar becomes progressively less in relation to the density of such packing medium as the quantity of dextrose or corn sirup, or any mixture of these, is increased, so that, in the absence of a limitation of such quantity, the density within the range specified for any given packing medium would cease to provide a basis for identifying such packing medium as to sweetness (R. 5, I-A, pp. 66–67, 174–176, 217–218, 260–261, 264–268; R. 23, pp. 260–278, 443–444).

Finding 31. A sweetened packing medium prepared from a mixture of sugar and dextrose in a proportion of two parts of sugar and one part of dextrose, or from a mixture of sugar and corn sirup in a proportion of three parts of sugar and one part of corn sirup, or from a mixture of sugar, dextrose, and corn sirup in such proportion that the weight of the dextrose multiplied by two plus the weight of the corn sirup multiplied by three equals the weight of the sugar, is substantially as sweet as a finished packing medium of like density prepared from sugar alone (R. 5, I-A, pp. 182–183, 194, 205, 227–228, 250–251, 264–265, 274–276, 293–294, 300, 304, 306, 312, 314; R. 23, pp. 439–440, 477–478, 500–501, 532, 539, 542–544, 638–639, 695, 729–734, 851, 868, 877–881, 889–892).

Finding 32. There is no substantial difference in the degree of sweetness between a fruit packed in any one of the packing media specified in finding 31 and the same kind of fruit packed in any one of the other packing media therein specified. Such difference as may exist between such packing media is ordinarily not noticeable to consumers in the finished canned fruits unless they make comparative tasting tests and some consumers cannot distinguish between them when making such tests (R. 5, I-A, pp. 268–269, 289; R. 23, pp. 438–440, 479–480, 516, 533, 609–611, 871–872, 889, 892, 1807; Govt. Ex. Nos. 8 to 14 incl.; O. P.'s Ex. Nos. 19 to 24 incl., 29 to 32 incl., 74 to 76 incl.).

Finding 33. When sugar is replaced with dextrose or corn sirup, or any mixture of these, in proportions greater than those specified in finding 31, so as to produce a packing medium equivalent in sweetness to one prepared from sugar alone, as is provided in the existing regulations, the relationship between density and sweetness normally expected in sweetened packing media is destroyed (R. 5, I-A, pp. 264–268; R. 23, pp. 260–278, 443–444, 482–483, 542–544, 547–549, 710–712).

On the basis of the foregoing findings of fact it is found and concluded—

(a) That the regulations fixing and establishing definitions and standards of identity for canned peaches, canned apricots, canned pears, and canned cherries, respectively, should be amended in the following respects:

(1) By repealing paragraph (a)-(2) of each of said regulations and promulgating in lieu thereof a new paragraph (c) as contained in each of the amended regulations hereinafter set forth;

(2) By promulgating a new paragraph (d) as contained in each of the amended regulations hereinafter set forth;

(3) By repealing paragraph (b) of each of said regulations and promulgating in lieu thereof a new paragraph (e) as contained in each of the amended regulations hereinafter set forth; and

(4) By making certain editorial revisions in each of said regulations.

(b) That promulgation of regulations so amending and revising said existing regulations will promote honesty and fair dealing in the interest of consumers and that said regulations as so amended and revised are reasonable definitions and standards of identity for such foods.

Each of the said regulations, therefore, is hereby amended and revised to read, respectively, as follows:

§ 27.000 *Canned peaches, identity; label statement of optional ingredients.* (a) Canned peaches is the food prepared from one of the optional peach ingredients specified in paragraph (b) and one of the optional packing media specified in paragraph (c). Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice;

(2) flavoring, other than artificial flavoring;

(3) a vinegar;

(4) peach pits, except in the cases of peeled whole peaches and unpeeled whole peaches, in a quantity not more than 1 peach pit to each 8 ounces of finished canned peaches; and

(5) peach kernels, except in the cases of peeled whole peaches and unpeeled whole peaches, and except when optional ingredient (4) is used.

Such food is sealed in a container and is so processed by heat as to prevent spoilage.

