FEDERAL REGISTER

VOLUME 8 NUMBER 38

Washington, Wednesday, February 24, 1943

The President

EXECUTIVE ORDER 9304

DESIGNATING THE HONORABLE MARTIN TRAVIESO AS ACTING JUDGE OF THE DISTRICT COURT OF THE UNITED STATES FOR PUERTO RICO

By virtue of the authority vested in me by section 41 of the act entitled "An Act to provide a civil government for Puerto Rico, and for other purposes", approved March 2, 1917, as amended by section 2 of the act of March 26, 1938, 52 Stat. 118 (U.S.C., title 48, sec. 863), I hereby designate and authorize the Honorable Martin Travieso, Associate Justice of the Supreme Court of Puerto Rico, to perform and discharge the duties of Judge of the District Court of the United States for Puerto Rico and to sign all necessary papers and records as Acting Judge of the said Court, without extra compensation, during the absence, illness, or other legal disability of the Judge thereof, during the current calendar year.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 23, 1943.

[F. R. Doc. 43-2937; Filed, February 23, 1943; 12:05 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter X—Food Production Administration

[FPO 3,[1] Amendment 3]

PART 1202—FARM MACHINERY AND EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT

Schedules I and II are amended.

Schedule II is amended by deleting therefrom the following items:

Garden planters: Horse or tractor drawn
Cultivators, horse drawn:
One row, riding, two horse.
Two row and over, riding.

Schedule I is amended by adding thereto, under the main heading "Cultivators and weeders", the following item:

Cultivators, horse drawn:
One row, riding, two horse.

The effect of this amendment is to remove from the provisions of Food Production Order No. 3 the items deleted from Schedule II, with the exception of one row, riding, two horse cultivators which are incorporated in Schedule I and therefore can be sold for use only on presentation of proper purchase certificates.

§ 1202.243 *Effective dates of amendments.* * * *

(c) This Amendment No. 3 (Schedule I and Schedule II) to Food Production Order No. 3 shall become effective this 23d day of February 1943.

(E.O. 9280, 7 F.R. 10179)

Done at Washington, D. C., this 22d day of February 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary.

[F. R. Doc. 43-2935; Filed, February 23, 1943; 11:09 a. m.]

Chapter XI—Food Distribution Administration

[Food Distribution Order 24]

PART 1425—CANNED AND PROCESSED FOODS

CANNED FRUITS AND VEGETABLES

Pursuant to the authority vested in me by Executive Order No. 9280, issued December 5, 1942, and in order to assure an adequate supply and efficient distribution of canned fruits and canned vegetables to meet war and essential civilian needs: *It is hereby ordered,* As follows:

§ 1425.5 *Canned fruits and canned vegetables*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "restricted canned foods" means any of the fruits and veg-

(Continued on next page)

[1] 7 F.R. 9647; 8 F.R. 469, 945, 1089, 1825, 1911, 2224.

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THE PRESIDENT

REGULATIONS AND NOTICES

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FEDERAL REGISTER

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etables, listed in Exhibit A attached hereto, packed in hermetically sealed metal or glass containers and sterilized by the use of heat, regardless of when or where packed, excluding, however, liquid, strained, mashed, or chopped canned foods, when packed as infant food or for invalid feeding, and excluding jams, jellies, preserves, marmalades, pickles, relishes, and soups.

(2) The term "non-quota purchaser" means:

(i) The Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Defense Supplies Corporation, War Shipping Administration, or any agency of the United States Government for supplies to be delivered to or for the account of the government of any country pursuant to the act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(ii) Any person operating an oceangoing vessel engaged in the transportation of cargo or passengers in the foreign, coastwise, or intercoastal trade for necessary supplies for such vessels.

(iii) Any person for retail sale through concession restaurants at Army, Navy, Marine Corps, or Coast Guard camps, or through outlets not operated for private profit and established primarily for the use of the Army, Navy, Marine Corps, or Coast Guard personnel within or on Army, Navy, Marine Corps, or Coast Guard establishments or vessels, including post exchanges, sales commissaries, officers' messes, servicemen's clubs, and ship's service departments.

(iv) Any person who furnishes eating facilities for members of the armed forces pursuant to contract therefor with the United States for necessary supplies for such purposes.

(v) Any person who purchases restricted canned foods for delivery in any territory, possession, or leased military base of the United States.

(vi) Any person who purchases grape juice, tomato pulp in 5 gallon cans, tomato paste in #10 cans, and peppers for use in the commercial manufacture of food products.

(vii) Any person who purchases restricted canned foods for resale to a nonquota purchaser, or to replace in his inventory material delivered to a nonquota purchaser.

(3) The term "person" means any individual, partnership, corporation, association, or any other business entity.

(4) The term "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(5) The term "wholesale receiver" means any person other than a nonquota purchaser (regardless of whether or not he is also a canner) whose purchases, heretofore or hereafter, aggregate, during the period beginning on June 30, 1942, in excess of 4,000 cases of any group of restricted canned foods for any purpose.

(6) The term "base figure" means, at the wholesale receiver's option, either

the total of his acceptances of delivery, or his sales, in each group, between January 1, 1942, and August 31, 1942, of all canned foods listed in such group, wherever or whenever packed, minus all such goods sold to non-quota purchasers listed in the order.

(b) *Restrictions on delivery.* (1) No canner shall deliver any restricted canned foods to any wholesale receiver who cannot legally receive the goods under this order.

(2) Any wholesale receiver who has in his possession, in transit to him, or under contract for delivery at a future date (excluding goods frozen by other orders), less than the following percentages of his base figure

	Percent
For group I (in Exhibit A)	25
For group II (in Exhibit A)	25
For group III (in Exhibit A)	25

may accept delivery of a quantity of restricted canned foods of each group sufficient when added to the quantity in his possession or under his control by virtue of existing contracts for future delivery to equal the percentages hereinabove stated.

(c) *Unit of calculation.* All calculations as to base figure, quotas, and any other calculation that may become necessary under the provisions of this order shall be made in terms of cases.

(d) *Records and reports.* Every person subject to this order shall maintain such records for at least two years (or for such other periods of time as the Director may designate) and shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe.

(e) *Audit and inspection.* Every person subject to this order shall, upon request, permit inspections at all reasonable times of his stocks of restricted foods, and premises used in his business, and all of his books, records, and accounts shall, upon request, be submitted to audit and inspection by the Director.

(f) *Applicability of order.* (1) Any person doing business in one or more of the 48 States or the District of Columbia is subject to the provisions hereof. The provisions hereof shall not apply to any person doing business in any Territory or Possession of the United States with respect to such business.

(2) In the case of any person who is both a packer and a wholesale receiver, the provisions hereof applicable to packers shall apply to his operations as a packer, and the provisions hereof applicable to wholesale receivers shall apply to his operations as a wholesale receiver.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order, or wilfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States, may be prohibited from receiving or making further deliveries of any material subject to allocation; and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35 (a) of the Criminal Code (18 U. S. C. 1940 ed. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(h) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may petition in writing (in triplicate) for relief to the Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, and such action shall be final.

(i) *Communications to the Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C. Ref: FD–24.

(j) *Conservation Order M–237, as amended, superseded.* This order supersedes in all respects Conservation Order M–237 of the War Production Board, as amended January 7, 1943 (8 F.R. 312) except that as to violations of said order or rights accrued, liabilities incurred, or appeals taken under said order prior to the effective date hereof, said Conservation Order M–237, as amended, shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability. Any appeal pending under said Conservation Order M–237, as amended, shall be considered under (h) hereof.

(k) *Effective date.* This order shall take effect upon its issuance.

(E.O. 9280, 7 F.R. 10179)

Issued this 20th day of February 1943.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

EXHIBIT A

GROUP I—FRUITS

Apples, including crabapples.
Applesauce, including sauce from crabapples.
Apricots.
Berries of all kinds.
Cherries, red sour pitted.
Cherries, sweet.
Combinations of oranges and grapefruit.
Cranberries, including sauce and jelly.
Figs.
Fruits for salads.
Fruit cocktail.
Grapefruit.
Oranges.
Peaches, including nectarines.
Pears.
Pineapples.
Plums.
Prunes.

GROUP II—FRUIT AND VEGETABLE JUICES

Apple.
Beet.
Carrot.
Celery.
Cherry.
Cranberry.
Berry, all.
Grape.
Grapefruit.
Grapefruit and orange combination.
Lemon.
Lime.
Orange.
Pineapple.
Prune.
Sauerkraut.
Spinach.
Tomato and tomato cocktail.
Mixed vegetables.
All fruit nectars.

GROUP III—VEGETABLES

Artichokes.
Asparagus.
Green and wax beans.
Green soya beans.
Lima beans.
Shell beans.
Beets.
Broccoli.
Brussels sprouts.
Cabbage.
Carrots.
Carrots and peas.
Cauliflower.
Celery.
Corn, including corn-on-cob.
Spinach and other green leafy vegetables.
Mushrooms.
Okra.
Onions.
Peas.
Peppers and pimentos.
Potatoes, white.
Pumpkin and squash.
Succotash.
Sweetpotatoes and yams.
Sauerkraut.
Tomatoes, whole or parts.
Tomato puree and pulp.
Tomato paste.
Tomato sauce.
Mixed vegetables, including vegetables for salad.

[F.R. Doc. 43–2897; Filed, February 22, 1943; 11:16 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 79b—WOMEN'S ARMY AUXILIARY CORPS

ORDERS, ENROLLMENT AND DISCHARGE

Sections 79b.4, 79b.6 (e), and 79b.12 are amended as follows:

§ 79b.4 *Orders.* Orders authorizing assignment to duty, transfer, or other changes in status of individuals of the WAAC will be issued by the commanding general of the service command upon request of the WAAC service command director. Orders for detached service will be issued by the headquarters authorized to issue such orders for Army personnel at stations where WAAC personnel are assigned. (Act of May 14, 1942, Public Law 554, 77th Congress) [Par. 10, Women's Army Auxiliary Corps Regulations (Tentative) May 28, 1942, as amended by WAAC Cir. 17, December 29, 1942]

§ 79b.6 *Enrollment.*[1] * * *

(e) Enrollment will be conducted by Army recruiting officers at recruiting and induction stations. WAAC officers may, in the discretion of the commanding officer of the recruiting and induction station to which assigned, be authorized

[1] 7 F.R. 4818.

to administer the oath of enrollment to enrollees in the WAAC. (Act of May 14, 1942, Public Law 554, 77th Congress) [Par. 16, Women's Army Auxiliary Corps Regulations (Tenative) May 28, 1942, as amended by WAAC Cir. 13, October 14, 1942.]

* * * * *

§ 79b.12 *Discharge.* (a) Upon satisfactory completion of her term of service, an enrolled member of the WAAC will be honorably discharged (white certificate).

(b) (1) An enrolled member of the WAAC may be discharged for the convenience of the Government by the Secretary of War, when in the discretion of the Director, retention in the Corps would not be for the best interests of the Government, and a member so discharged may be given an honorable discharge (white certificate), a discharge (white certificate), or a summary discharge (blue certificate).

(2) Except in the case of the discharge of a member to accept a commission in the WAAC, in cases involving pregnancy, and in cases similar to those in which commanding officers may recommend or make discharges under provisions of AR 615-360[1] without board proceedings, no member will be discharged under the provisions of this paragraph without a thorough and complete investigation of all facts and circumstances, conducted by a board, consisting of at least three WAAC officers, in conformity with the provisions of AR 420-5.[2]

(c) An enrolled member of the WAAC may be discharged by the Secretary of War for disability in the following instances: When an enrolled member, because of injury, disease, or disability, physical or mental, is unfitted for service.

(1) If the same occurs in the line of duty, and this fact is established in accordance with the provisions of AR 345-415,[3] an enrolled member will be given an honorable discharge (white certificate).

(2) If the same occurs not in line of duty, and this fact is established in accordance with the provisions of AR 345-415,[3] an enrolled member may be given an honorable discharge (white certificate), or a discharge (white certificate), or a summary discharge (blue certificate).

(d) Each enrolled member of the WAAC on active duty will be given a complete physical examination, such as is prescribed for members of the Army, within a period of 72 hours prior to her separation from the Corps. (Act of May 14, 1942, Public Law 554, 77th Congress) [Pars. 35 to 38, inclusive, Women's Army Auxiliary Corps Regulations (Tentative), May 28, 1942, as amended by WAAC Cir. 3, February 1, 1943]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-2909; Filed, February 23, 1943; 10:02 a. m.]

[1] Administrative regulations of the War Department relative to discharge; release from active duty.

[2] Administrative regulations of the War Department relative to boards of officers for conducting investigations.

[3] Administrative regulations of the War Department relative to the daily sick report.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 260]

PART 60—AIR TRAFFIC RULES

DEVIATIONS FROM LEFT-HAND CIRCLE RULES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 17th day of February 1943.

Effective immediately, pursuant to § 60.3301 of the Civil Air Regulations, the following deviations from the left-hand circle rule are prescribed unless the pilot receives other instructions from the air-traffic control-tower operator:

(a) *Meacham Field, Fort Worth, Texas.* All turns by aircraft approaching for a landing to the northeast or after take-off to the northeast shall be made to the right.

(b) *Weeks Field, Fairbanks, Alaska.* All turns by aircraft approaching for a landing to the east or after take-off to the east shall be made to the right.

(c) *Merrill Field, Anchorage, Alaska.* All turns by aircraft approaching for a landing to the south or east or after take-off to the south or east shall be made to the right.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 43-2887; Filed, February 22, 1943; 10:55 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3369]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN MEMORIAL COMPANY

§ 3.6 (6) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (bb 10) *Advertising falsely or misleadingly—Size or weight.* In connection with offer, etc., in commerce, of granite or marble monuments, tombstones or footstones, and among other things, as in order set forth, (1) representing by the use of the words "everlasting" or "eternal", or any other word of similar import or meaning, or in any other manner, that any monument, tombstone, or footstone composed of marble is everlasting; and (2) representing that respondent's monuments or tombstones weigh 400 pounds or any other specified weight or weights unless and until such is the fact; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Modified cease and desist order, American Memorial Company, Docket 3369, February 16, 1943]

§ 3.6 (h) *Advertising falsely or misleadingly—Fictitious or misleading guarantees:* § 3.72 (f 15) *Offering deceptive inducements to purchase—Guarantee, in general.* In connection with offer, etc., in commerce, of granite or marble monuments, tombstones or footstones, and among other things, as in order set forth, representing that the respondent has posted a bond guaranteeing the quality of its products or has posted a bond which insures conformity by the respondent with the laws of the United States Government or with the rules and regulations of any agency thereof, or has posted any other bond, unless and until such is the fact; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Modified cease and desist order, American Memorial Company, Docket 3369, February 16, 1943]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Manufacturer.* In connection with offer, etc., in commerce, of granite or marble monuments, tombstones or footstones, and among other things, as in order set forth, representing, by means of pictorial or other representations of a factory or manufacturing plant, or in any other manner, that respondent makes or manufactures its granite monuments or tombstones unless and until it owns and operates or directly and absolutely controls the factory or plant wherein such monuments or tombstones are made or manufactured by it; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Modified cease and desist order, American Memorial Company, Docket 3369, February 16, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of February, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon order to show cause why this case should not be reopened for the purpose of issuing a modified order to cease and desist, which order came on for hearing before the Commission on January 27, 1943, and the respondent having been duly served with a certified copy of said order prior to said hearing, and the Commission having considered the matter and the record herein and being now fully advised in the premises;

It is ordered, That the respondent, American Memorial Company, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of granite or marble monuments, tombstones, or footstones in

commerce between and among the various states of the United States and in the District of Columbia, do forthwith cease and desist from:

(1) Representing by the use of the words "everlasting" or "eternal," or any other word of similar import or meaning, or in any other manner, that any monument, tombstone, or footstone composed of marble is everlasting;

(2) Representing that respondent's monuments or tombstones weigh 400 pounds or any other specified weight or weights unless and until such is the fact;

(3) Representing that the respondent has posted a bond guaranteeing the quality of its products, or has posted a bond which insures conformity by the respondent with the laws of the United States Government or with the rules and regulations of any agency thereof, or has posted any other bond, unless and until such is the fact;

(4) Representing, by means of pictorial or other representations of a factory or manufacturing plant, or in any other manner, that respondent makes or manufactures its granite monuments or tombstones unless and until it owns and operates or directly and absolutely controls the factory or plant wherein such monuments or tombstones are made or manufactured by it.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-2855; Filed, February 22, 1943; 10:47 a. m.]

[Docket No. 4051]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

D. M. ALACHUZOS COMPANY

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Grower or producer.* In connection with offer, etc., in commerce, of sponge products, (1) representing in any manner that the respondent is a producer of sponges; or (2) using the term "producer" in advertising or in any other manner when such use represents that respondent is a sponge producer; prohibited. Sec 5, 38 Stat. 719, as amended by sec 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, D. M. Alachuzos Company, Docket 4051, February 17, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of February, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence, in support of and in opposition to the allegations of the complaint, taken before trial examiners of the Commission theretofore duly designated by it, report of the trial examiners upon the evidence and exceptions filed thereto, and briefs filed in support of the complaint and in opposition thereto; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, D. M. Alachuzos Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of sponge products in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing in any manner that the respondent is a producer of sponges.

(2) Using the term "producer" in advertising or in any other manner when such use represents that respondent is a sponge producer.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-2856; Filed, February 22, 1943; 10:47 a. m.]

[Docket No. 4138]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

UNITED STATES MARBLE & GRANITE COMPANY

§ 3.6 (h) *Advertising falsely or misleadingly—Fictitious or misleading guarantees:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.72 (f 15) *Offering deceptive inducements to purchase—Guarantee, in general.* In connection with offer, etc., in commerce, of marble tombstones and monuments, representing (1) that respondent's memorials composed of marble will stand the ravages of time forever, or that they are everlasting or forever durable, or that they will never fade, stain, or tarnish; (2) that respondent's said marble tombstones and monuments will always retain their original brightness or that said memorials are age enduring; and (3) that respondent has posted a "Gold Bond Guarantee" assuring purchasers of the everlasting quality and durability of his said marble tombstones and monuments and the freedom of such products from fading, staining, or tarnishing and that said "Gold Bond Guarantee" protects purchasers of such products if respondent's claims and representations are not true; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Modified cease and desist order, United States Marble & Granite Company, Docket 4138, February 16, 1943]

In the Matter of Asa L. Wooten, an Individual trading as United States Marble & Granite Company.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of February, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon order to show cause why this case should not be reopened for the purpose of issuing a modified order to cease and desist, which order came on for hearing before the Commission on January 27, 1943, and the respondent having been duly served with a certified copy of said order prior to said hearing, and the Commission having considered the matter and the record herein and being now fully advised in the premises:

It is ordered, That the respondent, Asa L. Wooten, an individual, trading as United States Marble & Granite Company, or under any other trade name, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of marble tombstones and monuments in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

(1) That respondent's memorials composed of marble will stand the ravages of time forever, or that they are everlasting or forever durable, or that they will never fade, stain, or tarnish;

(2) That respondent's said marble tombstones and monuments will always retain their original brightness or that said memorials are age enduring;

(3) That respondent has posted a "Gold Bond Guarantee" assuring purchasers of the everlasting quality and durability of his said marble tombstones and monuments and the freedom of such products from fading, staining, or tarnishing and that said "Gold Bond Guarantee" protects purchasers of such products if respondent's claims and representations are not true.

It is further ordered, That the respondent shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-2857; Filed, February 22, 1943; 10:47 a. m.]

TITLE 24—HOUSING CREDIT

Chapter I—Federal Home Loan Bank Administration

[Bulletin 16]

PART 2—ORGANIZATION OF THE BANKS

SALARIES OF EMPLOYEES ON LEAVE OF ABSENCE FOR SERVICE IN THE ARMED FORCES

FEBRUARY 19, 1943.

Paragraph (a) of § 2.5 of the Rules and Regulations for the Federal Home Loan Bank System is hereby amended, effective February 22, 1943, by adding the following sentence at the end thereof:

* * * A payment of salary to a person during leave of absence by reason of service in the armed forces of the United States during the present emergency declared by the President on September 8, 1939, may not be made in an amount exceeding 25% of the annual salary received by such person at the time such leave of absence commences or $300, whichever is the lower.

(Secs. 12 and 17 of the FHLBA, 47 Stat. 735 and 736, 12 U.S.C. 1432, 1437 and Sup.; E.O. 9070, 7 F.R. 1529)

This amendment is deemed to be of a minor character within the provisions of paragraph (b) of § 8.3 of the Rules and Regulations for the Federal Home Loan Bank System.

[SEAL] JAMES TWOHY,
Governor.
HAROLD LEE,
General Counsel.
JOHN M. HAGER,
Executive Assistant,
to the Commissioner.

[F. R. Doc. 43-2903; Filed, February 22, 1943; 12:33 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess-Profits Taxes

[T.D. 5231]

PART 3—INCOME TAX UNDER THE REVENUE ACT OF 1936

PART 9—INCOME TAX UNDER THE REVENUE ACT OF 1938

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

LIFE INSURANCE CONTRACTS

Amending § 19.22 (b) (1)-1 of Regulations 103, and article 22 (b) (1)-1 of Regulations 101, 94, and 86, relating to the exclusion from gross income of amounts received under a life insurance contract paid by reason of the death of the insured.

PARAGRAPH 1. Section 19.22 (b) (1)-1 of Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.], as amended by Treasury Decision 5194, approved December 8, 1942, is further amended as follows:

(A) By striking the first five sentences and the portion of the sixth sentence preceding the colon and inserting in lieu thereof the following:

The proceeds of life insurance policies, paid by reason of the death of an insured to his estate or to a beneficiary (individual, partnership, or corporation), directly or in trust, are excluded from the gross income of the beneficiary, except in the case of a transferee for valuable consideration (other than a transferee to which the next to the last sentence of section 22 (b) (2) (A) applies or a spouse to whom such payments are income under section 22 (k). If, however, such proceeds are held by the insurer under an agreement to pay interest thereon, the interest payments must be included in gross income. In the case of a beneficiary to whom payments are made in installments pursuant to an option exercised by such beneficiary, the amount exempted is the amount payable immediately after the death of the insured had such beneficiary not elected to exercise an option to receive the proceeds of the policy or any part thereof at a later date or dates. In any mode of settlement pursuant to an agreement of the insurer with a beneficiary the portion of each distribution which is to be included in gross income shall be determined as follows:

(B) Paragraph (a) is amended by striking out the parenthetical expression therein which reads as follows: "(whether with the insured or with a beneficiary)" and inserting in lieu thereof the following: "with a beneficiary".

(C) Paragraphs (b), (c), and (d) are amended by inserting after the word "If" as it first occurs therein the following: ", pursuant to such agreement,".

(D) The final paragraph of § 19.22 (b) (1)-1 is amended by inserting after the words "If a mode of settlement" the following: "pursuant to such agreement".

PAR. 2. Article 22 (b) (1)-1 of Regulations 101 [§ 9.22 (b) (1)-1, Title 26, Code of Federal Regulations, 1939 Sup.], article 22 (b) (1)-1 of Regulations 94 [§ 3.22 (b) (1)-1, Title 26, Code of Federal Regulations], and article 22 (b) (1)-1 of Regulations 86 are each amended as follows:

(A) By striking the first five sentences and the portion of the sixth sentence preceding the colon and inserting in lieu thereof the following:

The proceeds of life insurance policies, paid by reason of the death of an insured to his estate or to a beneficiary (individual, partnership, or corporation), directly or in trust, are excluded from the gross income of the beneficiary, except in the case of a transferee for valuable consideration. If, however, such proceeds are held by the insurer under an agreement to pay interest thereon, the interest payments must be included in gross income. In the case of a beneficiary to whom payments are made in installments pursuant to an option exercised by such beneficiary, the amount exempted is the amount payable immediately after the death of the insured had such beneficiary not elected to exercise an option to receive the proceeds of the policy or any part thereof at a later date or dates. In any mode of settlement pursuant to an agreement of the insurer with a beneficiary the portion of each distribution which is to be included in gross income shall be determined as follows:

(B) Paragraph (a) is amended by striking out the parenthetical expression therein which reads as follows: "(whether with the insured or with a beneficiary)" and inserting in lieu thereof the following: "with a beneficiary."

(C) Each of the succeeding paragraphs is amended by inserting after the word "If" as it first occurs therein the following: ", pursuant to such agreement,".

(Secs. 22 (b) and 62 of the Internal Revenue Code (53 Stat. 10, 32), and secs. 22 (b) and 62 of the Revenue Acts of 1938, 1936, and 1934 (52 Stat. 457, 480, 26 U.S.C. Sup. 22 (b), 62; 49 Stat. 1657, 1673, 26 U.S.C. Sup. 22 (b), 62; 48 Stat. 686, 700, 26 U.S.C. 22 (b), 62))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: February 22, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-2936; Filed, February 23, 1943; 11:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amendment 128, 2d Ed.]

PART 691—RULES FOR CAMPS OPERATED BY THE NATIONAL SERVICE BOARD FOR RELIGIOUS OBJECTORS

MEDICAL CARE AND HOSPITALIZATION

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 691.13 by adding paragraph (d) to read as follows:

§ 691.13 *Medical care and hospitalization.* * * *

(d) If, in the opinion of the camp physician, an assignee is physically unfit to perform work of national importance, he shall submit a report to that effect to the Director of Selective Service. The Director of Selective Service may authorize further physical examination and order such assignee to report to a medical advisory board. The medical advisory board shall submit a report on each such assignee to the Director of Selective Service who, if he deems it advisable in view of such report, may order the discharge of such assignee.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

FEBRUARY 22, 1943.

[F. R. Doc. 43-2910; Filed, February 23, 1943; 10:08 a. m.]

[No. 175]

REQUEST FOR TRANSFER OF RECORD

ORDER PRESCRIBING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301–318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 64, entitled "Request for Transfer of Record," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing addition shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

FEBRUARY 22, 1943.

[F. R. Doc. 43–2911; Filed, February 23, 1943; 10:08 a. m.]

[No. 176]

NOTICE OF CALL ON STATE

ORDER PRESCRIBING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301–318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 12, entitled "Notice of Call on State," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 28, 1943.

[F. R. Doc. 43–2912; Filed, February 23, 1943; 10:08 a. m.]

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment 15]

PART 801—GENERAL REGULATIONS

PETROLEUM PRODUCTS AND TETRAETHYL LEAD

Section 801.2 *Prohibited exportation* is hereby amended in the following particulars:

In the column headed "General License Group" the group designations assigned to the commodities listed below (at every place where said commodities appear in said section) are amended to read as follows:

Commodity	Department of Commerce No.	General License Group
PETROLEUM PRODUCTS AND TETRAETHYL LEAD		
R—Other lubricating oils not conforming to O or P above:		
Light lubricating oil in small packages	5039.00	C
Lubricating oil, any other, n.e.s.	5040.98	C
S—Lubricating greases	5041.00	C
Y—Other petroleum products (except petrolatum and petrolatum jelly—See Chemicals)	5059.00	C
Z—Natural gas	5052.00	C

The above amendments shall not apply to licensed shipments of the above commodities which were on dock, on lighter, laden aboard the exporting carrier or in transit to ports of exit pursuant to actual orders for export prior to the date this regulation is published in the FEDERAL REGISTER.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 40, 8 F.R. 1938)

Dated: February 20, 1943.

A. N. ZIEGLER,
Acting Chief of Office,
Office of Exports.

[F. R. Doc. 43–2898; Filed, February 22, 1943; 11:28 a. m.]

[Amendment 16]

PART 808—PROCEDURE RELATING TO SHIPMENT OF LICENSED EXPORTS TO THE OTHER AMERICAN REPUBLICS

APPLICATION PROCEDURE

Subparagraph (5) of paragraph (e) of § 808.6 *Application procedure* is hereby amended by deleting the following from the list of commodities contained therein:

Dept. of Commerce No.	*Commodity*
8365.00	Sodium carbonate, calcined (soda ash).
8373.00	Sodium hydroxide (caustic soda).

This amendment shall become effective March 22, 1943.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 40, 8 F.R. 1938)

Dated: February 20, 1943.

A. N. ZIEGLER,
Acting Chief of Office,
Office of Exports.

[F. R. Doc. 43–2899; Filed, February 22, 1943; 11:28 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

PART 1068—CANS

[Interpretation 1 of Conservation Order M–81, as Amended Feb. 18, 1943]

The following interpretation is hereby issued by the Director General for Operations with respect to § 1068.1, *Conservation Order M–81.*

Frozen tinplate, terneplate or blackplate means only tinplate, terneplate or blackplate which, since prior to December 9, 1942, has been held in the inventory of a can manufacturer (or in the inventory of a supplier of such plate, having been produced for the account of a can manufacturer) because it had been so processed, or was of such size, gauge or grade, that it was not suitable for the manufacture of cans for which tinplate, terneplate or blackplate, are specified, without qualification, in the "Can Material" columns of the schedules attached to the said order.

Issued this 22d day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43–2891; Filed, February 22, 1943; 11:07 a. m.]

PART 1099—BEDS, SPRINGS AND MATTRESSES

[Limitation Order L–49 as amended Feb. 23, 1943]

§ 1099.1 *General Limitation Order L–49*—(a) *Definitions.* For the purposes of this order:

(1) "Bedding products" means the following: coil, flat, box and fabric bedsprings (whether or not they are integral parts of beds or other sleeping equipment); innerspring mattresses, pads and pillows; studio couches, sofa beds and lounges designed for dual sleeping and seating purposes.

(2) "Base period" means the twelve month period ending June 30, 1941.

(3) "Iron and steel used" means the aggregate weight of iron and steel contained in a finished product.

(4) "Joining hardware" means the minimum amount of iron and steel required for nails, nuts, bolts, screws, clasps, rivets and similar joining purposes.

(5) "Manufacturer" means any person who manufactures or assembles bedding products or parts made specifically for incorporation into bedding products.

(6) "Renovator" means any person who repairs used bedding products.

(b) *Restrictions on production of mattresses, pads and pillows.* (1) On and after June 8, 1942, no manufacturer shall procure or acquire any wire to be used in the production of innerspring constructions for innerspring mattresses, pads and pillows from any source whatsoever, except from the inventories of other manufacturers of such products.

[1] Form filed as part of the original document.

(2) On and after August 1, 1942, no manufacturer shall process, fabricate, work on or assemble any wire for use in the production of innerspring constructions for innerspring mattresses, pads and pillows.

(3) During the month of August 1942, no manufacturer shall use more wire in the aggregate production of innerspring mattresses, pads and pillows than 100% of the average monthly amount of wire used by him in the aggregate production of such products during the base period.

(4) On and after September 1, 1942, no manufacturer shall process, fabricate, work on or assemble any mattresses, pads and pillows containing any iron or steel, except

(i) Buttons, ventilators, handles or eyelets; or

(ii) A manufacturer may replace units contained in mattresses, pads and pillows previously sold by him if such replacement is specifically required by guarantee agreements entered into by such manufacturer.

(5) On and after August 1, 1942, no manufacturer shall procure or acquire any iron or steel to be used in the production of buttons, ventilators, handles or eyelets for mattresses, pads and pillows from any source whatsoever, except from the inventories of other manufacturers of such products.

(6) On and after September 1, 1942, no manufacturer shall process, fabricate, work on or assemble any buttons, ventilators, handles or eyelets for mattresses, pads and pillows if such buttons, ventilators, handles or eyelets contain any iron or steel.

(c) *Restrictions on production of coil, flat, box and fabric bedsprings.* (1) On and after December 1, 1942, no manufacturer shall process, fabricate, work on or assemble any coil, flat, box or fabric bedsprings containing more iron or steel other than joining hardware than the following specified amounts:

(i) Full size, 15 pounds.

(ii) Single or twin size, 9 pounds.

(2) During the period of two months beginning February 1, 1943, no manufacturer shall use more iron and steel in the aggregate production of coil, flat, box and fabric bedsprings (whether or not they are integral parts of beds or other sleeping equipment) than 2 1/12% of the iron and steel used by him in the aggregate production of coil, flat and fabric bedsprings (which were not integral parts of beds or other sleeping equipment) during the base period, plus 4 1/6% of the iron and steel used by him in the production of box bedsprings (whether or not they are integral parts of beds or other sleeping equipment) during the base period.

(3) During the period of three months beginning April 1, 1943, and during each three months period thereafter, no manufacturer shall use more iron and steel in the aggregate production of coil, flat, box and fabric bedsprings (whether or not they are integral parts of beds or other sleeping equipment) than 3 1/8% of the iron and steel used by him in the aggregate production of coil, flat and fabric bedsprings (which were not integral parts of beds or other sleeping equipment) during the base period, plus 6 1/4% of the iron and steel used by him in the production of box bedsprings (whether or not they are integral parts of beds or other sleeping equipment) during the base period.

(4) The restrictions contained in paragraphs (c) (2) and (c) (3) shall not apply to manufacturers of parts made specifically for incorporation into coil, flat, box and fabric bedsprings, but only to manufacturers of complete coil, flat, box and fabric bedsprings.

(d) *Restrictions on production of studio couches, sofa beds and lounges.* (1) On and after August 1, 1942, no manufacturer of parts made specifically for incorporation into studio couches, sofa beds and lounges designed for dual sleeping and seating purposes shall procure or acquire any iron or steel to be used in the production of such parts from any source whatsoever, except from the inventories of other manufacturers of such parts.

(2) On and after September 1, 1942, no manufacturer shall process, fabricate, work on or assemble any parts made specifically for incorporation into studio couches, sofa beds and lounges designed for dual sleeping and seating purposes if such parts contain any iron or steel, other than joining hardware.

(3) On and after November 1, 1942, no manufacturer shall process, fabricate, work on or assemble any studio couch, sofa bed or lounge designed for dual sleeping and seating purposes which contains any iron or steel other than joining hardware, except that manufacturers may, after November 1, 1942, process, fabricate, work on or assemble final fabric covers on any such studio couch, sofa bed or lounge, provided that any such studio couch, sofa bed or lounge has otherwise been completely processed, fabricated, worked on or assembled prior to November 1, 1942.

(e) *Restrictions on renovators of bedding products.* On and after September 1, 1942, no renovator shall replace any unit contained in an innerspring mattress, pad, pillow, studio couch, sofa bed or lounge with a unit which has never been used by an ultimate consumer.

(f) *Special exemptions.* The restrictions contained in this order shall not apply to the production of bedding products for the following purposes:

(1) In fulfillment of a specific order of, or contract with, the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, The Panama Canal, the Coast and Geodetic Survey, the Coast Guard, Civilian Aeronautics Authority, the National Advisory Commission for Aeronautics, Office of Scientific Research and Development and any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act); or

(2) In fulfillment of a specific order of, or contract with a hospital or sanitarium.

(g) *Inventory restrictions.* (1) The sales specified below shall be expressly permitted within the terms of paragraph (c) (3) of Priorities Regulation No. 13 (§ 944.34):

(i) Sales of wire by manufacturers of innerspring constructions for innerspring mattresses, pads and pillows, to other manufacturers of such products.

(ii) Sales of iron or steel by manufacturers of buttons, ventilators, handles or eyelets for mattresses, pads and pillows, to other manufacturers of such products.

(iii) Sales of iron or steel by manufacturers of parts made specifically for incorporation into studio couches, sofa beds and lounges designed for dual sleeping and seating purposes, to other manufacturers of such products.

(iv) Sales of wire by manufacturers of coil, flat, fabric or box bedsprings, to other manufacturers of such products.

(2) No manufacturer of bedding products shall accumulate for use in the manufacture of such products inventories of raw materials, semiprocessed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of bedding products at the rates permitted by this order.

(h) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(i) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(j) *Reports.* Each manufacturer to whom this order applies shall file with the War Production Board such reports and questionnaires as said board shall from time to time request.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(l) *Appeal.* Any appeal from the provisions of this order must be made on Form PD-500 and must be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(m) *Applicability of other orders.* Insofar as any other order issued, or to be issued hereafter, limits or may limit the use of any material in the production of bedding products to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(n) *Communications.* All reports to be filed, and other communications concerning this order should be addressed to the War Production Board, Washington, D. C., Ref: L-49.

Issued this 23d day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

INTERPRETATION 1

Paragraph (d) (3), as amended September 19, 1942, provides that "On and after November 1, 1942, no manufacturer shall process, fabricate, work on or assemble any studio couch, sofa bed or lounge designed for dual sleeping and seating purposes which contains any iron or steel other than joining hardware, except that manufacturers may, after November 1, 1942, process, fabricate, work on or assemble final fabric covers on any such studio couch, sofa bed or lounge, provided that any such studio couch, sofa bed or lounge has otherwise been completely processed, fabricated, worked on or assembled prior to November 1, 1942."

This language is to be strictly construed. No operation other than the putting on of final fabric covers is permitted on and after November 1, 1942. Studio couches, sofa beds or lounges which are merely "sprung up" may not be padded or worked on in any way other than the assembly of final fabric covers. In connection with the assembly of final fabric covers, any work which is absolutely essential to such assembly is permitted. The assembly of hinges, decorative molding, nails, and similar items, after the final fabric cover is placed upon the studio couch, sofa bed or lounge, is also permitted. (Issued October 2, 1942.)

[F. R. Doc. 43-2918; Filed, February 23, 1943; 11:01 a. m.]

PART 3096—PAPER AND PAPERBOARD

[General Conservation Order M-241 as Amended Feb. 23, 1943 [1]]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply, for defense, for private account and for export, of various materials and facilities required in the manufacture and distribution of paper and paperboard; and the following order is deemed necessary in the public interest and to promote the national defense:

§ 3096.1 *General Conservation Order M-241*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

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

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

(2) "Produce" includes all operations connected with the production of paper and paperboard, including operations in the finishing room and packaging, but does not include processes or operations applied to paper and paperboard after the primary papermaking, such as printing, waxing, gumming, coating, bag manufacture, cup manufacture and envelope manufacture, box and container manufacture, and the fabrication of paper into paper articles.

(3) "Mill" means a congregation of pulp preparation and roll and sheet finishing equipment, paper machines and subsidiary facilities located and operated together as a single producing unit for the production of paper and paperboard.

(4) "Base period" means the six month period from October 1, 1941 through March 31, 1942.

(5) "Paper merchant" means any person regularly engaged in the business of buying and reselling paper and/or paperboard.

(c) *Restrictions on production of paper and paperboard.* (1) Unless specifically authorized by the Director General for Operations pursuant to subparagraph (5) of this paragraph (c), no person or persons shall produce paper or paperboard in any mill which has not produced paper or paperboard since August 1, 1942.

(2) Each manufacturer of paper and/or paperboard shall for each mill operated by him determine quarterly a production quota, calculated as follows:

(i) Determine, separately for each class of paper and paperboard on List A, the quantity thereof produced at such mill during the period from October 1, 1941 through March 31, 1942;

(ii) Subtract from the result for each class the quantity produced at such mill during such period of each of the grades of paper or paperboard on List B falling within such class;

(iii) Multiply the remainder for each class by percentage figure set opposite the particular class on List A;

(iv) Add together the several tonnages obtained by (iii), and divide by two.

The quantities shall be measured, to the nearest ton, in tonnage delivered from the paper machine. The method and basis for determining such tonnage shall be that method and basis followed at the particular mill in the past, or any other practicable method and basis, provided the same method and basis are used to determine both current production and production during the base period. If any machine unit of any mill was shut down during the base period for as much as 72 consecutive hours, excluding vacations and holidays, there may be added to (i) for such mill for the class of paper or paperboard principally produced on such machine unit, whatever quantity thereof could have been produced on such machine unit during the down time at the average rate of operation during the preceding month.

The Director General may from time to time by amendment change the classification and/or percentages on List A or change List B, specifying a particular date for the change to take effect. Quotas for production after any such date shall be calculated according to Lists A and B as amended, until further amended. If the effective date of any such amendment is other than the first day of a calendar quarter, the quota for the quarter within which such date falls shall be recalculated by adding together (i) the proportion of the old quota which equals the proportion of the quarter preceding such date and (ii) the proportion of the new quota which equals the proportion of the quarter following such date, including such date.

(3) No person or persons shall during the first calendar quarter of 1943 or any calendar quarter thereafter produce at any mill any quantity of paper and/or paperboard in excess of the quota for such mill for such quarter determined according to subparagraph (2) of this paragraph (c), except:

(i) To the extent and upon the conditions stated in subparagraph (4) of this paragraph (c); or

(ii) To the extent specifically authorized by the Director General for Operations pursuant to paragraph (5) (c) of this order, subject to any conditions imposed by the Director General for Operations in such authorization: and, *Provided,* That,

(i) Within such quota there may be produced at any mill any quantities of any one or several kinds of paper and/or paperboard, provided that the aggregate during any quarter does not exceed such mill's quota for that quarter; and

(ii) Regardless of and over and beyond any such quota, any person may produce at any mill, unless restricted by paragraph (c) (1) or by paragraph (e), any quantity of any kind of paper on List B.

(4) If one person owns only one mill, and such mill is equipped with only one machine unit for the manufacture of paper and/or paperboard, such person may, unless restricted by paragraph (c) (1) or by paragraph (e), produce at such mill during any calendar week any quantity of paper and/or paperboard required to occupy such machine 120 hours during such week: *Provided,* That such person shall in no other week during the same calendar quarter operate such mill in excess of 120 hours.

(5) If any person owns more than one mill, and can show that by combining or exchanging the several quotas of such mills, or parts thereof, significant quantities of critical materials will be saved, transportation reduced, labor released in areas where needed, or other materials or facilities required in the national defense conserved, he may submit to the Director General for Operations, in writing, a plan for such combination or exchange, stating the quantity and kinds of paper and/or paperboard produced at each mill involved during each month of the year from October 1, 1941 through September 30, 1942, the quantity and kinds of paper expected to be produced at each such mill during each quarter under such plan, how long he proposes to operate under such plan, his reasons for desiring to adopt such plan, and the respects wherein he conceives that such plan will accomplish the purposes mentioned. The Director General for Operations may thereupon approve, modify, or disapprove such plan or may impose upon the execution of any such plan whatever conditions he may deem appropriate to this order. Upon receipt from the Director General for Operations of approval in writing of such a plan the pro-

[1] The purpose of this amendment is to make certain changes in Lists A and B.

ponent may produce at the mills designated in such plan the quantities and kinds of paper and/or paperboard provided for in such plan, subject to any modifications or conditions imposed by the Director General for Operations in his approval. No person shall undertake or attempt to carry into effect any such plan unless and until he receives such approval.