(b) The optional peach ingredients referred to in paragraph (a) are prepared from mature peaches of the yellow clingstone, yellow freestone, white clingstone, or white freestone varietal group, and are in the following forms of units: peeled whole, unpeeled whole, peeled halves, peeled quarters, peeled slices, peeled dice, peeled mixed pieces of irregular sizes and shapes. Each such form of units prepared from each such varietal group is an optional peach ingredient. Each such ingredient, except in the case of peeled whole peaches and unpeeled whole peaches, is pitted. For the purpose of paragraph (e), the names of such optional peach ingredients are the words "Yellow Cling" or "Yellow Clingstone", "White Cling" or "White Clingstone," "Yellow Free" or "Yellow Freestone," or "White Free" or "White Freestone," as the case may be, preceded or followed by the word or words "whole," "Unpeeled Whole," "Halves" or "Halved," "Unpeeled Halves" or "Unpeeled Halved," "Quarters" or "Quartered," "Slices" or "Sliced," "Dice" or "Diced," or "Mixed Pieces of Irregular Sizes and Shapes," as the case may be.

(c) The optional packing media referred to in paragraph (a) are:

(1) water,
(2) peach juice,
(3) slightly sweetened water,
(4) light sirup,
(5) heavy sirup,
(6) extra heavy sirup,
(7) slightly sweetened peach juice,
(8) light peach juice sirup,
(9) heavy peach juice sirup, and
(10) extra heavy peach juice sirup.

As used in this paragraph the term "water" means, in addition to water, any mixture of water and peach juice; and the term "peach juice" means the fresh or canned expressed juice of mature peaches, of any varietal group specified in paragraph (b), to which no water is added, directly or indirectly.

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and peach juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10), inclusive, are prepared is one of the following: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup. A packing medium prepared with peach juice and any invert sugar sirup or corn sirup other than dried corn sirup, is considered to be prepared with water as the liquid ingredient.

The densities of packing media (3) to (10) inclusive, as measured on the Brix

hydrometer fifteen days or more after the peaches are canned, fall within the range prescribed after each in the following list:

Number of packing medium:	*Brix measurement*
(3) and (7)	Less than 14°.
(4) and (8)	14° or more but less than 19°.
(5) and (9)	19° or more but less than 24°.
(6) and (10)	24° or more but not more than 35°.

(d) For the purposes of this section—

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "Invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 56 percent by weight of reducing sugars calculated as dextrose.

(e) The label shall bear the name of the optional peach ingredient used, as specified in paragraph (b), and the name whereby the optional packing medium used is designated in paragraph (c), preceded by "In" or "Packed in". When any of the optional ingredients permitted by one of the following specified subparagraphs of paragraph (a) is used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice", or, in lieu of the word "Spice", the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring", or, in lieu of the word "Flavoring", the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with ------ Vinegar", the blank being filled in with the word showing the kind of vinegar used;

(4) "Seasoned with Peach Pits";

(5) "Seasoned with Peach Kernels".

When two or more of the optional ingredients specified in paragraph (a) (1), (2), (3), and (4) or (5) are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon oil, and Peach Kernels".

(4) Wherever the name "peaches" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the peaches may so intervene.

§ 27.010 *Canned apricots, identity; label statement of optional ingredients.* (a) Canned apricots is the food prepared from one of the optional apricot ingredients specified in paragraph (b) and one of the optional packing media specified in paragraph (c). Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice;

(2) flavoring, other than artificial flavoring;

(3) a vinegar;

(4) apricot pits, except in the cases of unpeeled whole apricots and peeled whole apricots, in a quantity not more than 1 apricot pit to each 8 ounces of finished canned apricots;

(5) apricot kernels, except in the cases of unpeeled whole apricots and peeled whole apricots, and except when optional ingredient (4) is used.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional apricot ingredients referred to in paragraph (a) are prepared from mature apricots and are in the following forms of units: unpeeled whole, peeled whole, unpeeled halves, peeled halves, unpeeled quarters, peeled quarters, unpeeled slices, peeled slices, unpeeled mixed pieces of irregular sizes and shapes, peeled mixed pieces of irregular sizes and shapes. Each such form of units is an optional apricot ingredient. Each such ingredient, except in the cases of unpeeled whole apricots and peeled whole apricots, is pitted. For the purposes of paragraph (e), the names of such optional apricot ingredients are "Whole", "Halves" or "Halved" "Quarters" or "Quartered", "Slices" or "Sliced", "Mixed Pieces of Irregular Sizes and Shapes," as the case may be, preceded or followed by "Unpeeled" or "Peeled," as the case may be.