(d) *Reserve production.* Each manufacturer of paper and/or paperboard shall reserve in the production schedule of each of his mills for the month of January, 1943, and for each calendar month thereafter, time and supplies sufficient to produce and deliver within such month, at the order of the Director General for Operations, 2% of such mill's quota for the current calendar quarter. In general this should amount to approximately 6% of each month's production. The Director General for Operations may on or before the 15th of any month, by telegram or letter, direct any manufacturer to employ such reserve to produce any kind of paper and/or paperboard usually produced at such mill, and any quantity thereof, not to exceed in the aggregate for any one month 2% of such mill's quota for the current quarter, and sell and deliver the same within the month to any person named by the Director General for Operations. The manufacturer may refuse so to produce and deliver only for the reasons specified for the refusal of rated orders in § 944.2 (b) of Priorities Regulation No. 1. If the manufacturer does not on or before the 15th of any month receive from the Director General for Operations directions as to the disposition of such reserve (or has received directions as to the disposition of a part but not of the remainder) he may employ the same (or such remainder) as he may desire, consistent with the other provisions of this order.

(e) *Restrictions on inventory.* Unless specifically authorized by the Director General, by telegram or letter, or excepted by paragraph (e) (5):

(1) No person shall knowingly deliver, and no person shall accept delivery of any quantity of newsprint, if the inventory of newsprint in the hands of the person accepting delivery is, or will by virtue of such acceptance become, either (i) in excess of two carloads or (ii), if in excess of two carloads, greater than seventy five days' supply, on the basis of either his average rate of consuming newsprint for the preceding quarter or his average rate of consuming newsprint as projected for the then current quarter;

(2) No person shall knowingly deliver to any person except a paper merchant and no person except a paper merchant shall accept delivery of, any quantity of any grade of paper or paperboard other than newsprint, if the inventory of such grade in the hands of the person accepting delivery is, or will by virtue of such acceptance become, either (i) in excess of two carloads or (ii), if in excess of two carloads greater than sixty days' supply, on the basis of either his average rate of consuming such grade of paper or paperboard for the preceding quarter or his average rate of consuming such grade of paper or paperboard as projected for the then current quarter;

(3) No person shall knowingly deliver to a paper merchant, and no paper merchant shall accept delivery of, any quantity of any grade of paper or paperboard other than newsprint, if the inventory of such grade in the hands of such paper merchant is, or will by virtue of such acceptance become, either (i) in excess of two carloads or (ii), if in excess of two carloads, greater than ninety days' supply, on the basis of either his average rate of distributing such grade of paper or paperboard for the preceding quarter or his average rate of distributing such grade of paper or paperboard as projected for the then current quarter;

(4) No person shall produce at any mill any quantity of any grade of paper or paperboard other than newsprint, if his inventory of such grade at such mill is, or will by virtue of such production become, in excess of (i) two carloads or (ii), if in excess of two carloads, greater than sixty days' supply, on the basis of either the average rate of shipment of such grade from such mill for the preceding quarter or the average rate of shipment of such grade from such mill as projected for the then current quarter.

(5) The term "grade of paper" or paperboard" refers to the classification on United States Department of Commerce (Census) Form WPB–514, as revised November 7, 1942, each caption (except those which are further broken down by following captions) representing a separate grade. If a person's gross inventory of a grade is in excess of two carloads or sixty days' supply, as above, but his inventory of a particular item within that grade is less than thirty days' supply (or, in the case of a paper merchant, less than sixty days' supply), he may accept delivery of or produce, and others may deliver to him, any quantity of such item as may be required to provide him with thirty days' supply (or in the case of a paper merchant sixty days' supply). The restrictions of this paragraph (e) apply equally to paper and paperboard of foreign and domestic origin, and apply to intra company deliveries as defined in § 944.12 of Priorities Regulation No. 1. They do not, however, apply to those papers commonly reported on United States Department of Commerce (Census) Form WPB–514, as revised November 7, 1942, under the captions "Photographic and other sensitized" (07611) and "Cigarette" (08512), or to any paper or paperboard after it is printed or converted beyond waxing or coating, or to inventories held by or for any agency or government referred to in § 944.1 (b) (1) and (2) of Priorities Regulation No. 1, or by or for the United States Government Printing Office.

(f) *Miscellaneous provisions*—(1) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(2) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(3) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(4) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(5) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(6) *Communications.* All communications concerning this order shall unless otherwise directed, be addressed to, War Production Board, Pulp and Paper Division, Washington, D. C. Ref.: M–241.

Issued this 23d day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

LIST A

NOTE: The items "Container board", "Folding box board, etc.", "Set-up box boards, etc.", and "Special industrial boards" deleted Feb. 23, 1943.

Column 1 lists general classes of paper and paperboard by names common in the trade. Each class includes all the grades of paper or paperboard reported on United States Department of Commerce (Census) Forms OPM–514 (for the last quarter of 1941) and WPB–514 (for the first quarter of 1942) by the code numbers, respectively as indicated, set out under the name. In the calculation of a mill's quota there should first be determined the whole quantity of each class produced at the mill during the base period, then subtracted from the result for each class the quantity produced at the mill during the base period of any kind of paper or paperboard on List B falling within such class, then the remainder multiplied by the percentage in column 2, and the several results added and the total divided by two. (See (c) (2) of Order M–241, as amended.)

Class of paper or paperboard	*Percentage*
Newsprint	90
OPM–514—0100 to 0103, incl.	
WPB–514—01000 to 01300, incl.	
Groundwood papers	80
OPM–514—0200 to 0207, incl.	
WPB–514—02000 to 02900, incl.	
Book papers	80
OPM–514—0300 to 0340, incl.	
WPB–514—03000 to 03590, incl.	
Writings	90
OPM–514—0350 to 0375, incl., 0980 to 0983, incl.	
WPB–514—04000 to 08009, incl.	
Wrapping paper (including imitation vegetable parchment, but not including glassine, greaseproof and genuine vegetable parchment)	85
OPM–514—0400 to 0494, incl. (except 0440, 0450 for glassine, and 0460 for genuine vegetable parchment) and 0800	
WPB–514—09000 to 10900, incl. (except 09600, 09700 for glassine, and 09800 for genuine vegetable parchment) and 19000	

Class of paper or paperboard	*Percentage*
Glassine, greaseproof and genuine vegetable parchment	100
OPM–514—0440, 0450 (glassine only) and 0460 (genuine vegetable parchment only)	
WPB–514—09600, 09700 (glassine only) and 09800 (genuine vegetable parchment only)	
Tissue paper	100
OPM–514—0500 to 0516, incl.	
WPB–514—11000 to 11900, incl. and 12100 to 12990, incl.	
Absorbent papers	80
OPM–514—0600 to 0607, incl.	
WPB–514—13000 to 13990, incl.	
Cardboard	80
OPM–514—0970 to 0974, incl.	
WPB–514—54000 to 54900, incl.	

LIST B

NOTE: Item "Container board, from waste" deleted; "Container board", "Folding box board, etc.", "Set-up box boards, etc.", and "Special industrial boards", added, Feb. 23, 1943.

Column 1 lists the grades of paper and paperboard which may in general be manufactured without restriction. (See (c) (3) of Order M–241, as amended). The general class within which each falls, according to the classification on List A, is indicated in Column 2. In the calculation of a mill's quota, the amount produced during the base period of each kind of paper and paperboard listed in column 1 is to be subtracted from the total quantity of the corresponding class in column 2 produced during the base period. (See (c) (2) (ii) of Order M–241, as amended). The kinds of paper and paperboard listed in column 1 are further identified by the numbers in parentheses following each, being the code numbers for each on United States Department of Commerce (Census) Forms OPM–514 (for the last quarter of 1941) and WPB–514 (for the first quarter of 1942), respectively as indicated.

Column 1	Column 2 (Corresponding general class on List A)
(Unrestricted)	
Absorbent for Resin Impregnating and Plastics (OPM–514: 0607) (WPB–514: 13910, 13990)	Absorbent Papers
Absorbent for Vulcanized Fibre (OPM–514: 0605) (WPB–514: 13500)	Absorbent Papers
Building Boards (OPM–514: 1010 to 1013 incl.) (WPB–514: 58000 to 58900 incl.)	Not Listed in A
Building Papers (OPM–514: 0700 to 0704 incl.) (WPB–514: 14000 to 14900 incl.)	Not Listed in A
Carbonizing Paper (less than 24 x 36, 480, 18#) (OPM–514: 0504) (WPB–514: 12130)	Tissue Papers
Cigarette Paper (less than 24 x 36, 480, 18#) (OPM–514: 0502) (WPB–514: 12110)	Tissue Papers
Condenser Paper (less than 24 x 36, 480, 18#) (OPM–514: 0503) (WPB–514: 12120)	Tissue Papers
Container Board OPM–514—0901 to 0930, incl. WPB–514—51000 to 51900, incl.	Not listed in A
Currency Paper (not separately identified on census forms)	Writing Papers
Folding box board, etc. OPM–514—0940 to 0943, incl. WPB–514—52000 to 52990, incl.	Not listed in A
Photographic Paper (not separately identified on census forms)	Writing Papers
Sanitary napkin and wadding stock (OPM–514: 0510, 0516) (WPB–514: 11100)	Tissue Papers
Set-up box boards, etc. OPM–514—0950 to 0953, incl. WPB–514—53000 to 53990, incl.	Not listed in A
Special industrial boards OPM–514—0960, 0990, 1000, 1020. WPB–514—55000 to 57000, incl. 59000 to 59900, incl.	Not listed in A
Stencil and Lens Paper (less than 24 x 36, 480, 18#) (OPM–514: 0505) (WPB–514: 12190)	Tissue Papers

[F. R. Doc. 43–2917; Filed, February 23, 1943; 11:01 a. m.]

PART 3189—FURNITURE

[General Limitation Order L–260]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel and other critical materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3189.1 *General Limitation Order L–260*—(a) *Definitions.* For the purposes of this order:

(1) "Furniture" means all items commonly classified as furniture and including all items contained on Schedule A attached to this order, as amended from time to time. It shall not include items listed on Schedule B attached to this order, as amended from time to time.

(2) "Essential metal parts" means nails, brads, tacks, screws, bolts, nuts, hanger bolts, rivets, staples, washers and burrs, button molds, hinges (except hinge mechanisms for sofa beds) catches, strapping, top fasteners, drawer clips, shelf supports, domes and glides, bed fasteners, bed packing hooks, corrugated fasteners, table locks, table cleats, mirror clips, angle braces, caps for leg tops of folding chairs, expansion shells, operating hardware for venetian blinds and venetian blind center supports for head rails and tilt rails.

(3) "Non-essential metal parts" means any hardware or parts containing any metal specifically intended for incorporation into furniture other than essential metal parts.

(4) "Metal parts manufacturer" means any person engaged in the business of manufacturing or assembling hardware or metal parts specifically intended for incorporation into furniture, whether or not he also manufactures furniture.

(5) "Furniture manufacturer" means any person engaged in the business of manufacturing or assembling furniture, whether or not he also manufactures metal parts for furniture.

(6) "Pattern" means any piece of furniture having its own identification mark and selling price, except that for the purposes of this order, two or more pieces of furniture identical in every respect other than color, finishing materials, fabric, leather, or other outer covering or cover but having the same selling price shall be considered to be one pattern. Two or more pieces of furniture identical in every respect other than in their method of joining or their content of essential metal parts, shall be considered to be one pattern, whether or not they have the same selling prices. Two or more pieces of furniture identical in every respect but cut in different woods or veneers or containing different trims other than handles, shall be considered two or more patterns regardless of whether they carry identical identification marks and selling prices. Similarly, a suite of furniture of two or more different pieces shall constitute two or more patterns.

(7) "Preferred order" means any order, contract, or subcontract placed by or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(8) "Cost value" means cost computed in accordance with the method of accounting consistently used by a furniture manufacturer for bookkeeping and financial statement purposes.

(9) "Pattern base period" means the month of September, 1941.

(10) "Metal parts base period" means the calendar year 1941, except that in the case of a furniture manufacturer whose fiscal year did not end on December 31, 1941, it means his fiscal year ending at any time between June 1, 1941 and May 31, 1942, inclusive.

(11) "Consume" when applied to essential metal parts means to use such parts in the production or packing of furniture or to supply such parts with furniture shipped in knock-down form.

(b) *Restrictions on production and acquisition of non-essential metal parts.* (1) On and after March 1, 1943, no metal parts manufacturer shall accept delivery of any iron or steel intended for the fabrication of non-essential metal parts.

(2) On and after March 26, 1943, no metal parts manufacturer shall process, fabricate, work on or assemble any non-essential metal parts.

(3) On and after April 12, 1943, no furniture manufacturer shall accept delivery of any non-essential metal parts.

(c) *Restrictions on essential metal parts.* (1) During the period beginning February 23, 1943 and ending June 30, 1943, no furniture manufacturer shall consume in the production of furniture (other than for preferred orders) essential metal parts having a total cost value of more than 25% of the total cost value of essential metal parts consumed by him in the production of furniture during his metal parts base period (other than for preferred orders).

(2) During the three months period beginning July 1, 1943, and during each three months period thereafter, no furniture manufacturer shall consume in the production of furniture (other than for preferred orders) essential metal parts having a total cost value of more than 12½% of the total cost value of essential metal parts consumed by him in the production of furniture during his metal parts base period (other than for preferred orders).

(3) The restrictions contained in paragraphs (c) (1) and (c) (2) of this order shall not apply to venetian blinds.

(4) On and after June 1, 1943, no furniture manufacturer shall consume in the production of venetian blinds more essential metal parts than 9 ounces per blind plus 2 ounces per blind for venetion blinds measuring 45" or more in width.

(d) *Restrictions on patterns.* (1) On and after July 1, 1943, no furniture manufacturer shall process, fabricate, work on, assemble or offer for sale more patterns than 35% of the total number of patterns offered for sale by him during the pattern base period, or 24 patterns, whichever is greater.

(2) On and after March 15, 1943, no furniture manufacturer shall process, fabricate, work on, assemble or offer for sale any pattern which had not been offered for sale by him prior to that date.

(3) The restrictions contained in this paragraph (d) shall not apply to venetian blinds.

(e) *Preferred order exemption.* The restrictions contained in this order shall not apply to preferred orders.

(f) *Special authorization exemption.* The Director General for Operations may grant specific authorizations to furniture manufacturers for relief from the provisions of paragraphs (b), (3), (d) (1), and (d) (2) of this order.

(g) *Reports.* (1) All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(2) On or before February 27, 1943, each furniture manufacturer shall file with the War Production Board a report on Form PD-798, stating the cost value of essential metal parts consumed by him during the metal parts base period and the number of patterns offered for sale by him during the pattern base period.

(h) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(i) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(l) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(m) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the Director of Priorities, the Director of Industry Operations or the Director General for Operations limits the use of any material in the production of wood furniture to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(n) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington, D. C., Ref: L-260.

Issued this 23d day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

SCHEDULE A

Venetian blinds.
Barber and beauty shop furniture.
Store display equipment and show cases.
Frames to be used in the production of furniture.

SCHEDULE B

Metal office furniture and equipment as covered by Limitation Order L-13-a, as amended.
Metal household furniture as defined in Limitation Order L-62, as amended.
Bedding products as defined in Limitation Order L-49, as amended.
Hospital, medical, dental and related equipment as covered by List A of Conservation Order M-126, as amended.
Refrigerators.
Wooden lockers for offices and factories.
Wooden shelving.
Wooden factory and industrial equipment.
Furniture specifically designed for use in offices.
Wooden filing cabinets.
Baby cribs, high chairs, toilet chairs, toilet seats, and bathinettes.

[F. R. Doc. 43-2919; Filed, February 23, 1943; 11:01 a. m.]

PART 3207—INDUSTRIAL TYPE INSTRUMENTS, CONTROL VALVES AND REGULATORS: SIMPLIFICATION

[Limitation Order L-272]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export of industrial type instruments, control valves, and regulators, and of critical materials entering into the production thereof, and the following order and the schedules issued pursuant hereto are deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3207.1 *Limitation Order L-272*—(a) *Definitions.* For the purpose of this order and any schedule issued pursuant hereto:

(1) "Producer" means any person who manufactures for sale control valves, regulators or any industrial type instrument as said products may be determined and defined in any schedule issued pursuant to this order.

(2) "Manufacture" means to put into production by performing or causing the performance of the first operation of machining, altering, processing or assembling material, by physical or chemical means, for the fabrication, assembly or production of control valves, regulators, or any industrial type instrument.

(3) "Repair part" means any component part of any control valve, regulator or industrial type instrument, as said products may be determined and defined in any schedule issued pursuant to this order, which is designed and produced to replace an identical part when such replacement is essential to the repair of any control valve, regulator or industrial type instrument.

(b) *Limitations.* (1) The Director General for Operations may from time to time issue schedules to this order establishing simplified practices with respect to the types, sizes, forms, specifications, composition, or other qualifications for control valves, regulators, and industrial type instruments; and on and after the date of issuance of any such schedule no producer shall manufacture any control valve, regulator or industrial type instrument to which such schedule relates which does not conform to the types, sizes and other specifications contained and prescribed in such schedule.

(2) No person shall sell or make delivery, and no person shall knowingly

purchase or accept delivery of any control valve, regulator or industrial type instrument manufactured in violation of the terms of this order or any schedule issued pursuant hereto.

(c) *Exemptions.* (1) The provisions of this order and any schedule issued pursuant hereto shall not apply to the manufacture, sale, purchase or delivery of:

(i) Any control valve, regulator or industrial type instrument manufactured to fill a purchase order placed prior to the date of issuance of any applicable schedule, except to the extent specified in such schedule, or

(ii) Any repair parts.

(2) Where the provisions of this order or any schedule issued pursuant hereto conflict or are inconsistent with the provisions of Limitation Order L–134, the less restrictive provisions of either shall control to the extent of such conflict or inconsistency.

(d) *Applicability of regulations.* This order and any schedule issued pursuant hereto are subject to all applicable provisions of the regulations of the War Production Board.

(e) *Records.* All persons affected by this order or any schedule issued pursuant hereto shall keep and preserve for not less than two (2) years accurate and complete records concerning the manufacture, sale and delivery of control valves, regulators and industrial type instruments.

(f) *Reports.* All persons affected by this order or any schedule issued pursuant hereto shall file such reports as may be required from time to time by the War Production Board.

(g) *Appeals.* Any appeal from the provisions of this order or any schedule issued pursuant hereto shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(h) *Violations.* Any person who wilfully violates any provision of this order or any schedule issued pursuant hereto, or who in connection with this order or any such schedule, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control, and may be deprived of priorities assistance.

(i) *Communications.* All reports required to be filed hereunder, appeals and other communications concerning this order, or any schedule issued pursuant hereto, should be addressed to: War Production Board, Radio and Radar Division, Washington, D. C., Ref.: L–272.

Issued this 22d day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43–2892; Filed, February 22, 1943; 11:07 a. m.]

PART 3207 — INDUSTRIAL TYPE INSTRUMENTS, CONTROL VALVES AND REGULATORS: SIMPLIFICATION

[Schedule I to Limitation Order L–272]

CONTROL VALVES

§ 3207.2 *Schedule I to Limitation Order L–272*—(a) *Definition.* "Control valve" means any globe type valve, the inner portion of which is automatically positioned by pneumatic or hydraulic motive power, and which is produced and designed for use with any industrial type instrument, and shall include any body assembly thereof irrespective of the use to which such body assembly may be applied; exclusive, however, of control valves manufactured for use on watercraft other than pleasure craft.

(b) *Specifications.* (1) Screwed, union and flanged ends for bronze, iron and steel body control valves shall be manufactured only as follows:

(a) Screwed ends up to and including 2-inch sizes for primary pressure rating of 600-lb. American Standards Association and lower.

(b) Flanged ends, 2-inch size and above.

(c) Union ends shall be eliminated.

(2) Flanged body control valves shall be manufactured only with flanged facings and for primary pressure ratings as follows:

(a) Cast steel control valve bodies:

300-lb. American Standards Association.
600-lb. American Standards Association.
900-lb. American Standards Association.
1500-lb. American Standards Association.

End flange faces shall be either American Standards Association large male face; American Standards Association octagonal ring joint groove; or American Petroleum Institute octagonal ring joint groove, providing the groove is cut in the basic flange thickness in the 300-lb. pressure class.

(b) Cast iron control valve bodies:

125-lb. American Standards Association.
250-lb. American Standards Association.

(c) Bronze control valve bodies:

150-lb. Manufacturers Standardization Society—SP2.
300-lb. Manufacturers Standardization Society—SP2.

(3) Reduced area trim in balanced type control valves shall be furnished only where safety considerations require such construction.

(4) The following sizes of control valves shall be eliminated:

3¾ inch—4½ inch—5 inch—7 inch.

(5) Materials for control valve bodies shall be limited to bronze, cast iron, cast carbon steel or forged carbon steel; except that carbon molybdenum steel may be used in the 600-lb., 900-lb. and 1500-lb. American Standards Association primary pressure classes, or for operating temperatures exceeding 1000 degrees Fahrenheit or below minus 50 degrees Fahrenheit.[1]

[1] See paragraph (c) (2) of Limitation Order L–272.

(6) Producer's standard forms of the following classes shall be manufactured only:

Parabolic.
V-port.
Quick-opening.

(This limitation does not restrict the manufacture of butterfly, angle or needle type valves).

(7) Inner valves and seat rings for control valves shall be manufactured from the following materials only:

(a) Carbon steel.

(b) Stainless steel of chromium content not to exceed eighteen percent and nickel content not to exceed eight percent.[1]

(c) Bronze or brass.

Issued this 22d day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43–2893; Filed, February 22, 1943; 11:07 a. m.]

PART 3207—INDUSTRIAL TYPE INSTRUMENTS, CONTROL VALVES AND REGULATORS; SIMPLIFICATION

[Schedule II to Limitation Order L–272]

LIQUID LEVEL CONTROLLERS

§ 3207.3 *Schedule II to Limitation Order L–272*—(a) *Definition.* "Liquid level controller" means any float cage, external ball float or displacement type instrument normally used for the control of liquid level in industrial type processes; exclusive, however, of liquid level controllers, manufactured for use on watercraft other than pleasure craft.

(b) *Specifications.* Liquid level controllers shall be furnished only with 1 inch, 1½ inch or 2 inch National Pipe Thread screwed equalizing connections at producer's opinion for each size produced.

Issued this 22d day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43–2894; Filed, February 22, 1943; 11:07 a. m.]

PART 3207—INDUSTRIAL TYPE INSTRUMENTS, CONTROL VALVES AND REGULATORS; SIMPLIFICATION

[Schedule III to Limitation Order L–272]

PYROMETERS AND RESISTANCE THERMOMETERS

§ 3207.4 *Schedule III to Limitation Order L–272*—(a) *Definitions.* (1) "Pyrometer" includes millivoltmeter and potentiometer pyrometers and means any galvanometer type or null current automatically balanced type of potential measuring instrument which measures thermocouple voltage, is calibrated in degrees temperature, and has a scale length of not less than 4½ inches; exclusive, however, of precision type pyrometers manufactured and designed for laboratory use, or for use on watercraft other than pleasure craft.

(2) "Resistance thermometer" means any galvanometer type or null current

automatically balanced type resistance measuring instrument which measures variations in resistance, is calibrated in degrees temperature, and has a scale length of not less than 4½ inches; exclusive, however, of precision type resistance thermometers manufactured and designed for laboratory use, or for use on watercraft other than pleasure craft.

(b) *Operation of Schedule III.* The exemption provisions of paragraph (c) (1) (i) of Limitation Order L–272 shall not apply to this schedule.

(c) *Specifications.* (1) The following features, attachments and devices shall be eliminated:

(i) Special scale designs.

(ii) Special size cases and special finishes.

(iii) Cases having special design external wiring or conduit connection, either as to type or location of connections.

(iv) Internally mounted, manually operated thermocouple selector switches.

(v) External protection cases.

(vi) Special attachments or housing to adapt to explosion resistant service.

(vii) Special nameplates.

(viii) Legend plates.

(ix) Locks on control setters.

(x) Handles on non-portable instruments.

(xi) Connecting lugs with thermocouple leads for pyrometers having an internal resistance of one hundred ohms and above.

(2) Only one size chart for each style or type (strip or round) shall be furnished, size to be at producer's option.

(3) No scale or chart illumination (external or internal) shall be furnished except where same is a part of producer's standard manufacturing practice.

(4) No instrument lock and keys shall be furnished except where same are a part of producer's standard manufacturing design and practice.

Issued this 22d day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43–2895; Filed, February 22, 1943; 11:07 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[RPS 88,[1] Amendment 74]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1340.159 (c) (3), subdivision (xii) is amended to read as set forth below:

§ 1340.159. *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(c) *Specific prices.* * * *

(3) *Distillate fuel oils.* * * *

(xii) *New York City, New York, Metropolitan Area.* (*a*) Within the corporate limits of New York City, New York, maximum prices for kerosene, No. 1 fuel oil and range oil, also known as stove oil, shall be as follows:

	Cents per gallon
F. o. b. terminals in bulk lots for delivery by barge	6.7
F. o. b. terminals in bulk lots for delivery by tank car or motor transport	6.8
At the seller's yard for delivery into buyer's tank wagons in the Boroughs of Manhattan, the Bronx, Brooklyn, Richmond and Queens	7.2
Tank wagon deliveries to resellers in quantities of 25 gallons or over	9.2
Tank wagon deliveries to consumers in quantities of 25 gallons or over	9.7
Tank wagon deliveries in quantities of less than 25 gallons and truck deliveries in containers in quantities of less than 25 gallons	12.2

(*b*) Within the Counties of Westchester, Nassau and Suffolk, in the State of New York the maximum prices for kerosene, No. 1 fuel oil, range oil, also known as stove oil, and Nos. 2, 3 and 4 fuel oil at the seller's yard for delivery into the buyer's tank wagons shall be .1 of a cent per gallon above the maximum prices thereof determined under the provisions of this price schedule which would otherwise be applicable.

(*c*) Within the corporate limits of New York City, New York the maximum price for Nos. 2, 3 and 4 fuel oil at the seller's yard for delivery into the buyer's tank wagons shall be 7.1 cents per gallon.

* * * * *

§ 1340.158a *Effective dates of amendments.* * * *

(vvv) Amendment No. 74 (§§ 1340.159 (c) (3) (xii)) to Revised Price Schedule No. 88 shall become effective February 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–2870; Filed, February 22, 1943; 10:43 a. m.]

PART 1345—COKE

[RPS 77,[1] Amendment 5]

BEEHIVE OVEN FURNACE COKE PRODUCED IN PENNSYLVANIA

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new paragraph, (c), is added to § 1345.51, as set forth below:

§ 1345.51 *Maximum delivered prices for beehive oven furnace coke produced in Pennsylvania.* * * *

(c) There may be added to the maximum prices herein established for beehive oven furnace coke produced in Pennsylvania an amount not in excess of $0.04 per net ton to the extent that a tax is incurred by the seller of such coke on the transportation of coal under Section 620 of the Revenue Act of 1942, if the seller separately states the amount of the tax in the sale to his purchaser.

This Amendment No. 5 to Revised Price Schedule No. 77 shall become effective as of February 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of February, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–2871; Filed, February 22, 1943; 10:41 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 114,[1] Amendment 6]

WOODPULP

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1347.232 (a) (2) is amended, and an item is added to the table in § 1347.232 (b) (1), to read as follows:

§ 1347.232 *Appendix A: Maximum prices for woodpulp.* (a) * * *

(2) Maximum prices for delivery to consumer mills west of the Continental Divide, including the city of Denver, Colorado, shall be $6.00 per short air dry ton less than the maximum prices set forth in subparagraph (1) of this paragraph; except that, where woodpulp is produced east of the Continental Divide, excluding the city of Denver, Colorado, and is allocated by the War Production Board to consumer mills west of the Continental Divide, including the city of Denver, Colorado, the maximum prices for such deliveries shall be the same as those set forth in subparagraph (1) of this paragraph.

* * * * *

(b) * * *

(1) * * *

	Producing area			
	North-east	Lake Central	South-ern	West coast
*	*	*	*	*
Bleached soda	$60.00	$60.00	$58.00	-------
*	*	*	*	*

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1107, 1371, 1798, 1799, 2132, 2304, 2352, 2634, 2945, 3482, 3524, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5988, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478, 9130, 9134, 9335, 9425, 9460, 9620, 9817, 9820, 10684, 11069, 11112, 11075, 3116, 3166, 3552, 8586, 8701, 8741, 8829, 8938, 8948; 8 F.R. 157, 232, 233, 857, 1227, 1200, 1457, 1312, 1318, 1642, 1799, 2023, 2105, 2119, 2152.

[1] 7 F.R. 1352, 2000, 2132, 2760, 6386, 8948; 8 F.R. 1313.

[1] 7 F.R. 2843, 3576, 5059, 5564, 8997, 8948; 8 F.R. 321.

This amendment shall become effective this 27th day of February 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2873; Filed, February 22, 1943; 10:41 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPERS AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[Correction to MPR 307]

WAXED PAPERS

In § 1347.612 (a) (3) the reference to "1347.621" is corrected to read "1347.620".

In § 1347.601, paragraphs (a) and (b), and § 1347.612 (a) (1) are corrected to read as set forth below:

§ 1347.601 * * * .

(a) No person shall sell, deliver, or transfer any waxed papers at higher prices than the maximum prices set forth in Appendices A, B, C, D, E, and F (§§ 1347.615, 1347.616, 1347.617, 1347.618, 1347.619, 1347.620 respectively), and no manufacturer shall sell, deliver, or transfer any waxed papers at higher prices than the maximum prices set forth in Appendix G (§ 1347.621) of this Maximum Price Regulation No. 307.

(b) No person shall buy or receive any such waxed papers in the course of trade or business at higher prices than the maximum prices set forth in Appendices A, B, C, D, E, and F (§§ 1347.615, 1347.616, 1347.617, 1347.618, 1347.619, 1347.620, respectively) and no person shall buy or receive from a manufacturer any such waxed papers in the course of trade or business at higher prices than the maximum prices set forth in Appendix G (§ 1347.621) of this maximum price regulation.

§ 1347.612 * * * (a) * * *

(1) "Manufacturer" includes any person who manufactures or converts waxed papers, and includes the agents and representatives of such person. The manufacturer's maximum prices are applicable to all sellers of waxed papers set forth in §§ 1347.615 to 1347.620 inclusive.

* * * * *

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2872; Filed, February 22, 1943; 10:41 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 270,[1] Amendment 1]

DRY EDIBLE BEANS, SALES EXCEPT AT WHOLESALE AND RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1351.1214 is amended to read as follows:

§ 1351.1214 *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states of the United States, and the District of Columbia.

This amendment shall become effective February 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2875; Filed, February 22, 1943; 10:42 a. m.]

PART 1351—FOODS AND FOOD PRODUCTS

[RPS 51[1] as Amended Feb. 22, 1943]

COCOA BEANS AND COCOA BUTTER

Sections 1351.59 (b) (3) and 1351.59 (d) have been added and § 1351.61 (g) amended by Amendment 3, so that Revised Price Schedule 51 shall read as follows:

During the past few months, the prices of cocoa beans, a wholly imported commodity, and cocoa butter have increased sharply as the result of uncertainties in the shipping situation and increases in transportation and insurance costs. This has occurred despite the fact that stocks of cocoa beans are now the largest ever accumulated in this country. Since the high nutritive value of the foods processed from cocoa beans makes them of material importance to both our armed forces and our civilian population, it is essential that any inflationary price rises in this commodity be curbed. The outbreak of hostilities in the Far East on December 7, 1941, gave rise to a sharp increase in speculative activity which caused this Office to issue a temporary freezing order on December 11, 1941, limiting prices to those prevailing on December 8, 1941.

In the intervening weeks, this Office has been engaged in a thorough study of the economic and trade position of cocoa beans and cocoa butter. Due consideration has been given to prices prevailing during the period October 1 to October 15, 1941, and adjustments made for relevant factors.

Therefore, to prevent any future price spiraling and to maintain the stability recently achieved by the trade, the Office of Price Administration hereby issues a permanent Schedule for cocoa beans and cocoa butter.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

Sec.

AUTHORITY: §§ 1351.51 to 1351.62, inclusive, issued under E.O. 8734, 8875, 6 F.R. 1917, 4483; Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1351.51 *Maximum prices for cocoa beans and cocoa butter.* On and after December 11, 1941, no person shall sell, offer to sell, deliver or transfer cocoa beans or cocoa butter, and no person shall buy, offer to buy, or accept delivery of cocoa beans or cocoa butter at prices higher than the maximum prices set forth in Appendices A and B hereof incorporated herein as §§ 1351.61 and 1351.62, except that

(a) Contracts entered into prior to December 11, 1941, may be carried out at the contract prices.

(b) Contracts for cocoa beans entered into prior to February 3, 1942, but subsequent to December 11, 1941, may be carried out at prices no higher than the maximum prices established in Price Schedule No. 51, as effective prior to Amendment No. 2.

(c) Special cocoa bean agreements now or hereafter entered into with Commodity Credit Corporation (United States Department of Agriculture, 1942, C.C.C., Cocoa Bean Form No. 1) providing for a price higher than the maximum price may be carried out at the contract price.

[§ 1351.51 as amended by Amendment 2, 7 F.R. 7404]

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that the prohibition contained in any price regulation against buying or receiving any commodity or service at a price higher than the maximum price permitted by such regulation shall not apply to any war procurement agency, or government whose defense is vital to the defense of the United States.]

[NOTE: Supplementary Order No. 31 (7 F.R. 9894) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for the purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

§ 1351.52 *Export sales.* To the maximum prices for cocoa beans and cocoa butter sold for export, except to Canada, the following additions may be made:

(a) Consular fees actually incurred by the seller; and

(b) Ten percent of the prices set forth in §§ 1351.61 and 1351.62.

[§ 1351.52 as amended by Amendment 1, 7 F.R. 2633]

§ 1351.53 *Exempt sales.* Sales of less than one bag of cocoa beans and of less

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[1] 8 F.R. 1061.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1307.

than one bale of cocoa butter, and sales of cocoa butter deodorized or specially treated for pharmaceutical or cosmetic uses, shall be excepted from the operation of Revised Price Schedule No. 51.

§ 1351.54 *Less than maximum prices.* Lower prices than the maximum prices established by Revised Price Schedule No. 51 may be charged, demanded, paid, or offered.

§ 1351.55 *Evasion.* The price limitations set forth in Revised Price Schedule No. 51 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of cocoa beans or cocoa butter, or by way of premium, commission, service, transportation, or other charge, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 11, 1941, or by any other means.

§ 1351.56 *Records and reports.* (a) All sellers and all buyers who have entered into contracts prior to February 3, 1942, for the sale or delivery of cocoa beans or cocoa butter, on or after February 3, 1942, at prices higher than the maximum prices established by Revised Price Schedule No. 51, shall report all such contracts to the Office of Price Administration on or before February 25, 1942, stating (1) the name and address of the buyer and seller; (2) the actual date of the contract; (3) each and every delivery date provided for in the contract; and (4) the price, quantity, and description of the product sold.

After the buyer has received the final shipment called for by the contract he shall then report such receipt to the Office of Price Administration within two weeks thereof, certifying that the total amount received did not exceed the quantity specified in such contract.

(b) Every person making purchases or sales of cocoa beans or cocoa butter on and after February 3, 1942 shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records thereof, including the name of the purchaser, the date of the contract, the price paid or received, and the type, grade, quality, and amount sold.

(c) Every person affected by Revised Price Schedule No. 51 shall submit such report to the Office of Price Administration as it may from time to time require.

§ 1351.57. *Petitions for amendment.* Any person seeking an amendment of any provisions of this Revised Price Schedule No. 51 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[2]

[§ 1351.57 as amended by Supplementary Order 26, 7 F.R. 8948.]

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Supplementary Order No. 9 (7 F.R. 5444) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, with the exception of those on scrap, waste, and salvage materials.]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1351.58 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 51 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Price Schedule No. 51 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

[§ 1351.58 as amended by Supplementary Order 3, 7 F.R. 2132]

§ 1351.59 *Definitions.* When used in Revised Price Schedule No. 51 the term:

(a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

[Paragraph (a) as amended by Supplementary Order 12, 7 F.R. 6385]

(b) "Cost of putting cocoa beans into the warehouse" includes (1) "labor in and out" (2) warehouse storage charges for not more than thirty days and (3) cartage to the warehouse.

(c) "Cocoa beans and cocoa butter sold for export" means sales by a domestic seller directly to a foreign buyer or foreign broker.

(d) "Growth" refers to the country of origin.

[Paragraphs (b) and (d) as amended by Amendment 3]

§ 1351.60 *Effective date of Revised Price Schedule No. 51.* This Schedule (§§ 1351.51 to 1351.62, inclusive) shall become effective on December 11, 1941.

[Issued December 11, 1941.]

§ 1351.60a *Effective dates of amendments.*

Amendment Nos. and issue dates:	*Effective*
Amendment 1, 4-3-42	4- 6-42
Amendment 2, 9-17-42	9-23-42
Amendment 3, 2-22-43	2-27-43

§ 1351.61 *Appendix A: Maximum prices for cocoa beans.* (a) The maximum prices shall include all commissions and all other charges, except that:

(1) *As to ocean freight, war risk insurance and marine insurance*—(i) *On cocoa beans not eligible for the special cocoa bean agreement of the Commodity Credit Corporation and which were shipped before August 15, 1942.* Increases in the charges prevailing prior to the opening of business on December 8, 1941 for ocean freight, war risk insurance and marine insurance may be added to the maximum prices, if such charges have been actually incurred by the seller on such sale. Decreases in such charges prevailing prior to the opening of business on December 8, 1941 must be subtracted from the maximum prices.

(ii) *On cocoa beans not eligible for the special cocoa bean agreement of the Commodity Credit Corporation and which were shipped after August 15, 1942.* Increases in the charges prevailing prior to the opening of business on December 8, 1941 for ocean freight, war risk insurance and marine insurance may be added to the maximum prices, if such charges have been actually incurred by the seller on such sale: *Provided,* That the amount of the permissible addition for such charges may not exceed the difference between the war risk charges prevailing on December 8, 1941 and the prevailing war risk insurance rates offered by the War Shipping Administration at the date of shipment from the country of origin. Decreases in such charges prevailing prior to the opening of business on December 8, 1942 must be subtracted from the maximum prices.

(iii) *On cocoa beans eligible for the special cocoa bean agreement of the Commodity Credit Corporation.* Increases in the charges prevailing prior to the opening of business on December 8, 1941 for ocean freight, war risk insurance and marine insurance may not be added to the maximum prices for such cocoa beans except that increases in said charges may be added to the maximum prices in the case of sales to the War Department of the United States of America. Cocoa beans eligible for the Special Cocoa Bean Agreement of the Commodity Credit Corporation are: (*a*) Cocoa beans covered by unshipped contracts which were in force at 12:01 a. m. July 2, 1942. (*b*) Cocoa beans covered by unshipped contracts which were made between June 19 and July 2, 1942 and were in transit to a point within the continental United States at or prior to July 2, 1942.

[Paragraph (1) as amended by Amendment 2, 7 F.R. 7404]

(2) If the services of a broker or brokers are required, a commission or commissions which in the aggregate shall not exceed one percent of the selling price may be added to the maximum prices, provided such commissions have been actually paid.

(3) Where the buyer agrees to pay for cocoa beans or cocoa butter on a deferred payment basis, interest in an amount not to exceed one-half of one percent per month for not more than two months, and one-fourth of one percent per month for not more than ten months thereafter, may be charged.

[Paragraph (3) added by Amendment 1, 7 F.R. 2633]

(b) The maximum prices for cocoa beans shall be as follows:

[2] 7 F.R. 8961.

	Cents per pound ex dock New York City
F. F. Accra (main crop)	8.90
F. A. Q. Lagos	8.75
Ivory Coast (main crop)	8.90
F. A. Q. Cameroons	8.70
Fine St. Thome	9.25
Superior Bahia	8.70
Sanchez	8.55
Superior Red Summer Arriba	11.50
Superior Seasons Arriba	10.75
La Guayra Caracas	11.25
Trinidad Caracas	12.25
Trinidad Estates	13.90
Grenada Estates	13.65
Fermented Panama	9.35
Fermented Costa Rican	9.35
Haiti	8.45
Java Estates #1	20.25
Ceylon Estates	16.75
Samoan	16.25

The maximum prices for cocoa beans imported from any other country, or for grades of better or inferior quality not named, shall be determined by applying the customary trade differentials to the maximum price for the grade listed above which is most closely related in quality.

(c) The maximum prices quoted above are ex dock New York City. The maximum prices ex dock any other port of entry shall be determined by adding to or subtracting from the New York City price the difference between the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to New York City and the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to such other port of entry.

(d) For any cocoa beans sold ex warehouse, rather than ex dock New York City or any other port of entry, the cost of actually "putting the cocoa beans into the warehouse" as defined in § 1351.59 may be added by the seller who incurred the cost.

(e) The delivered price for cocoa beans shall in no case exceed the maximum prices specified above plus actual transportation charges incurred from the dock or warehouse at New York City or other port of entry to the place of destination or to the place of ship loading, if the cocoa beans are intended for export.

(f) Any person making sales of cocoa beans in lots of twenty-five bags or less may add to the maximum prices for those sales an amount which shall not exceed seven and one-half percent of his comparable selling price for lots of more than twenty-five bags.