(c) The optional packing media referred to in paragraph (a) are:

(1) water,
(2) apricot juice,
(3) slightly sweetened water,
(4) light sirup,
(5) heavy sirup,
(6) extra heavy sirup,
(7) slightly sweetened apricot juice,
(8) light apricot juice sirup,
(9) heavy apricot juice sirup, and
(10) extra heavy apricot juice sirup.

As used in this paragraph the term "water" means, in addition to water, any mixture of water and apricot juice; and the term "apricot juice" means the fresh or canned expressed juice of mature apricots, of any varietal group specified in paragraph (b), to which no water is added, directly or indirectly.

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and apricot juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10), inclusive, are prepared is one of the following: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup. A packing medium prepared with apricot juice and any invert sugar sirup or corn sirup other than dried corn sirup, is considered to be prepared with water as the liquid ingredient.

The densities of packing media (3) to (10), inclusive, as measured on the Brix hydrometer fifteen days or more after the apricots are canned, fall within the range prescribed after each in the following list:

Number of packing medium:	*Brix measurement*
(3) and (7)	Less than 16°.
(4) and (8)	16° or more but less than 21°.
(5) and (9)	21° or more but less than 25°.
(6) and (10)	25° or more but not more than 40°.

(d) For the purposes of this section—

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose. the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 56 percent by weight of reducing sugars calculated as dextrose.

(e) The label shall bear the name of the optional apricot ingredient used, as specified in paragraph (b), and the name whereby the optional packing medium used is designated in paragraph (c), preceded by "In" or "Packed in". When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (a) is used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice", or, in lieu of the word "Spice", the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring", or, in lieu of the word "Flavoring", the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with -------- Vinegar", the blank

being filled in with the word showing the kind of vinegar used;

(4) "Seasoned with Apricot Pits";

(5) "Seasoned with Apricot Kernels".

When two or more of the optional ingredients specified in paragraph (a) (1), (2), (3), and (4) or (5) are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon oil, and Peach Kernels".

(4) Wherever the name "apricots" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the peaches may so intervene.

§ 27.020 *Canned pears, identity; label statement of optional ingredients.* (a) Canned pears is the food prepared from one of the optional pear ingredients specified in paragraph (b) and one of the optional packing media specified in paragraph (c). Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice;

(2) flavoring, other than artificial flavoring; and

(3) a vinegar.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional pear ingredients referred to in paragraph (a) are prepared from mature pears and are in the following forms of units: peeled whole, unpeeled whole, peeled halves, unpeeled halves, peeled quarters, peeled slices, peeled dice, peeled mixed pieces of irregular sizes and shapes. Each such form of units is an optional pear ingredient. Each such ingredient, except in the cases of peeled whole pears and unpeeled whole pears, is cored. For the purposes of subsection (e), the respective names of such optional pear ingredients are "Whole", "Halves" or "Halved", "Quarters" or "Quartered", "Slices" or "Sliced", "Dice" or "Diced", "Mixed Pieces of Irregular Sizes and Shapes", preceded or followed, in case the units are whole or halves and are unpeeled, by the word "Unpeeled".

(c) The optional packing media referred to in paragraph (a) are:

(1) water,
(2) pear juice,
(3) slightly sweetened water,
(4) light sirup,
(5) heavy sirup,
(6) extra heavy sirup,
(7) slightly sweetened pear juice,
(8) light pear juice sirup,
(9) heavy pear juice sirup, and
(10) extra heavy pear juice sirup.