[Paragraph (f) as amended by Amendment 1, 7 F.R. 2633]

(g) The above prices shall be the maximum prices for all transactions except for futures contracts traded on the New York Cocoa Exchange, Inc. The maximum price for cocoa beans in contracts traded on the New York Cocoa Exchange, Inc., shall be 8.86 cents per pound. The maximum prices for cocoa beans delivered pursuant to a contract traded on the New York Cocoa Exchange, Inc., shall be as follows:

(1) If the delivery is against a futures contract entered into by the seller after December 11, 1941, but prior to February 3, 1942, the maximum price for that delivery shall be no higher than the maximum price for delivery of that growth and grade of cocoa beans established in Price Schedule No. 51, § 1351.61 (b) as effective prior to February 3, 1942, to which may be added cost of putting cocoa beans into the warehouse as defined in § 1351.59 and costs incurred in repiling cocoa beans for deliveries according to the rules of the New York Cocoa Exchange, Inc.

(2) If the delivery is against a futures contract entered into by the seller after February 3, 1942, but prior to February 27, 1943, the maximum price shall be no higher than the maximum price for delivery of that growth and grade of cocoa beans established in Revised Price Schedule 51, § 1351.61 (b) as effective on February 3, 1942, to which price may be added cost of putting cocoa beans into the warehouse as defined in § 1351.59 and costs incurred in repiling cocoa beans for deliveries according to the rules of the New York Cocoa Exchange, Inc.

(3) If the delivery is against a futures contract entered into by the seller after February 26, 1943, the maximum price shall be 8.86¢ increased or decreased in accordance with all the by-laws and rules of the New York Cocoa Exchange, Inc., provided that the total price charged to the buyer may not exceed the maximum price which may have been charged for the same lot of cocoa beans as determined under this schedule for the sale and delivery of cocoa beans in a transaction other than on the New York Cocoa Exchange, Inc.

[Paragraph (g) as amended by Amendment 3]

§ 1351.62 *Appendix B: Maximum prices for cocoa butter.* (a) The maximum prices for cocoa butter in bales sold in carload lots shall be twenty-five cents per pound f. o. b. factory shipping point.

(b) The delivered price shall in no case exceed the maximum price plus actual transportation charges incurred from the factory shipping point to the place of destination or to the place of shiploading, if the cocoa butter is intended for export.

(c) The following amounts may be added to the maximum price for cocoa butter when packed in:

(1) Cartons—20 cents per one hundred pounds;

(2) Wood cases—$1.00 per one hundred pounds; and

(3) Tin lined wood cases—$1.25 per one hundred pounds.

(d) To the maximum price for cocoa butter sold in less than carload lots an amount may be added which shall not exceed the following:

(1) 11,000 pounds to carload lots—0.15 cents per pound;

(2) 2,000 pounds to 10,999 pounds—0.25 cents per pound;

(3) 1,000 pounds to 1,999 pounds—0.40 cents per pound; and

(4) 200 pounds to 999 pounds—1 cent per pound.

(e) If the services of a broker or brokers are required, a commission or commissions, which in the aggregate shall not exceed 1% of the maximum prices named in paragraph (a) of § 1351.61 may be added to such maximum prices. This addition may be made only when such commissions have been actually paid, and shall be based upon the net maximum price established by the Schedule.

[Paragraph (e) added by Amendment 2, 7 F.R. 7404]

Issued this 22d day of February, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2874; Filed, February 22, 1943; 10:40 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 275,[1] Amendment 3]

EXTRACTED HONEY

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subdivision (b) of Appendix A § 1351.1319 (c) (1) (ii) is amended to read as set forth below:

(b) *Cost increase for transportation.* The cost increase per pound for transportation shall be the difference, if any, between the figure obtained by dividing the total freight dollars paid for honey purchased during the "base period" by the total pounds of honey produced and purchased during the "base period", and the figure obtained by dividing the total freight dollars paid for honey purchased during the months of June, July and August, 1942, by the total pounds of honey produced and purchased during the months of June, July and August, 1942.

If the cost increase for transportation cannot be computed because of purchases not having been made during one or both of the above specified periods, then computations may be made on the basis of purchases made during those periods closest in point of time to the periods specified above. The periods adopted must each consist of three consecutive months and must be periods during which representative quantities were purchased. Transportation taxes which were paid shall be excluded in making the computations.

Example—(Continued) The seller's freight bill for 4,000 pounds of honey which was shipped into his plant during the base period of September, October and November, 1941, was $25.00. This total freight bill of $25.00

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9951, 10378, 10791.

must be divided by 5,000 pounds which is the total number of pounds of honey that he purchased and produced during the base period. The resulting figure is .5¢ per pound.

During June, July and August, 1942, this seller of X brand clover honey purchased and shipped in 2,000 pounds and produced 500 pounds. His freight bill for the 2,000 pounds of honey shipped in during the period of June, July, and August, 1942, totalled $15.00. This freight bill of $15.00 must be divided by 2,500 pounds. The resulting figure is .6¢.

.6¢ (freight cost in second period).
—.5¢ (freight rate cost in first period).

.1¢ per lb. (Amount allowed for increased freight cost.)

This amendment shall become effective February 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 48-2881; Filed, February 22, 1943; 10:45 a. m.]

PART 1400—TEXTILE FABRICS, COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 118,[1] Amendment 16]

COTTON PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Added: §§ 1400.118 (d) (26) (vi), 1400.118 (d) (29) (vi).

The following item is inserted in § 1400.118 (d) (8) immediately before subdivision (i) thereof:

The maximum prices established herein for ducks shall apply to such products regardless of whether they are produced in a cotton mill, woolen or worsted mill, carpet mill, plush mill, paper mill or any other type of mill: *Provided,* That contracts entered into prior to February 27, 1943, at prices in compliance with the price regulation which was applicable on the date of contract may be carried out at the contract price.

Amended: §§ 1400.101 (b); 1400.118 (d) (8) (iii) (*e*); in 1400.118 (d) (29) (b) (*e*); under the column headed "Maximum Price", Reference No. 12 is amended to read ".80", Reference No. 17 is amended to read ".15", and Reference No. 27 is amended to read ".88".

In the table in § 1400.118 (d) (8) (x) (*c*), the words "Plied yarns throughout" are amended to read "10s 4-ply yarn throughout".

The proviso in § 1400.104 (c) is amended to read "*Provided,* That the maximum prices established herein for producers shall apply to sales and deliveries by any person to a converter or finisher."

In the first sentence of § 1400.118 (b), the designation "§ 1400.101 (b) and (d)" is amended to read "§ 1400.101 (b) (2)".

In the first sentence of § 1400.118 (d) (22) (ii) the designation "§ 1400.101" is amended to read "§ 1400.101 (b) (2)".

Section 1400.118 (d) (23) (ii) (*b*) is amended by striking therefrom the portion beginning "On or before the 10th day of November, 1942", and ending with "the use to which the goods are to be put by the purchaser".

Revoked: §§ 1400.101 (c), 1400.101 (d), 1400.118 (e), and footnotes [3] and [4] under § 1400.101 (b).

§ 1400.101 *Maximum prices for cotton products.* * * *

(b) Except as otherwise provided herein, maximum prices shall be determined as follows:

(1) If the cotton product falls within one of the fabric groups enumerated in § 1400.118 (d):

(i) The maximum price shall be the price set forth therein for the particular cotton product: *Provided,* That any price established for the product of a particular producer shall apply only to that producer; or

(ii) If the maximum price for the particular cotton product cannot be determined under (i) above, the maximum price shall be a price in line with [5] the maximum price of the most nearly comparable cotton product which is specifically priced and is made by the same producer. A report (see subparagraph (4) below) is required when any product is priced under this subdivision (ii).

(iii) If the maximum price for the particular cotton product cannot be determined under (i) or (ii) above, the maximum price shall be a price authorized by the Office of Price Administration, Washington, D. C. In requesting authorization of a price under this subdivision (iii), the producer must submit to the Textile, Leather and Apparel Division, Office of Price Administration, Washington, D. C., on Form No. 648:151[5a] all of the applicable information called for by that Form. The producer must also submit a full explanation of the necessity that exists for producing the cotton product for which a price is requested. It is not permissible to sell or deliver any cotton product which is to be priced under this subdivision until after the price is authorized, except as is permitted by paragraph (e) of this section.

(2) If the cotton product does not fall within one of the fabric groups enumerated in § 1400.118 (d):

(i) If the particular cotton product is one which the seller contracted to sell or listed for sale at a specific price during the base period, the maximum price shall be the weighted average price of such seller for such cotton product during the base period to a purchaser of the same general class, or, if the seller has no weighted average price (as defined herein) for the base period to such a purchaser, the maximum price shall be his weighted average price to purchasers of the most nearly comparable class, appropriately adjusted to compensate for his normal differential between prices charged purchasers of the respective classes. As used herein, the term "weighted average price" means (*a*) the average of prices agreed upon in connection with contracts of sale, weighted in accordance with the quantity sold at each price, or (*b*) if no contracts of sale were made, the average of the list prices in effect, weighted in accordance with the number of business days each list price was in effect. The maximum prices established by this subdivision for any cotton product may be increased by five cents per pound of cotton or flax noil contained in the cotton product after weaving and before any finishing or fabrication.

(ii) If the particular cotton product is one which the particular seller did not sell or list for sale at a specific price during the base period, the maximum price shall be a price in line [5] with the maximum price for the most nearly comparable cotton product made by the same seller and priced under subdivision (i) above. A report (see subparagraph (4) below) is required when any product is priced under this subdivision (ii).

(iii) If the cotton product is one which the particular seller did not sell or list for sale at a specific price during the base period, and one for which the particular seller cannot determine a price under subdivision (ii) above, the maximum price shall be a price authorized by the Office of Price Administration, Washington, D. C. In requesting authorization of a price under this subdivision (iii), the producer must submit to the Textile, Leather and Apparel Division, Office of Price Administration, Washington, D. C., on Form No. 648:151 [5a] all of the applicable information called for by that form. The producer must also submit a full explanation of the reasons why the product cannot be priced under the other provisions of this paragraph and a full statement of the necessity that exists for producing the cotton product for which a maximum price is requested. It is not permissible to sell or deliver any cotton product which is to be priced under this subdivision until after the price is authorized, except as is permitted by paragraph (e).

(3) All maximum prices properly determined under §§ 1400.101 (b) (2), (b) (3), (b) (4) and 1400.118 (e) (as said sections were in effect prior to February 27, 1943) which have been properly reported to the Office of Price Administration shall continue to be effective.

(4) If the maximum price for a cotton product is determined in accord-

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3038, 3211, 3522, 3578, 3824, 3905, 4405, 5224, 5405, 5567, 5836, 6055, 6484, 7451, 8217, 8941, 9002, 8948, 9969; 8 F.R. 274.

[5] As used herein, the term "in line with" means (1) based upon and having a justifiable relationship to, and (2) appropriately increased or decreased to take account of differences in construction (such as yarn numbers, number of ends, number of picks, weave, etc.) and such other material factors as, in sound cost determinations, are considered to have a direct bearing on the cost of production of the respective cotton products.

[5a] Copies of Form No. 648:151 may be secured from the Washington Office or from any Regional Office of the Office of Price Administration.

ance with subparagraph (1) (ii) or (2) (ii), of this paragraph, the seller, upon making his first sale, contract of sale or delivery based upon such price, shall file with the Textile, Leather and Apparel Division, Office of Price Administration, Washington, D. C., a report on Form No. 648:151,[5a] giving all of the applicable information called for by that Form.

* * * * *

§ 1400.118 *Specific and formula maximum prices for certain cotton products: construction reports.* * * *

(d) * * *

(8) *Ducks (in the grey).* * * *

(iii) *Single-filling ounce duck (flat duck).* * * *

(*e*) *Sales of gem ducks by wholesalers and jobbers.* Notwithstanding the provisions of § 1400.104 (a), the maximum prices for sales of gem ducks by persons other than manufacturers shall be:

	Cents per yard
8 oz	21.34
9 oz	24.25

These maximum prices are net prices and may be increased by an appropriate division factor for the purpose of granting customary credit or discount terms. Actual freight from mill to destination (not to exceed $1.00 per cwt.) shall be allowed by the seller. These prices apply to goods 30" to 31" in width, inclusive. For other widths, the pro rata basis set forth in (*b*) above, shall be used.

These maximum prices shall also apply, in lieu of those established in (*b*) above, to sales and deliveries of 8 oz. and 9 oz. gem ducks (in the grey), by the Shoe Fabrics Division of Pepperell Manufacturing Company, 160 State Street, Boston, Massachusetts, to shoe manufacturers.

* * * * *

(26) *Terry products.* * * *

(vi) *Maximum prices for sales of name-woven institutional towels by wholesalers and jobbers.* This subdivision applies to all sales of name-woven institutional towels by persons other than producers.

The maximum price for any sale of name-woven institutional towels by persons other than producers shall be the maximum price determined in accordance with the General Maximum Price Regulation, adjusted as follows:

(*a*) If the maximum price determined under the General Maximum Price Regulation is based on an offering price for delivery during March 1942, of the same or a similar commodity, no adjustment shall be made.

(*b*) If the maximum price determined under the General Maximum Price Regulation is based on a delivery made during March 1942, of the same or a similar commodity, the seller shall determine the actual cost to him of the commodity delivered in March and the replacement cost under this regulation. He shall then adjust his maximum price computed under the General Maximum Price Regulation by the difference (in dollars and cents) between the actual cost of the commodity delivered in March 1942, and the replacement cost thereof: *Provided,* That if such adjustment results in a maximum price which is less than 107½ percent of replacement cost, then the maximum price shall be 107½ percent of replacement cost. As used herein the term "actual cost" means the net price actually paid after deducting all discounts allowed by the producer. The term "replacement cost" means the net maximum price permitted to producers by this regulation at the time a particular sale is made by a person other than a producer.

* * * * *

(29) *Duck and crash towels and corded napkins.* * * *

(vi) *Maximum prices for sales of name-woven institutional towels by wholesalers and jobbers.* This subdivision applies to all sales of name-woven institutional towels by persons other than producers.

The maximum price for any sale of name-woven institutional towels by persons other than producers shall be the maximum price determined in accordance with the General Maximum Price Regulation, adjusted as follows:

(*a*) If the maximum price determined under the General Maximum Price Regulation is based on an offering price for delivery during March 1942, of the same or a similar commodity, no adjustment shall be made.

(*b*) If the maximum price determined under the General Maximum Price Regulation is based on a delivery made during March 1942, of the same or a similar commodity, the seller shall determine the actual cost to him of the commodity delivered in March and the replacement cost under this regulation. He shall then adjust his maximum price computed under the General Maximum Price Regulation by the difference (in dollars and cents) between the actual cost of the commodity delivered in March 1942, and the replacement cost thereof: *Provided,* That if such adjustment results in a maximum price which is less than 107½ percent of replacement cost, then the maximum price shall be 107½ percent of replacement cost. As used herein the term "actual cost" means the net price actually paid after deducting all discounts allowed by the producer. The term "replacement cost" means the net maximum price permitted to producers by this regulation at the time a particular sale is made by a person other than a producer.

* * * * *

§ 1400.117 *Effective dates of amendments.* * * *

(p) Amendment No. 16 to Maximum Price Regulation No. 118 shall become effective as follows:

(1) As of November 1, 1942, with respect to § 1400.118 (d) (29) (v) (*e*) Reference Nos. 12, 17, and 27.

(2) As of February 27, 1943, with respect to §§ 1400.101 (b), (c), and (d), 1400.104 (c), and 1400.118 (b), 1400.118 (d) (8), (d) (8) (iii) (*e*), (d) (8) (x) (*c*), (d) (22) (ii), (d) (23) (ii) (*b*), (d) (26) (vi), (d) (29) (vi), 1400.118 (e), and footnotes[5] and[4] in 1400.101 (b).

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of February, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2882; Filed, February 22, 1943; 10:43 a. m.]

PART 1412—SOLVENTS

[MPR 28]

ETHYL ALCOHOL (EXCLUDING WEST COAST ETHYL ALCOHOL)

The preamble and the title are amended, and §§ 1335.150 to 1335.161, inclusive, are amended, renumbered and redesignated as set forth below:

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 28 is hereby issued.

SEC.

AUTHORITY: §§ 1412.251 to 1412.263, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1412.251 *Prohibition against sales of ethyl alcohol above maximum prices.* (a) On and after February 27, 1943, regardless of any contract, agreement, lease or other obligation:

(1) No person shall sell, deliver, or transfer ethyl alcohol in quantities of fifty gallons or more at higher prices than the maximum prices set forth in this regulation.

(2) No person shall buy or receive ethyl alcohol in quantities of fifty gallons or more in the course of trade or business at higher prices than the maximum prices set forth in this regulation.

(3) No person shall agree, offer, solicit or attempt to do any of the foregoing.

(b) Nothing in this regulation, or in the General Maximum Price Regula-

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8961.

tion,[2] shall apply to sales of ethyl alcohol by the Defense Supplies Corporation to the United States or any agency thereof, or to the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States," or any agency of any such Government, or to any person who will use such ethyl alcohol purchased by him to fulfill a contract with the United States or any agency thereof, or with any such Government or any agency of any such Government, or a subcontract under any such contract.

§ 1412.252 *Applicability of other regulations.* (a) The provisions of this regulation supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of ethyl alcohol for which maximum prices are established by this Regulation.

(b) The provisions of this regulation, however, do not apply to sales and deliveries of west coast ethyl alcohol for which maximum prices are established by Maximum Price Regulation No. 295.[3]

(c) The provisions of this regulation do not apply to sales and deliveries of anti-freeze for which maximum prices are established by Maximum Price Regulatiton No. 170.[4]

(d) On and after February 27, 1943, the provisions of this regulation supersede the provisions of Revised Price Schedule No. 28,[5] except that orders issued under Revised Price Schedule No. 28 shall continue in effect according to their terms.

§ 1412.253 *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid, or offered.

§ 1412.254 *Export sales.* The maximum price at which a person may export ethyl alcohol shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation,[6] issued by the Office of Price Administration.

§ 1412.255 *Adjustable pricing.* It is permissible under this regulation to provide in a contract that the price shall be adjustable to a price not higher than the maximum price in effect at the time of delivery. In appropriate situations where a petition for amendment requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1412.256 *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

§ 1412.257 *Evasion.* The price limitations set forth in this regulation shall not be evaded either by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to ethyl alcohol, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement, or other trade understanding, or by transactions with or through the agency of subsidiaries or affiliates or otherwise.

§ 1412.258 *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

§ 1412.259 *Records and reports.* (a) Every person making sales or purchases of ethyl alcohol for which maximum prices are established by this regulation, after February 26, 1943, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price contracted for or received, the quantity of each type and grade of such ethyl alcohol purchased or sold, and the type of container in which such ethyl alcohol was purchased or sold.

(b) Such persons shall submit such reports to the Office of Price Administration and shall keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

§ 1412.260 *Definitions.* (a) When used in this regulation, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(2) "Manufacturer" means a person operating a factory, plant, or distillery which manufactures or produces ethyl alcohol and includes any agent of such manufacturer.

(3) "Ethyl alcohol" means ethyl alcohol, whether undenatured (including pure) or denatured, of 188 proof or higher produced in an industrial alcohol plant for sales to any person or produced in any other type of plant for sales to the United States or any agency thereof.

(4) "Gallon" means a wine gallon of 231 cubic inches, unless the context otherwise requires.

(5) "Premium grade pure ethyl alcohol" means ethyl alcohol of acidity as acetic acid not exceeding 0.0014 gms. per 100 cc, containing non-volatile material not over 0.0025 gms. per 100 cc, having no foreign odor in either dilute or concentrated form, and testing not less than 40 minutes permanganate time determined by the following method: A glass stoppered cylinder is thoroughly cleaned, rinsed with distilled water and then with the alcohol to be tested. If the cylinder has been previously used in this test, it should be cleaned with strong hydrochloric acid to remove the oxides of manganese formed in testing previous samples. A 50 cc portion of the alcohol to be tested is introduced, the cylinder and contents cooled to approximately 15° Centigrade, and 2 cc of freshly prepared potassium permanganate solution containing 0.2 gm. per liter is added by means of a pipette, the exact time being noted. The contents are mixed at once by inverting the stoppered cylinder, which is then placed out of bright light and kept at 15° to 16° C until the test is finished. The number of minutes required for the complete disappearance of the pink color is the permanganate time of the alcohol.

(b) Unless the context otherwise requires, the definitions set forth in Section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

§ 1412.261 *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states of the United States and the District of Columbia.

§ 1412.262 *Effective dates.* This Maximum Price Regulation No. 28 shall become effective February 27, 1943: *Provided,* That Revised Price Schedule No. 28 shall remain in effect until this Maximum Price Regulation No. 28 becomes effective February 27, 1943.

§ 1412.263 *Appendix A: Maximum prices for ethyl alcohol.* The following maximum prices are established, f. o. b. manufacturer's production point, for sales by manufacturers in quantities of fifty gallons or more of ethyl alcohol produced in any state of the United States and the District of Columbia except California, Oregon and Washington. The maximum prices are per wine gallon of ethyl alcohol of 188–191.6 proof, except where otherwise specified:

(a) *Heavy tonnage formulae*—(1) *Sales in tank cars or tank trucks.*

	Fermentation ethyl alcohol	Synthetic ethyl alcohol
CD12	$0.50	$0.28
CD13	.50	.28
CD14	.50	.28
SD1	.50	.275
SD2B	.48	.245
SD3A	.48	.26
SD12A	.475	.25
SD23A	.49	.28
SD23G	.53	.31
SD23H	.495	.28
Proprietary name solvent	.51	.29

(2) *Sales other than in tank cars or tank trucks.* For sales other than in tank cars or tank trucks, the following amounts per gallon may be added to

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317.

[3] 7 F.R. 11115; 8 F.R. 129.

[4] 7 F.R. 4763, 5717, 8948; 8 F.R. 1232, 1813.

[5] 7 F.R. 1257, 1836, 2000, 2132, 3775, 7401, 7402, 8948.

[6] 7 F.R. 5059, 7242, 8829, 9000, 10530.

the maximum prices established in subparagraph (1) of this paragraph:

Container	C. L.	L. C. L.	
		Over 950 gallons	50-950 gallons
Drums (50-55 gallons)	$0.07	$0.09	$0.12
Half drums (25-35 gallons)	.09	.11	.14
Barrels (50-55 gallons)	.12	.14	.17
Half barrels (25-35 gallons)	.18	.20	.23
5 gallon containers	.17	.19	.22
Containers of less than 5 gallons	.22	.24	.27

For sales in intermediate size containers not listed above, there may be added the per gallon differential for the next larger size container of the same general type, plus or minus the per gallon difference in cost between the container being used and the next larger size container.

(b) *Undenatured ethyl alcohol and other formulae of denatured ethyl alcohol.*—(1) *Sales in tank cars or tank trucks.*— (i) *Undenatured (including pure) ethyl alcohol.*

Undenatured (including pure) fermentation ethyl alcohol	$0.48
Undenatured (including pure) synthetic ethyl alcohol	.245

For premium grade pure ethyl alcohol, add $.02 per gallon to above prices.

(ii) *Other formulae.* The maximum price per gallon for denatured ethyl alcohol of a formula not listed in paragraph (a) above shall be a price determined as follows:

To the maximum tank car price for 100 gallons of SD2B ethyl alcohol ($48.00 in the case of fermentation ethyl alcohol and $24.50 in the case of synthetic ethyl alcohol), add 115% of the net cost of the denaturants added to 100 gallons of undenatured ethyl alcohol to prepare the formula being priced; divide this total by the number of gallons of denatured ethyl alcohol thus obtained; round the figure so obtained to the nearest half cent, and add one cent. The resulting figure is the maximum tank car or tank truck price per gallon of the formula of denatured ethyl alcohol being priced.

"Net cost of the denaturants" means the delivered cost to the manufacturer of the denaturants actually used. Such "net cost" shall be determined in accordance with the accounting procedures in use by the manufacturer on September 30, 1942, for computing costs of material used, and shall not exceed the maximum delivered price to such manufacturer for such denaturants as established by any applicable regulation issued by the Office of Price Administration.

(2) *Sales other than in tank cars or tank trucks.* For sales other than in tank cars or tank trucks, the following amounts per gallon may be added to the maximum prices established in subparagraph (1) of this paragraph:

Container	C. L.	L. C. L.	
		Over 950 gallons	50-950 gallons
Drums	$0.07	$0.105	$0.135
Half drums	.09	.125	.155
Barrels	.12	.155	.185
Half barrels	.18	.215	.245
5 gallon metal container	.20	.235	.265
Other 5 gallon container	.40	.435	.465
1 gallon	.60	.635	.665

For sales in other size containers not listed above, there may be added the per gallon differential for the next larger size container of the same general type, plus or minus the per gallon difference in cost between the container being used and the next larger size container.

(c) *Undenatured and denatured ethyl alcohol of proof higher than 191.6.* For sales of undenatured (including pure) ethyl alcohol of higher than 191.6 proof and formulae of denatured ethyl alcohol based on ethyl alcohol of higher than 191.6 proof the following amounts per gallon may be added to the maximum prices established in paragraphs (a) and (b) above:

	Fermentation ethyl alcohol	Synthetic ethyl alcohol
Over 191.6 and less than 199.5 proof	$0.01	$0.01
199.5-200 proof	.05	.03

(d) *Containers.* No extra charge may be made for containers. The seller may, however, require the buyer to return a container, but where he does so the maximum price for the contents of any such container as established by paragraphs (a), (b) and (c) above shall be decreased by an amount equal to the maximum price established by the applicable regulation of the Office of Price Administration for a used container of the same kind in good condition, f. o. b. buyer's plant. Where a seller requires the return of a container, he may charge a reasonable deposit for the return of such container. The deposit must be repaid to the buyer upon his return of the container in good condition within a reasonable time. Transportation costs with respect to the return of empty containers to the seller shall in all cases be borne by the seller.

(e) *Tax paid ethyl alcohol.* The amount of any tax paid under the provisions of section 2800 of the Internal Revenue Code by the seller thereof with respect to any alcohol for which maximum prices are established by paragraphs (a), (b), (c) and (d) above, less the amount of any drawback received by such seller with respect to such ethyl alcohol under the provisions of section 2800 of the Internal Revenue Code, may be added by such seller to the maximum prices established by paragraphs (a), (b), (c) and (d) above for such ethyl alcohol.

(f) *Credit charges.* The maximum prices established by this regulation shall not be increased by any charges for the extension of credit.

(g) *Denatured ethyl alcohol sold on a toll basis.* Where denatured ethyl alcohol, made with denaturants furnished by the buyer, is sold by a manufacturer, the buyer shall pay the freight on the denaturants to the denaturing plant, and the manufacturer may charge for every gallon of undenatured ethyl alcohol supplied the maximum prices established in this regulation for undenatured ethyl alcohol of the same type and proof sold in the same quantity in identical containers and, in addition, 1½¢ per gallon of denatured ethyl alcohol thus produced.

(h) *Ethyl alcohol produced in converted alcoholic beverage distilleries.* (1) Until and including December 31, 1943, the maximum prices for the sale to the United States or any agency thereof of ethyl alcohol of 188 proof or higher produced in a converted alcoholic beverage distillery having a capacity of less than 15,000 gallons per day and which prior to July 1, 1942 did not sell ethyl alcohol of 188 proof or higher exclusively, shall be the maximum prices set forth in paragraphs (a) to (d) of this section, or the maximum prices computed pursuant to the following formula:

Maximum price per gallon f. o. b. works shall be the sum of the following cost items per gallon, less the recovered value of dried feed, fusel oil and the like, plus $0.04:

(i) Direct materials.

(ii) Direct labor.

(iii) Miscellaneous direct production charges.

(iv) Indirect production expenses.

(v) Miscellaneous direct expenses.

(vi) General expenses, not in excess of three cents per gallon.

(2) Maximum prices computed pursuant to the formula contained in subparagraph (1) of this paragraph shall be determined for the ethyl alcohol produced during each calendar quarterly three month period. For the period after a converted beverage distillery starts production of ethyl alcohol of 188 proof or higher, and until the end of the first calendar quarterly period thereafter which includes at least two full months, such maximum prices may be computed on the basis of estimated cost items. The prices for each succeeding calendar quarterly three month period, however, shall be computed on the basis of the actual cost items for the preceding period.

(3) Reports of all prices computed pursuant to the formula contained in subparagraph (1) of this paragraph shall be submitted to the Office of Price Administration, Washington, D. C. on a form to be obtained from that Office upon written request. The report for the first period after a converted alcoholic beverage distillery starts production of ethyl alcohol of 188 proof or higher for which maximum prices are computed pursuant to such formula shall be submitted within twenty days after the first sale of such

ethyl alcohol by such producer, and shall show the prices he proposes to charge and the estimated cost items upon which such prices are based. Within twenty days after the end of the first period, and within twenty days after the end of each succeeding period, there shall be submitted a report on such form. Such maximum prices shall be subject to disapproval in writing at any time by the Office of Price Administration, and if a maximum price reported by a producer pursuant to this paragraph is revised downward by the Office of Price Administration, and if any payment has been made at the reported price, the producer may be required to refund the excess.

(4) Maximum prices determined under § 1335.159 (e) of Revised Price Schedule No. 28 shall continue in effect until the end of the period for which such prices were determined. Where a converted alcoholic beverage distillery has previously determined maximum prices under § 1335.159 (e) of Revised Price Schedule No. 28, the maximum price for such converted alcoholic beverage distillery for the first period for which a maximum price is determined under this paragraph (h) shall be based upon the actual costs for the period preceding the period for which a maximum price is determined hereunder, and not upon estimated costs.

Issued this 22d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2883; Filed, February 22, 1943; 10:45 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 331]

SOYBEANS

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for sales of soybeans.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. So far as practicable the Administrator has advised and consulted with members of the industry which will be affected by this regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration after consultation with and with the concurrence of the Secretary of Agriculture, this Maximum Price Regulation No. 331 is hereby issued.

*Copies maye be obtained from the Office of Price Administration.

AUTHORITY: §§ 1439.201 to 1439.215, inclusive issued under Public Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1439.201 *Prohibition against sales of soybeans above maximum prices.* On and after the effective date of this regulation regardless of any contract or other obligation, no person subject to this regulation in the course of trade or business shall buy or receive soybeans at a price higher than the maximum prices permitted by this regulation and no person subject to this regulation shall agree, offer, solicit or attempt to do any of the foregoing: *Provided,* That the provisions of this regulation shall not apply to sales or deliveries of soybeans otherwise covered by this regulation if prior to the effective date of this regulation such soybeans have been sold to a buyer and have been received by a carrier other than a carrier owned or controlled by the seller for shipment to such buyer. But any resales of such last mentioned soybeans which are so in transit at the effective date of this regulation shall be subject to this regulation.

§ 1439.202 *Sales at lower than maximum prices.* Lower prices than the maximum prices set forth in this regulation may be charged, demanded, paid or offered.

§ 1439.203 *Applicability.* The provisions of this regulation shall apply only to raw and unprocessed soybeans of the 1942 or any previous crop which are sold for any purpose other than as seed for planting in 1943.

§ 1439.204 *Sales by a producer or any person selling to a country elevator.* The maximum price that a producer selling to anyone, or that any person (other than a trucker) selling to a country elevator, is permitted to charge in a sale of soybeans is $1.66 per bushel for class I (yellow) grades No. 1 and 2 and class II (green) grades No. 1 and 2. For all other classes and grades of soybeans the maximum price per bushel that a producer selling to anyone, or that any person (other than a trucker) selling to a country elevator is permitted to charge shall be figured by subtracting the processing value discounts currently prevailing for such classes and grades from said maximum price of $1.66 per bushel.

§ 1439.205 *Sales by a country elevator operator.* The maximum price that a country elevator operator is permitted to charge in a sale of soybeans shall be figured by adding a markup of 4¼ cents per bushel to the highest price which could be paid a producer for a like class and grade under the above section. To this maximum price may be added actual transportation charges, where furnished by the country elevator operator, from such country elevator to the buyer's receiving point.

§ 1439.206 *Sales by a trucker.* The maximum price that a trucker is permitted to charge in a sale of soybeans shall be one cent per bushel over the maximum price that may be charged by a producer for a like class and grade plus the lowest common carrier rate for the transportation of such soybeans by the trucker or, if no such rate exists, a reasonable charge for such transportation.

A sales ticket or bill of sale or other evidence indicating the point of origin of the soybeans and the quantity secured at the point of origin in question, shall be furnished by the trucker to the buyer in establishing the mileage for calculating the total transportation charge.

§ 1439.207 *Sales by a terminal elevator operator, commission merchant or any other seller.* The maximum price that a terminal elevator operator, commission merchant or any other seller not mentioned heretofore is permitted to charge in a sale of soybeans shall be determined by adding a markup of one cent per bushel to the maximum price that could be charged by a country elevator for a like class and grade, plus, actual transportation charges where furnished by the seller and an additional one cent per bushel for warehouse charges when incurred by the seller. Irrespective of the number of sellers of the class specified in this section who may have handled any particular lot of soybeans, neither of the two markups of one cent per bushel permitted by this section may be included more than once in figuring the maximum price.

§ 1439.208 *Transportation by seller.* Except as provided in § 1439.206, where a country or terminal elevator operator or other seller owns or controls the means of transportation and is expressly permitted to charge the cost of transportation when furnished by him as part of his maximum price under the above sections he may add a reasonable charge for such transportation.

§ 1439.209 *Addition of freight tax.* In adding transportation charges under the above sections the seller may add and include as a part of such transportation charges the 3 per cent transportation tax, when paid, as provided for under Section 620 of the Revenue Act of 1942.[1]

§ 1439.210 *Maximum price for export sales.* The maximum price at which any person subject to this regulation may export any soybeans covered by this regulation shall be determined in accordance with Revised Maximum Export Regulation issued by the Office of Price Administration.

§ 1439.211 *Maximum prices shall not be increased for any special charges.* Except as otherwise provided herein the maximum prices hereinbefore specified shall not be increased by any other charges whatsoever including but not limited to duties, brokerages, or commissions, storage, insurance, carrying or handling charges or charges for the extension of credit.

§ 1439.212 *Definitions.* The definitions set forth in the General Maximum Price Regulation shall apply to this regulation except as follows:

"Country elevator operator" and "Terminal elevator operator (which latter

[1] Supplementary Order No. 31, entitled, Tax on Transportation of Property Imposed by Revenue Act of 1942, shall not apply to this Maximum Price Regulation, 7 F.R. 9894; 8 F.R. 1312.

shall include subterminal elevator operator)" and "Commission merchant" shall have the meanings ascribed to them in the feed and grain industry.

"Producer" means a person who grows or raises soybeans, whether land owner, landlord or tenant.

Soybeans—grades and classes refer to the grades and classes set forth in the Handbook of Official Grain Standards of the United States issued by the U. S. Department of Agriculture.

"Trucker" means a person who purchases soybeans at the farm and delivers them to a buyer by truck without warehousing.

§ 1439.213 *Records and reports.* (a) Every seller subject to this regulation shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, his customary records including, if any, all bills, invoices and other documents relating to every sale or delivery of soybeans after the effective date of this regulation.

(b) Upon demand every such seller shall submit such records to the Office of Price Administration and keep such further records as the Office of Price Administration may from time to time require.

§ 1439.214 *Evasion.* The maximum prices set forth in this regulation shall not be evaded in any manner whatsoever in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to soybeans alone, or in conjunction with any other charge, discount, premium or privilege, or by tying agreement or other trade understanding, or by changing a previous business practice.

§ 1439.215 *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension provisions and suits for treble damages provided for in the Emergency Price Control Act of 1942, as amended.

This regulation shall become effective February 27, 1943.

Issued this 22d day of February 1943.

PRENTISS M. BROWN,
Administrator.

Approved:

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-2884; Filed, February 22, 1943; 10:41 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Correction of Amendment 99[1] to Supp. Reg. 14 to GMPR]

FRUIT WINES, BERRY WINES AND GRAPE WINES (OTHER THAN CALIFORNIA GRAPE WINES)

A statement of the considerations involved in the issuance of this correction has been issued simultaneously herewith and filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1383.

In Table I, § 1499.73 (a) (61) (ii), the cents per bottle permitted increase for wines in Group DD in the one-half gallon container size is corrected to read 4 instead of 3, and in the one gallon container size is corrected to read 8 instead of 6.

This correction shall become effective February 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2867; Filed, February 22, 1943; 10:42 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 116 to Supp. Reg. 14[1] to GMPR[2]]

SALES OF VIRGIN ALUMINUM INGOT BY METALS RESERVE COMPANY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

A new subparagraph (72) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

* * * * *

(72) *Sales of virgin aluminum ingot by Metals Reserve Company.* On and after February 1, 1943, Metals Reserve Company's maximum base price for virgin aluminum ingot 99.3% pure shall be 15 cents per pound, regardless of the fact that individual shipments of such ingot may consist wholly or partially of material containing more or less than 99.3% aluminum: *Provided,* That all of such ingot delivered by Metals Reserve Company to any single buyer during any calendar month shall have a minimum average analysis of 99.3% aluminum.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7536, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9391, 9495, 9496, 9639, 9786, 9900, 9901, 10069, 10111, 10022, 10151, 10231, 10294, 10346, 10381, 10480, 10583, 10537, 10705, 10557, 10583, 10865, 11005; 8 F.R. 276, 439, 535, 494, 589, 863, 980, 1030, 876, 878, 1139, 1590, 1030, 1121, 1142, 1279, 1383, 1589, 1455, 1460, 1633, 1467, 1813, 1894, 1978, 2041, 1895, 2035.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317.

This amendment shall become effective February 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2866; Filed, February 22, 1943; 10:40 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 294 Under § 1499.3 (b) of GMPR]

COLLEGE INN FOOD PRODUCTS CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1730 *Authorization of maximum prices for sales of "College Inn Chili Dinner" in 9½ ounce packages by College Inn Food Products Company, 4301 South Ashland Avenue, Chicago, Illinois, by wholesalers and by retailers.* (a) On and after February 23, 1943, the maximum price for sales by College Inn Food Products Company, 4301 South Ashland Avenue, Chicago, Illinois, for College Inn Chili Dinners shall be:

$1.26 per dozen 9½ ounce packages.

This price shall include prepaid freight to purchasers' stations.

(b) Wholesale grocers shall determine their maximum delivered selling prices of "College Inn Chili Dinner" by adding to their net cost of each item a mark-up of 20% of such net cost. The maximum delivered prices so determined shall not exceed $1.51 per dozen 9½ ounce packages.

Where a maximum price per dozen determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per dozen shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the wholesaler may increase his maximum price per dozen to the next higher cent.

Net cost for a wholesale grocer as mentioned in this paragraph shall be his invoice price for the first delivery of "College Inn Chili Dinner" delivered in a customary quantity for this type of item by the customary mode of transportation to his customary receiving point, less all discounts allowed him, except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

(c) Sellers at retail shall determine their maximum selling prices of "College Inn Chili Dinner" by adding to their net cost of each item a mark-up of 33⅓% of such net cost. The maximum prices so determined shall not exceed 17 cents per 9½ ounce package.

Where a maximum price per package determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per package shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the retailer may increase his maximum price per package to the next higher cent.

Net cost for a retailer as mentioned in this paragraph shall be his invoice price for the first delivery of "College Inn Chili Dinner" delivered to his customary receiving point in a customary quantity of this type of item by a customary mode of transportation and from a customary source of supply, less all discounts allowed him except the discount for prompt payment. No charge or cost for unloading or local trucking shall ever be included.

(d) No seller, except a seller at retail, shall change his customary discounts, allowances and price differentials applying to comparable items of "College Inn Chili Dinner" in making sales of "College Inn Chili Dinner" unless such change in these customary discounts, allowances and price differentials results in lower selling prices.

(e) On and after February 23, 1943, College Inn Food Products Company, 4301 South Ashland Avenue, Chicago, Illinois, shall supply written notification to each wholesaler before or at the time of first delivery of "College Inn Chili Dinner" and for a period of three months thereafter shall include with each shipping unit of the "College Inn Chili Dinner" a written notification to retailers. If such retailer notification is inclosed in a shipment unit, a legend shall be affixed outside of such unit to read "Retailer's Notice Enclosed." The written notification for each type of purchaser shall include the following appropriate statements:

Notification from College Inn Food Products Company, to Wholesalers

The OPA has authorized us to charge wholesalers the following price per dozen packages of "College Inn Chili Dinner", subject to all customary allowances, and discounts:

$1.26 per dozen 9½ ounce packages

Wholesalers are authorized to establish a ceiling price for each item by adding to the net cost of the item 20% of such net cost, provided that the ceiling prices so determined shall not exceed $1.51 per dozen 9½ ounce packages. Net cost is the invoice cost of the first delivery of a customary supply at the customary receiving point, less all discounts, other than for prompt payment, and excluding charges for local hauling. Retailers shall establish a ceiling price by adding to their net cost 33⅓% of such net cost. Each individual ceiling price determined by any seller shall be figured to the nearest cent (raise one-half cent fractions to the next even cent). A copy of a notification to retailers is included in every shipping unit of these items. If the initial sale of one of these items to any retailer is a split case sale, wholesalers are required to provide such retailer with a copy of the retail notification so enclosed. OPA requires that you keep this notice for examination.

Notification From College Inn Food Products Company to Retailers

The OPA authorizes retailers to establish ceiling prices for "College Inn Chili Dinner" by adding to the net cost of each item 33⅓% of such net cost, provided that the ceiling prices so determined shall not exceed 17 cents per 9½ ounce package. Net cost is the invoice cost of the first delivery of a customary supply at the customary receiving point, less all discounts, other than for prompt payment, and excluding charges for local hauling. Such ceiling prices shall be figured to the nearest cent (raise one-half cent fractions to the next even cent). OPA requires that you keep this notice for examination.

(f) This Order No. 294 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 294 (§ 1499.1730) shall become effective February 23, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2863; Filed, February 22, 1943; 10:43 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 295 Under § 1499.3 (b) of GMPR]

SCOVILL MANUFACTURING COMPANY

Approval of maximum prices for steel washers for use on M-1 helmet liners.