As used in this paragraph the term "water" means, in addition to water, any mixture of water and pear juice; and the term "pear juice" means the fresh or canned expressed juice of mature pears, of any varietal group specified in paragraph (b), to which no water is added, directly or indirectly.

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and pear juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10), inclusive, are prepared is one of the following: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup. A packing medium prepared with pear juice and any invert sugar sirup or corn sirup other than dried corn sirup, is considered to be prepared with water as the liquid ingredient.

The densities of packing media (3) to (10), inclusive, as measured on the Brix hydrometer fifteen days or more after the pears are canned, fall within the range prescribed after each in the following list:

Number of packing medium:	*Brix measurement*
(3) and (7)	Less than 14°.
(4) and (8)	14° or more but less than 18°.
(5) and (9)	18° or more but less than 22°.
(6) and (10)	22° or more but not more than 35°.

(d) For the purposes of this section—

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 56 percent by weight of reducing sugars calculated as dextrose.

(e) The label shall bear the name of the optional pear ingredient used, as specified in paragraph (b), and the name whereby the optional packing medium used is designated in paragraph (c), preceded by "In" or "Packed in." When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (a) is used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice," or, in lieu of the word "Spice," the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring," or, in lieu of the word "Flavoring," the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with _____ Vinegar," the blank being filled in with the word showing the kind of vinegar used.

When two or all of the optional ingredients specified in paragraph (a) (1), (2), and (3) are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, and Cinnamon Oil."

(4) Wherever the name "pears" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the pears may so intervene.

§ 27.030 *Canned cherries, identity; label statement of optional ingredients.* (a) Canned cherries is the food prepared from one of the optional cherry ingredients specified in paragraph (b) and one of the optional packing media specified in paragraph (c). Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice;

(2) flavoring, other than artificial flavoring;

(3) a vinegar.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional cherry ingredients referred to in paragraph (a) are prepared from mature, pitted or unpitted cherries of the red sour, light sweet, or dark sweet varietal group. Pitted cherries of each such group and unpitted cherries of each such group are an optional cherry ingredient. For the purposes of paragraph (c), the names of such optional cherry ingredients are the words "Red Sour" or "Red Tart", "Light Sweet", or "Dark Sweet", as the case may be, preceded or followed by the word "Pitted" in case such ingredients are pitted.

(c) The optional packing media referred to in paragraph (a) are:

(1) Water;
(2) cherry juice;
(3) slightly sweetened water;
(4) light sirup;
(5) heavy sirup;
(6) Extra heavy sirup;
(7) slightly sweetened cherry juice;
(8) light cherry juice sirup;
(9) heavy cherry juice sirup; and
(10) extra heavy cherry juice sirup.

As used in this paragraph the term "water" means, in addition to water, any

mixture of water and cherry juice; and the term "cherry juice" means the fresh or canned expressed juice of mature cherries, of any varietal group specified in paragraph (b), to which no water is added, directly or indirectly.

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and cherry juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to 10), inclusive, are prepared is one of the following: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup. A packing medium prepared with cherry juice and any invert sugar sirup or corn sirup other than dried corn sirup, is considered to be prepared with water as the liquid ingredient.

The densities of packing media (3) to (10), inclusive, as measured on the Brix hydrometer fifteen days or more after the peaches are canned, fall within the range prescribed after each in the following list:

Number of packing medium and Brix measurement

Sweet cherries:
(3) and (7)-- Less than 16°.
(4) and (6)-- 16° or more but less than 20°.
(5) and (9)-- 20° or more but less than 25°.
(6) and (10)- 25° or more but not more than 35°.

Red sour cherries:
(3) and (7)-- Less than 18°.
(4) and (8)-- 18° or more but less than 22°.
(5) and (9)-- 22° or more but less than 28°.
(6) and (10)- 28° or more but not more than 45°.

(d) For the purposes of this section—

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less that 56 percent by weight of reducing sugars calculated as dextrose.

(e) The label shall bear the name of the optional cherry ingredient used, as specified in paragraph (b), and the name whereby the optional packing medium used is designated in paragraph (c), preceded by "In" or "Packed in". When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (a) is used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice," or, in lieu of the word "Spice," the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring," or, in lieu of the word "Flavoring," the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with ---------- Vinegar," the blank being filled in with the word showing the kind of vinegar used.