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, and § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.1731 *Authorization to Scovill Manufacturing Company for sale of certain steel washers.* (a) On and after the effective date of this Order No. 295, Scovill Manufacturing Company, of Waterbury, Connecticut, is authorized to sell and deliver and offer to sell and deliver their No. 16777½ steel washers for use on M-1 helmet liners at prices not to exceed those set forth in paragraph (b) hereof, and any person may buy and receive or offer to buy and receive such washers at such prices from Scoville Manufacturing Company.

(b) Maximum prices, per thousand, f. o. b. factory: Zinc plated, $0.70; olive drab enamel finish, $1.95.

(c) This Order No. 295 may be revoked or amended at any time by the Office of Price Administration.

(d) This Order No. 295 shall become effective February 23, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2864; Filed, February 22, 1943; 10:42 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 296 Under § 1499.3 (b) of GMPR]

U. S. INDUSTRIAL CHEMICALS, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1732 *Approval of maximum prices for sales of Sterno*—(a) *Sales by U. S. Industrial Chemicals, Inc. to S. Sternau and Co., Inc.* The maximum prices for sales of Sterno by the U. S. Industrial Chemicals, Inc. to S. Sternau and Co., Inc. shall be the prices set forth below, f. o. b. production point:

	Per oz.
Item 4000, glass jar containing 24.5 oz	$.007061
Item 4013, glass jar containing 13.47 oz	.0094
Cubes in glass jars containing 8.607 oz	.013996

(b) *Sales by S. Sternau and Co., Inc.*—(1) *Sales in eastern territory.* The maximum prices for sales of regular Sterno in eastern territory by S. Sternau and Co., Inc. shall be the prices set forth below, f. o. b. S. Sternau and Co., Inc. eastern territory shipping point:

Item 4000, glass jars containing 24.5 oz.

	Per dozen
Sales in quantities of one gross or more	$5.50
Sales in quantities of less than one gross	7.00

Item 4013, glass jars containing 13.47 oz.

	Per dozen
Sales in quantities of two gross or more	$3.65
Sales in quantities of less than two gross	4.30

(2) *Sales in western territory.* The maximum prices for sales of regular Sterno in western territory by S. Sternau and Co., Inc. shall be the prices set forth below, f. o. b. S. Sternau and Co., Inc. western territory shipping point:

Item 4000, glass jars containing 24.5 oz.

	Per dozen
Sales in qantities of one gross or more	$7.20
Sales in quantities of less than one gross	8.73

Item 4013, glass jars containing 13.47 oz.

	Per dozen
Sales in quantities of two gross or more	$4.80
Sales in quantities of less than two gross	5.73

(3) *Sales of cubes.* The maximum prices for sales of Sterno in cubes in glass jars containing 8.607 oz. shall be as set forth below, f. o. b. S. Sternau and Co., Inc. shipping point:

	Per dozen
Sales in quantities of 100 dozen or more	$4.00
Sales in quantities of less than 100 dozen	4.50

(c) *Sales by wholesalers.* (1) The maximum prices for sales of regular Sterno by wholesalers shall be as set forth below, f. o. b. seller's shipping point:

Item	Eastern territory	Western territory
	Per dozen	Per dozen
4000	$7.00	$8.73
4013	4.30	5.73

(2) The maximum prices for sales of Sterno in cubes in glass jars containing 8.607 oz. by wholesalers shall be $4.50 per dozen, f. o. b. seller's shipping point.

*Copies may be obtained from the Office of Price Administration.

(d) *Sales by retailers.* The maximum prices for sales of Sterno by retailers shall be as set forth below:

Item	Eastern territory	Western territory
4013	*Each* $.49	*Each* $.61

(e) *Notification by S. Sternau and Co., Inc.*—(1) *Notification to retailers.* On and after February 23, 1943, S. Sternau and Co., Inc. shall supply to each retailer before or at the time of the first delivery of Sterno Item 4013 by S. Sternau and Co., Inc. to such retailer, a written statement as follows:

The Office of Price Administration has authorized us to charge the following prices for Sterno Item 4013 in eastern territory, f. o. b. our eastern shipping point:

	Per dozen
Sales in quantities of two gross or more	$3.65
Sales in quantities of less than two gross	4.30

In western territory (including the states of Arizona, California, Idaho, Montana, Nevada, Oregon, Washington and Wyoming), we are authorized to charge the following prices for Sterno Item 4013, f. o. b. our western shipping point:

	Per dozen
Sales in quantities of two gross or more	$4.80
Sales in quantities of less than two gross	5.73

If your place of business is in western territory, including the states of Arizona, California, Idaho, Montana, Nevada, Oregon, Washington and Wyoming, your ceiling price is authorized to be $.61 per jar of Sterno Item 4013. If your place of business is in any other state, your ceiling price is authorized to be $.49 per jar for Sterno Item 4013.

The Office of Price Administration requires that you keep this notice for examination.

(2) *Notification to wholesalers.* On and after February 23, 1943, S. Sternau and Co., Inc. shall supply each wholesaler before or at the time of the first delivery by S. Sternau and Co., Inc., of Sterno Item 4013 to such wholesaler and shall include with each shipping unit of Sterno Item 4013 for a period of three months, a written notification. If such notification is enclosed in a shipping unit, a legend shall be affixed outside of such unit to read: "Retailers' Notice Enclosed." The written notification shall read as follows:

The Office of Price Administration has authorized us to charge in eastern territory $3.65 per dozen of Sterno Item 4013, f. o. b. our eastern shipping point. In western territory, including the states of Arizona, California, Idaho, Montana, Nevada, Oregon, Washington and Wyoming, we are authorized to charge for Sterno Item 4013, $4.80 per dozen f. o. b. our western shipping point. Wholesalers are authorized to establish a ceiling price for Sterno Item 4013 of $4.30 per dozen in eastern territory and $5.73 per dozen in western territory. Retailers are authorized to establish a ceiling price of $.49 per jar in eastern territory and $.61 per jar in western territory.

If the initial sale of this item to a retailer is a split-case sale, the wholesaler is required to provide such retailer with a copy of this notification.

The Office of Price Administration requires that you keep this notice for examination.

(f) *Definitions.* (1) "Eastern territory" means any state of the United States and the District of Columbia except Arizona, California, Idaho, Montana, Nevada, Oregon, Washington and Wyoming.

(2) "Western territory" means those states not included in the eastern territory.

(3) "Wholesaler" means a seller, other than S. Sternau and Co., Inc., who purchases Sterno and resells to a retailer or an industrial consumer.

(4) "Retailer" means a seller who sells to an individual ultimate consumer other than an industrial consumer.

(g) This Order No. 296 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 296 (§ 1499.1732) shall become effective February 23, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2865; Filed, February 22, 1943; 10:43 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Order 12 Under Supp. Reg. 15 to GMPR]

WRIGHT AND COBB LIGHTERAGE CO.

Amendment No. 1 to Order No. 12 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation—Docket No. GF3-2498.

An opinion accompanying this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (a) of § 1499.1312 is amended and a new paragraph, (f) is added to read as set forth below:

§ 1499.1312 *Adjustment of maximum prices for contract carrier services sold by the Wright & Cobb Lighterage Company.* (a) The Wright & Cobb Lighterage Company, 17 Battery Place, New York, N. Y., may sell and deliver lighterage services as a contract carrier, in connection with the transportation of cement within the lighterage limits of New York Harbor at prices not more than the following:

	Per bbl.
1,000 to 1,250 Bbls	$.24
1,251 to 1,500 Bbls	.22
1,501 and over	.21

* * * * *

(f) This Amendment No. 1 to Order No. 12 (§ 1499.1312) shall become effective as of January 21, 1943.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9259, 7 F.R. 7871)

Issued this 22d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2869; Filed, February 22, 1943; 10:45 a. m.]

*Copies may be obtained from the Office of Price Administration.

PART 1499—COMMODITIES AND SERVICES

[Order 27 Under Supp. Reg. 15 of GMPR]

BERRODIN TRANSPORT CO.

Order No. 27 under section 1499.75 (a) (3) of Supplementary Regulation No. 15 of the General Maximum Price Regulation—Docket No. GF3-905).

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1327 *Adjustment of maximum prices for contract carrier services sold by the Berrodin Transport Company, Inc.* (a) The Berrodin Transport Company, Inc., of 322 High Street, Akron, Ohio, may sell and deliver contract carrier services in connection with the transportation of tires, tubes, rubber products, auto parts and accessories, tire fabric and chemicals for the Firestone Tire & Rubber Company, at rates set forth in its contract with that company, dated May 4, 1942, and attached as Exhibit No. 2 to its application to this office for adjustment under the General Maximum Price Regulation.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 27 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 27 (§ 1499.1327) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 27 (§ 1499.1327) shall become effective February 23, 1943.

(Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2868; Filed, February 22, 1943; 10:44 a. m.]

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

[MPR 33, Amendment 2]

CARDED COTTON YARNS AND THE PROCESSING THEREOF

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1307.66, paragraph (a) (2) is amended and in § 1307.67 paragraph (i) is added as set forth below:

§1307.66 *Appendix A: Maximum prices for base-grade carded cotton yarns*—(a) *Terms of sale.* * * *

(2) *Credit terms.* The terms of credit applicable to sales of base-grade carded cotton yarns shall be either (i) 2%—10th proximo or (ii) 2%—30 days: *Provided,* That a seller shall employ with respect to all sales to a given purchaser only one of the above credit terms. The maximum prices for carded cotton yarns established by § 1307.67 (i) below are net prices.

* * * * *

§ 1307.67 *Appendix B: Maximum prices for greige carded cotton yarns.* * * *

(i) *Maximum prices for yarns used in the manufacture of binder twine.* The maximum prices for carded cotton yarns produced under the "Cotton for Binder Twine Program" (announced by the United States Department of Agriculture on January 25, 1943 and for which purpose cotton is sold by the Commodity Credit Corporation) shall be the applicable maximum prices for carded cotton yarns of the same number and ply determined in accordance with § 1307.66 (b) and paragraphs (b) and (c) of § 1307.67 less 7¢ per pound.

§ 1307.65a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1307.66 (a) (2) and 1307.67 (i)) shall become effective February 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 1 F.R. 7871)

Issued this 22d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2905; Filed, February 22, 1943; 4:49 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

[MPR 280,[1] Amendment 14]

ICE CREAM MIX

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new paragraph (g) is added to § 1351.803; a new paragraph (k) is added to § 1351.808; and a new subparagraph (8) is added to § 1351.816 (a), as set forth below:

§ 1351.803 *Maximum prices.* * * *

(g) The provisions of this Maximum Price Regulation No. 280 do not apply to the following milk product: "ice cream mix", the butterfat content of which is reduced to not less than 8% (by weight) included in 14% or more (by weight) of total milk solids. Maximum prices for sales of such "ice cream mix" are fixed in subparagraph (1a) of § 1499.73 (a) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. [Amendment No. 119 to Supplementary Regulation No. 14]

§ 1351.808 *Exempt sales.* This Maximum Price Regulation No. 280 shall not apply to the following:

* * * * *

(k) Milk products known as "ice cream mix", as defined in subparagraph (8) of § 1351.816 (a) below. Maximum prices for sales of such "ice cream mix" are fixed in subparagraph (1a) of § 1499.73 (a) of Supplementary Regulation No. 14 of the General Maximum Price Regulation. [Amendment No. 119 to Supplementary Regulation No. 14]

§ 1351.816 *Definitions.* (a) When used in this Maximum Price Regulation No. 280, the term:

* * * * *

(8) "Ice cream mix" means any liquid or dry unfrozen preparation (including, but not limited to, ice cream mix, ice cream powder, milk ice mix, ice milk mix, milk shake mix, and similar preparations) containing sugar and milk fat, the percentage of which is reduced to not less than 8% (by weight) included in 14% or more (by weight) of total milk solids, as defined in subparagraph (1a) of § 1499.73 (a) of Supplementary Regulation No. 14. [Amendment No. 119 to Supplementary Regulation No. 14]

This amendment to Maximum Price Regulation No. 280 shall become effective February 22, 1943 and terminate on May 23, 1943.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued this 22d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2904; Filed, February 22, 1943; 4:51 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Amendment 20 to Ration Order 12[1]]

COFFEE RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 12 is amended in the following respect:

§ 1407.1020 (b) is amended by inserting after the phrase "coffee stamp No. 27", the phrase "and, on or before March 15, 1943, coffee stamp No. 28".

This amendment shall become effective February 22, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1-R)

Issued this 22d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2906; Filed, February 22, 1943; 4:49 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 45 to GMPR[2]]

MILK PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A footnote is added to § 1499.9 (a) (3), and subparagraph (2) of § 1499.20 (p) is amended, as set forth below:

§1499.9 *Commodities excepted from this General Maximum Price Regulation.* (a) This General Maximum Price Regulation shall not apply to sales or deliveries of the following commodities.

* * * * *

(3) All milk products,[3] including butter, cheese, condensed and evaporated milk, except that fluid milk sold at wholesale and retail, cream sold at wholesale and retail, and ice cream shall be governed by this General Maximum Price Regulation.

§ 1499.20 *Definitions and explanations.* This General Maximum Price Regulation, and the terms appearing therein, unless the context otherwise requires, shall be construed as follows:

* * * * *

(p) "Sale at wholesale" means a sale by a person who buys a commodity and resells it, without substantially changing its form, to any person other than the ultimate consumer, except that * * * (2) "sold at wholesale" refers to a sale, by any person, of fluid milk or cream in bottles or paper container, ice cream mix whose butterfat content is reduced to not less than 8% included in 14% or more (by weight) of milk solids, and ice cream to any person, including an industrial or commercial user, other than the ultimate consumer.

This Amendment No. 45 to the General Maximum Price Regulation shall become effective February 22, 1943.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2908; Filed, February 22, 1943; 4:49 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 119 to Supp. Reg. 14[4] to GMPR[2]]

ICE CREAM AND ICE CREAM MIX

A statement of the considerations involved in the issuance of this Amendment

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10144, 10337, 10475, 10585, 10788, 10995; 8 F.R. 158, 876, 877, 1120, 1468, 1741, 1885, 2024, 2038.

[1] F.R. 9710, 10380, 11071, 11072; 8 F.R. 28, 167, 566, 621, 978, 1286, 1316, 1366, 1631, 2026, 2027, 2032, 2154.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5575, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317, 2029, 2110.

[3] *Exception:* Adjusted maximum prices for the milk product known as "ice cream mix", the butterfat content of which is reduced to not less than 8% included in 14% or more (by weight) of milk solids are fixed in subparagraph (1a) of § 1499.73 (a) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. [Amendment No. 119 to Supplementary Regulation No. 14].

[4] 7 F.R. 5486, 5709, 5911, 6008, 6271, 6369, 6473, 6477, 6774, 6775, 6776, 6887, 6892, 6939, 6965, 7011, 7012, 7203, 7250, 7289, 7365, 7400, 7401, 7453, 7510, 7511, 7535, 7536, 7538, 7604, 7739, 7671, 7812, 7914, 7946, 8024, 8199, 8237, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 8950, 8954, 8955, 8953, 9043, 9082, 9131, 9196, 9391, 9397, 9495, 9496, 9639, 9786, 9900, 9901, 10069, 10111, 10022, 10151, 10231, 10294, 10346, 10381, 10480, 10537, 10557, 10583, 10705, 10865, 11005, 8 F.R. 276, 439, 535, 494, 589, 863, 1139, 1580, 980, 1030, 876, 1121, 878, 1142, 1279, 1383 1569, 1455, 1460, 1633, 1467, 1813, 1894, 1978, 2041, 1895, 2035, 2157.

has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new subparagraph (1a) is added to § 1499.73 (a), as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services, and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided: [5]

* * * * *

(1a) *Ice cream and ice cream mix*—(i) *Adjusted maximum prices for ice cream and ice cream mix sold at wholesale and retail.*

(*a*) Maximum prices for sales at wholesale or retail of "ice cream" shall be the seller's established maximum price in effect on February 21, 1943, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or any applicable supplementary or adjustment order, adjusted as follows: Deduct 2¢ per gallon, or a proportionate amount for a part of a gallon, for each 1% reduction in butterfat more than 2½%.

(*b*) Maximum prices for sales at wholesale or retail of "ice cream mix" shall be the seller's established maximum price in effect on February 21, 1943, as determined under Maximum Price Regulation No. 280 [6] adjusted as follows: Deduct 4¢ per gallon, or a proportionate amount for a part of a gallon, for each 1% reduction in butterfat more than 2½%.

(ii) *Calculations.* (*a*) The foregoing pricing formula shall apply only to "ice cream" and "ice cream mix" of the same weight per gallon and quality as in March 1942, the butterfat content of which is reduced to not less than 8% (by weight) included in 14% or more (by weight) of milk solids. It applies to sales in any package size, whether more or less than one gallon, on a proportionate basis.

(*b*) If the seller had established maximum prices on February 21, 1943, for "ice cream" or "ice cream mix" having different percentages of butterfat content, his new maximum price for the same "ice cream" or "ice cream mix" with reduced butterfat content shall be determined on the basis of that "ice cream" or "ice cream mix" which, prior to change in butterfat, was next highest in butterfat content to the new product.

(*c*) If the seller at wholesale or retail had an established maximum price on February 21, 1943 for sales of bulk or packaged "ice cream" manufactured in combination with sherbet or other frozen milk products as a blended milk dessert, he shall change his maximum price by adjusting the highest price charged by him for said product during March 1942 to a purchaser of the same class by the amount of the required decrease applicable to the percentage of "ice cream" (by volume) contained in the combination product.

For example: Ice cream product consists of 66% (by volume) of ice cream testing 16% butterfat, combined with 34% (by volume) of sherbet. The butterfat content of the ice cream is lowered to 12%. The required decrease for ice cream whose butterfat is lowered 4% is 3¢ per gallon. 66% of 3¢ amounts to 2¢. The required decrease for this ice cream product is, therefore, 2¢ per gallon.

(*d*) The foregoing pricing formula is applicable to vanilla "ice cream" and "ice cream" having other flavors.

(*1*) The pricing formula applicable for vanilla "ice cream" of a particular percentage of butterfat content shall also be applicable to other flavored "ice cream" manufactured from the same preparation or mix, regardless of slight variations in butterfat content between the vanilla and the other flavored product.

(*2*) If no vanilla "ice cream" is manufactured out of the same preparation or mix, the flavored "ice cream" shall be priced on the basis of its actual butterfat content.

(*e*) All calculations shall be carried to the fourth decimal place of a cent. For sales at wholesale, maximum prices for any unit size less than one gallon resulting in a fraction of a cent shall be adjusted to the nearest ¼¢. In the case of single unit sales at retail, a maximum price expressed in a fraction of a cent must be reduced to the lowest even cent, if the fraction is less than ½¢, and may be increased to the next highest even cent if the fraction is ½¢ or more.

(iii) *Notice to retailers.*—(*a*) *Ice cream.* Every seller at wholesale of "ice cream" shall calculate the retailers' required decrease, if any, under this subparagraph (1a) of § 1499.73 (a) for each unit size sold at retail. At the time of making the first delivery after February 21, 1943, upon putting into effect a decrease in butterfat content or a required decrease in price, such wholesalers shall mail or otherwise deliver to retailers who purchase "ice cream" from them written notices of the change in butterfat content and the retailers' required decrease in price, if any, for each grade of "ice cream". With proper insertions, the notices shall read as follows:

Notice of Required Decrease in Retailers' Price and Change in Butterfat Content of Ice Cream

Our ice cream now has a butterfat content of ------ %. Prior to the issuance of Food Distribution Order No. 8 by the Secretary of Agriculture on January 19, 1943, the butterfat content was ------ %, and our ceiling price was $------ for (10 gallon, 5 gallon, 3 gallon, gallon, half gallon, quart, pint, or half-pint) container sizes. Our new ceiling price is $------ for (10 gallon, 5 gallon, 3 gallon, gallon, half gallon, quart, pint or half pint) container sizes.

Your new OPA ceiling price shall be your maximum price for such ice cream on February 21, 1943, *minus* $------ for (10 gallon, 5 gallon, 3 gallon, gallon, half gallon, quart, pint, or half-pint) container sizes.

OPA requires that you keep this notice for examination, and that you record your new ceiling price in your statement of base period maximum prices kept in your store. You should also post your new ceiling price on bulk or packaged ice cream in place of your old ceiling prices.

(*b*) *Ice cream mix.* At the time of making the first delivery after February 21, 1943, upon putting into effect a decrease in butterfat content of a required decrease in price, every seller at wholesale of "ice cream mix" shall mail or otherwise deliver to purchasers of "ice cream mix" written notices of the change in butterfat content and the seller's required decrease, if any, for each grade of mix. With proper insertions, the notices shall read as follows:

Notice of Required Decrease in Price and Change in Butterfat Content of Ice Cream Mix

Our ice cream mix now has a butterfat content of ------%. Prior to the issuance of Food Distribution Order No. 8 by the Secretary of Agriculture on January 19, 1943, the butterfat content was ------ %, and our ceiling price was $------ for (10 gallon, 5 gallon, 3 gallon, gallon, half gallon, quart, pint, or half-pint) container sizes. Our new ceiling price is $------ for (10 gallon, 5 gallon, 3 gallon, gallon, half gallon, quart, pint, or half pint) container sizes.