When two or all of the optional ingredients specified in paragraph (a) (1), (2), and (3) are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, and Cinnamon Oil."

(4) Wherever the name "cherries" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the cherries may so intervene.

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the Assistant General Counsel, Room 2240, South Building, 14th Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof.

[SEAL] PAUL V. MCNUTT,
Administrator.

JANUARY 6, 1942.

[F. R. Doc. 42-170; Filed, January 7, 1942; 11:34 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-475]

IN THE MATTER OF ELECTRIC BOND AND SHARE COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of January, A. D. 1942.

A declaration having been filed with this Commission by the above-named party, pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 thereunder, and

The said declaration concerning the following:

Electric Bond and Share Company, (hereinafter termed "Bond and Share"), a registered holding company, proposes to utilize $5,000,000 cash out of a total of approximately $24,000,000 cash and cash items on hand to reacquire shares of its outstanding preferred stock.

At December 31, 1941, Bond and Share had outstanding 1,101,955 shares of $6 Preferred Stock of no par value, entitled to $100 per share plus accrued dividends upon liquidation, and 280,300 shares of $5 Preferred Stock of no par value, entitled to $100 per share plus accrued dividends upon liquidation. These two classes of preferred stock are *pari passu* as to dividends and in liquidation.

Pursuant to an order of the Commission dated September 2, 1941, authorizing an expenditure of up to $5,000,000 towards the reacquisition of its outstanding preferred stock, Bond and Share had reacquired at the close of business December 31, 1941, 53,700 shares of its $6 Preferred Stock and 19,700 shares of its $5 Preferred Stock at a total cost of $4,426,123.50.

It is presently proposed that Bond and Share will continue to acquire shares of its $6 and $5 Preferred Stocks through the expenditure of the additional $5,000,000.

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors that a hearing be held with respect to such declaration and that said declaration shall not become effective except pursuant to the further order of the Commission,

It is ordered, That a hearing on such matters under the applicable provisions of the Public Utility Holding Company Act of 1935 be held on January 12, 1942 at 10:00 A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in room 1102 will advise as to the room in which such hearing shall be held. At such hearing cause shall be shown why the aforesaid declaration shall become effective;

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by the Com-

mission for that purpose shall preside at the hearing in such matter. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the said Act, and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That, without limiting the scope of the issues presented by the aforesaid declaration, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed reacquisition by Bond and Share of shares of its outstanding $5 and $6 Preferred Stocks is in the public interest and the interest of investors.

2. Whether the method proposed by Bond and Share for the reacquisition of said shares is appropriate and in the public interest and the interest of investors.

3. Whether it is necessary or appropriate to impose any other terms or conditions in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-168; Filed, January 7, 1942; 11:29 a. m.]

IN THE MATTER OF JACK GOLDBERG, ROOM 7, LASALLE NATIONAL BANK BUILDING, LASALLE, ILLINOIS

ORDER REVOKING REGISTRATION AND EXPELLING RESPONDENT FROM NATIONAL SECURITIES ASSOCIATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of January, A. D. 1942.

The Commission having instituted proceedings pursuant to sections 15 (b) and 15A (*l*) (2) of the Securities Exchange Act of 1934 to determine whether the registration of Jack Goldberg as a broker and dealer should be suspended or revoked; and whether he should be suspended or expelled from the National Association of Securities Dealers, Inc., a registered securities association;

A hearing having been held, and the Commission being fully advised in the premises, and having this day issued and filed its Findings and Opinion herein;

It is ordered, On the basis of the said Findings and Opinion and pursuant to sections 15 (b) and 15A (*l*) (2) of the Securities Exchange Act of 1934:

1. That the registration of the said Jack Goldberg as a broker and dealer be, and the same hereby is, revoked; and

2. That Jack Goldberg be, and he hereby is, expelled from the National Association of Securities Dealers, Inc.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-169; Filed, January 7, 1942; 11:29 a. m.]