Your new OPA ceiling price for ice cream manufactured from our ice cream mix shall be your maximum price for such ice cream mix on February 21, 1943, *minus* 2¢ per gallon or a proportionate amount for a part of a gallon, for each 1% decrease in butterfat content more than 2½%.

OPA requires that you keep this notice for examination, and that you record your new ceiling price for bulk and packaged ice cream in your statement of base period maximum prices kept in your place of business. You should also post your new ceiling price on bulk or packaged ice cream sold at retail in place of your old ceiling price.

(*c*) *Combination ice cream products.* At the time of making the first delivery after February 21, 1943, upon putting into effect a change in butterfat content or a required decrease in price, every seller at wholesale of an ice cream product consisting of ice cream manufactured in combination with sherbet or other frozen milk dessert shall mail or otherwise deliver to retailers who purchase such products for resale a written notice with proper insertions. The notices shall read as follows:

Notice of Required Decrease in Price and Change in Butterfat Content

The ice cream contained in our ice cream product now has a butterfat content of ------%. Prior to the issuance of Food Distribution Order No. 8 by the Secretary of Agriculture on January 19, 1943, the butterfat content was ------%, and our ceiling price was $------ for (10 gallon, 5 gallon,

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*Copies may be obtained from the Office of Price Administration.

[5] *Ice cream mix.* Maximum prices for the milk product known as "ice cream mix" the butterfat content of which is *reduced* to not less than 8% (by weight) included in 14% or more (by weight) of milk solids, established under the provisions of Maximum Price Regulation No. 280, are also modified under subparagraph (1a) of § 1499.73 (a). Subparagraph (1a) modifies maximum prices for "ice cream" established under any supplementary or adjustment order issued by the Office of Price Administration as well as those determined under § 1499.2. General Provisions, of the General Maximum Price Regulation.

[6] 7 F.R. 10144, 10337, 10475, 10585, 10786, 10995; 8 F.R. 158, 876, 877, 1120, 1468, 1741, 1885, 2024, 2038.

3 gallon, gallon, half-gallon, quart, pint or half-pint) container sizes. Our new ceiling price is $_____ for (10 gallon, 5 gallon, 3 gallon, gallon, half-gallon, quart, pint, or half-pint) container sizes.

Your new OPA price shall be your maximum price for such ice cream product in effect on February 21, 1943 *minus* $_____ for (10 gallon, 5 gallon, 3 gallon, gallon, half-gallon, quart, pint, and half-pint) container sizes.

OPA requires that you keep this notice for examination and that you record your new ceiling price in your statement base period maximum prices kept in your store. You should also post your new ceiling price in place of your old ceiling price for this product.

(iv) *Records and reports.* On or before March 10, 1943, every seller of "ice cream" or "ice cream mix" at wholesale affected by the provisions of this subparagraph (1a) who sold more than 25,000 gallons of "ice cream" or "ice cream mix" during 1942, shall prepare, on the basis of available information and records, and file with the Office of Price Administration, Food Price Division, Dairy Section, Washington, D. C., a report showing:

(*a*) Butterfat content of ice cream or ice cream mix during March 1942;

(*b*) Butterfat content after January 1943;

(*c*) Selling prices during March 1942 for each container size;

(*d*) Selling price after adjustment;

(*e*) Cost of butterfat at present (specify whether obtained from cream or butter); and

(*f*) Average weight per gallon of ice cream during March 1942 and at the present time.

(v) *Exempt sales.* The price adjustment authorized by this subparagraph (1a) for sellers who reduce the butterfat content of their products, shall not be applicable to any seller who violates the provisions of Food Distribution Order No. 8, issued by the Secretary of Agriculture on January 19, 1943.

(vi) *Definitions.* For purposes of this subparagraph (1a):

(*a*) "Ice cream" means any frozen or partially frozen dairy food product containing milk solids and sugar, flavoring, and/or stabilizer, fruit, nuts, coloring, testing 8% or more (by weight) of milk fat included in 14% or more (by weight) of total milk solids.

(*b*) "Ice cream mix" means any liquid or dry unfrozen dairy food product containing milk solids and sugar, testing 8% or more (by weight) of milk fat included in 14% or more (by weight) of total milk solids, and intended for the manufacture of ice cream.

(*c*) A seller of "ice cream mix" who does not change the butterfat content of his product shall continue in effect his established maximum prices existing on February 21, 1943, as determined under Maximum Price Regulation No. 280.

(vii) *Evasion.* The provisions of this subparagraph (1a) shall not be evaded by direct or indirect means, including but, not limited to, the following:

(*a*) Reducing the quality of "ice cream" or "ice cream mix", other than by changing the butterfat content provided for herein; this includes any change in flavoring, fruits, nuts or weight of the product.

(*b*) Requiring any purchaser to enter into a tying agreement as a condition for the purchase of "ice cream" or "ice cream mix".

(*c*) Compelling a person purchasing a given quantity of "ice cream" or "ice cream mix" to accept delivery in the form of two or more smaller units at the higher prices applicable to such smaller container sizes.

This amendment shall become effective February 22, 1943 and terminate on May 23, 1943.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued this 22d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2907; Filed, February 22, 1943; 4:49 p. m.]

PART 1305—ADMINISTRATION

[General Ration Order 5,[1] Amendment 1]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

General Ration Order No. 5 (§ 1305.-202) is amended in the following respects:

1. A new Article XXIV and section 24.1 are added, to read as follows:

Article XXIV—War Relocation Authority and the Department of Justice

SEC. 24.1 *How the War Relocation Authority and the Department of Justice obtain rationed foods for institutional use in war relocation centers and alien detention stations and camps.* (a) The War Relocation Authority and the Department of Justice may apply to the Washington Office of the Office of Price Administration for allotments of rationed foods for allotment periods, beginning with March 1, 1943, for use in the preparation and service of food to persons confined in war relocation centers and alien detention stations and camps. These agencies are not required to register with a board under this order. Allotments will be given in accordance with arrangements made with the Office of Price Administration. The Washington Office will issue one certificate for each rationed food. The amount for which the certificate is issued may be distributed, through the use of ration checks, to the various centers, stations and camps.

(b) Ration bank accounts may be opened for centers, stations, and camps at any time after February 23, 1943, in the same manner as ration bank accounts may be opened for other institutional users.

2. The effective date provision of General Ration Order No. 5 is amended to read as follows:

This general ration order shall become effective 12:01 a. m., March 1, 1943, except that sections 22.1 and 23.1 shall become effective February 20, 1943, and section 24.1 shall become effective February 23, 1943.

This amendment shall become effective February 23, 1943.

(Pub. Laws 671, 76th Cong.; as amended by Pub. Laws 89, 421, and 507, 77th Cong; E.O. 9125, 7 F.R. 2719; E.O. 9280; 7 F.R. 10179; W.P.B. Dir. 1, Supp. Dir. 1-E, 1-M, and 1-R, 7 F.R. 562, 2965, 7234, 9684, respectively; Food Dir. 1, 8 F.R. 827)

Issued this 23d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2927; Filed, February 23, 1943; 11:07 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 2195.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Ration Order 1A,[1] Amendment 12]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The following sections are amended: §§ 1315.201 (a) (4), 1315.201 (a) (26), 1315.201 (a) (27), 1315.401 (d), 1315.503 (c), 1315.503 (d) (4), 1315.609 (a) (2), 1315.609 (b) (1), 1315.804 (d) (2), 1315.804 (d) (4), 1315.806 (g) and 1315.806 (h) (2); the following sections are revoked: §§ 1315.508 (a) (2), 1315.610 (b) (2), 1315.804 (c) (4) (i), 1315.804 (d) (6), 1315.804 (h) and 1315.806 (h) (3); the following sections are added: §§ 1315.304, 1315.806 (h) (4) and 1315.806 (n); in § 1315.502, in the text of § 1315.503 (a) and in 1315.503 (a) (3) the phrase "or recapping service" is deleted; in the table in § 1315.804 (c) (3) the phrase "or 8½ lbs. of passenger-type camelback" is deleted; in § 1315.804 (d) (3) the phrase "or of OPA Form R-48" is deleted; and in § 1315.901 (e) and (f) the phrase "(truck or passenger-type)" is inserted after the word "camelback."

§ 1315.201 *Definitions.* (a) For the purpose of this Ration Order No. 1A: * * *

(4) "Camelback" means any rubber compound designed for application to a worn tire to make a new tread in the process of recapping. Except where the context indicates otherwise, "camelback" refers to truck-type camelback only.

* * * * *

(26) "Recapping" means the process of tread renewal in which passenger or truck-type camelback is applied to the tread surface of a tire.

(27) "Recapping service" means the recapping of a certificate holder's tire with truck-type camelback or a transfer

[1] 7 F.R. 9160, 9392, 9724, 10072, 10336, 8 F.R. 435, 606, 1585, 1628, 1629, 1839, 2030, 2152.

by a dealer or manufacturer to a certificate holder of a tire recapped with truck-type camelback in exchange for a recappable tire carcass.

§ 1315.304 *No board jurisdiction over passenger-type camelback.* No board may issue a certificate authorizing the recapping of any tire with passenger-type camelback.

§ 1315.401 *Quotas.* * * *

(d) *Passenger automobile spare tires.* No board shall issue a certificate for a spare tire to an applicant for a passenger automobile for which there has been issued only a Basic ration currently valid under Ration Order No. 5C, unless the mileage driven in such vehicle is necessary for carrying out one or more of the purposes described in § 1394.7706 of Ration Order No. 5C, except between the twenty-fifth and the last day of a month, and then only if there are no pending applications for tires for running wheels using passenger-type tires.

§ 1315.503 *Eligibility of passenger automobile.* * * *

(c) *Eligibility determined on basis of adjusted ration.* When the board has adjusted an applicant's mileage requirements pursuant to paragraphs (a) and (b) of this section, it shall determine the applicant's eligibility for a tire or tube on the basis of such adjusted mileage, and not on the basis of his former allowed gasoline mileage, in accordance with the following table:

Total allowed mileage	Kind of tire	Kind of tube
560 miles per month or less	Grade III	New or used at applicant's option.
561 to 1,000 miles per month	Grade II or Grade III tire at applicant's option.	New or used at applicant's option.
1,000 miles per month or over	Grade I, Grade II or Grade III tire at applicant's option.	New or used at applicant's option.
For fleet passenger automobiles or official passenger automobiles for which interchangeable gasoline ration books have been currently issued.	Grade III tire; if applicant establishes that the particular vehicle will be operated for the requisite number of miles (561 or 1,000) per month, then a Grade II or Grade I tire.	New or used at applicant's option.

The following limitations are applicable in determining the grade of tire that may be acquired on the basis of allowed mileage under the above table: Mileage allowed on a special ration shall not be included in the allowed mileage; and no certificate for a tire may be granted if the tire to be replaced can be recapped, except under the circumstances set forth in paragraph (d) of this section.

(d) *Exceptions to eligibility; mileage not governing.* * * *

(4) An applicant may be granted a certificate for a Grade III tire in any area where recapping facilities are unavailable or inadequate, upon turning in a recappable tire carcass.

* * * * *

§ 1315.609 *Execution and issuance of certificate*—(a) *Execution of certificates.* * * *

(2) The board shall indicate on the certificate the exact number, type, grade and size of the tires or tubes which may be acquired, or the number, type and size of the tires for which recapping service has been authorized.

(b) *Issuance of certificates.* * * *

(1) The board shall note on a certificate for recapping service that the applicant is entitled to truck-type camelback.

§ 1315.804 *Dealer and manufacturer transfers.* * * *

(d) *Camelback.* * * *

(2) *For recapping.* A recapper may apply truck or pasenger-type camelback to the tread surface of a tire carcass: *Provided,* That no truck-type camelback shall be used in recapping a tire to be mounted on any station wagon, suburban carry-all or on an automobile originally designed to carry seven passengers or less, whether or not rebuilt, unless rebuilt as a bus or unless the vehicle is a taxicab or jitney. No recapper shall apply truck or passenger-type camelback to the thread surface of a tire carcass if the carcass will not be serviceable as a recapped tire. No recapper shall apply any rubber substance other than camel back to the thread surface of a tire for the purpose of tread renewal unless authorized by the Office of Price Administration or the War Production Board.

* * * * *

(4) *Permitted replenishment of camelback.* Subject to the provisions of subparagraph (3) of this paragraph any camelback dealer or manufacturer may, in exchange for the properly endorsed replenishment portion of a certificate marked "truck-type camelback", transfer the amount of camelback specified in the following table:

Size of tire	*Number of pounds of camelback which may be purchased for each such tire*
Smaller than 30 x 5	8½
30 x 5 up to but not including 7.50 x 18	12
7.50 x 18 up to but not including 9.00 x 20	16
9.00 x 20 up to but not including 12.00 x 20	22
12.00 x 20 and larger (regular truck-type)	32
12.00 and up (but not including tires 12.00 x 24 and larger) used on farm tractors (rear tires only), road-graders, earth movers and other similar equipment used primarily on off-the-road work	55
12.00 x 24 and larger	Amount necessary

When the amount of camelback to be replenished cannot be calculated from the above table, the person purchasing the camelback shall attach to the replenishment portion of the certificate or receipt a certified statement showing the amount of camelback necessary to recap the number of tires specified on the certificate or receipt, and he shall be entitled to purchase the amount of camelback appearing on such statement.

§ 1315.806 *Transfers without certificate, special authorization or notice.* * * *

(g) *Turn in of tires or tubes to be replaced.* A consumer who holds a certificate for a tire or tube and who is required to turn in the replaced tire or tube shall transfer it to a dealer. A dealer who receives tires under this paragraph shall retain such tires for a period of not less than thirty (30) days before disposing of them.

(h) *Transfers for recapping.* * * *

(2) A dealer may transfer a recappable carcass to a recapper if accompanied by Part B of a certificate authorizing recapping service and the recapper may transfer a used or recapped tire in exchange for such Part B.

* * * * *

(4) A person may have a tire recapped with passenger-type camelback without certificate.

* * * * *

(n) *Transfers of passenger-type camelback.* No person may purchase any passenger-type camelback in an amount which would give him in excess of 1500 pounds of passenger-type camelback for each mold he operates capable of recapping tires smaller than 7.50–20. A manufacturer of, or dealer in, camelback may not ship passenger-type camelback to any person unless such person makes a certification accompanying his order that the amount of passenger-type camelback ordered plus his stock on hand at the date of ordering will not exceed the amount he is entitled to possess under this paragraph.

This amendment shall become effective February 20, 1943.

(Pub. Law No. 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1, 7 F.R. 9121)

Issued this 19th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–2780; Filed, February 19, 1943; 4:41 p. m.]

PART 1340—FUEL

[RPS 88,[1] Amendment 75]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In § 1340.159 (c) (3) a new subdivision (xix) is added as set forth below.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1371, 1798, 1799, 2132, 2304, 2352, 2634, 2945, 3463, 3482, 3524, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5988, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478, 9130, 9134, 9335, 9425, 9460, 9620, 9621, 9817, 9820, 10684, 11069, 11112, 11075, 3116, 3166, 3552, 8586, 8701, 8741, 8829, 8938, 8948; 8 F.R. 157, 232, 233, 857, 1227, 1200, 1457, 1312, 1318, 1642, 1799, 2023, 2105, 2119, 2152.

(xix) *Diesel oil: Mobile, Alabama; Pensacola, Florida; Panama City, Florida; and Port St. Joe, Florida.* The maximum price for distillate diesel oil of 28° A. P. I. gravity and above, ship's bunkers (ex lighterage) and f. o. b. refineries and terminals in bulk lots shall be as follows:

Port	*Cents per gallon*
Mobile, Alabama	4.625
Pensacola, Florida	4.75
Panama City, Florida	4.75
Port St. Joe, Florida	4.75

This Amendment No. 75 shall become effective the 1st day of March 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2922; Filed, February 23, 1943; 11:07 a. m.]

PART 1340—FUEL

[RPS 88, Amendment 73]

PETROLEUM AND PETROLEUM PRODUCTS

Correction

In the table under § 1340.159 (c) (3) (xvii), appearing on page 2120 of the issue for Wednesday, February 17, 1943, the fourth entry should read as follows:

Tank wagon deliveries to consumers in quantities of 25 gallons or over	10.2

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 286, Amendment 1]

CERTAIN SAUSAGE PRODUCTS FOR WAR PROCUREMENT AGENCIES

Correction

In the document appearing on page 2157 of the issue for Thursday, February 18, 1943, the heading for paragraph (b) was omitted. Accordingly, "(b) *Base prices.*" should be inserted immediately before the first table.

PART 1372—SEASONAL COMMODITIES

[MPR 315,[1] Amendment 1]

LEAD ARSENATE

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1372.206 is amended to read as set forth below:

§ 1372.206 *Notification by manufacturers and distributors of price changes.* If reductions or increases of the manufacturer's maximum prices for lead arsenate result from the provisions of this regulation, every manufacturer shall supply a written statement to each distributor or dealer to whom he sells, at or before the time of his first delivery to the distributor or dealer after the price reduction or increase becomes effective. The manufacturer shall also notify each distributor that the distributor is required to supply a copy of the same written statement to each dealer at or before the time of the distributor's first delivery to the dealer after the price reduction or increase becomes effective. The written statement shall read as follows:

The OPA has authorized us to increase (required us to reduce) our ceiling prices on lead arsenate as follows:

[The statement shall here list the amount of price increase or reduction for each package size of each lead arsenate product produced by the manufacturer, for which a change in maximum price has resulted from the provisions of the regulation.]

Distributors are allowed to increase (required to reduce) their ceiling prices for these products by the same amounts on merchandise delivered to them at such adjusted prices. Dealers are also allowed to increase (required to reduce) their ceilings by the same amounts on merchandise delivered to them at such adjusted prices. Distributors are, therefore, required to supply such dealers with an exact copy of this notice at or before the time of first delivery of such merchandise. OPA requires distributors and dealers to keep a copy of this notice for examination.

This amendment shall become effective March 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2923; Filed, February 23, 1943; 11:08 a. m.]

PART 1389—APPAREL

[MPR 332]

SIMPLIFIED MEN'S AND BOYS' SHIRTS AND PAJAMAS

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for the sale of simplified shirts and pajamas produced in accordance with War Production Board limitations.

The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, Maximum Price Regulation No. 332 is hereby issued.

Sec.

AUTHORITY: §§ 1389.501 to 1389.513 inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1389.501 *Scope of this regulation*—(a) *What garments are covered by this regulation.* This regulation applies to men's and boys' shirts and pajamas manufactured with curtailments of material and trimmings, and restrictions on packing in accordance with General Limitation Order L-169 of the War Production Board.[1] These shirts and pajamas will be called "simplified garments."

"Pajamas" includes any garment of a type customarily used by men and boys for sleeping, including garments consisting of a coat and pants, nightgowns, sleep coats, sleep slacks, sleep shirts, and lounging pajamas and suits.

This regulation requires that manufacturers label or mark each simplified garment with the symbol "-R-" to enable purchasers easily to recognize such garments.

(b) *What garments are excluded from this regulation.* Shirts of the following descriptions are not covered by this regulation:

(1) Shirts customarily graded as work shirts and made of any of the following constructions of cotton body material: carded yarn shirting chambrays, carded yarn shirting coverts, twills, carded yarn poplins, whipcords, moleskins, jeans, drills, cottonades; and

(2) Shirts made of wool, part-wool, cotton suede and cotton flannel including cotton domet.

(c) *What sellers must price under this regulation.* This regulation applies to all types of sellers. Manufacturers, including manufacturing retailers and custom tailors, will price under Rule 1 (§ 1389.502); wholesalers and retailers will price under Rule 2 (§ 1389.503).

§ 1389.502 *Rule 1: maximum prices for sales by manufacturers*—(a) *How a manufacturer determines his maximum price.* In any sale of a simplified garment by a manufacturer, the maximum price shall be his present maximum price of the "comparable" unsimplified garment put into process by him prior to November 25, 1942, less the reduction in cost resulting from the curtailments and restrictions of the simplified garment, and less, also, an amount equal to 15% of such reduction in cost.

(1) *What is a "comparable" garment.* An unsimplified garment is considered

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1586.

[1] 7 F.R. 7809.

"comparable" to a simplified garment if both garments have the following characteristics:

(i) They are made of material having the same (*a*) weave, (*b*) weight and thread count within the tolerances as provided by the Worth Street rules, (*c*) finish, including type of shrinkage treatment, (*d*) color fastness; and

(ii) They are offered for sale in the same range of sizes and have the same size dimensions except for the simplifications made in accordance with General Limitation Order L–169 of the War Production Board; and

(iii) They have trimmings equal in quality and serviceability except for the simplifications made in accordance with General Limitation Order L–169 of the War Production Board;

(iv) They are manufactured and finished with equal standards of workmanship and inspection.

(v) They would ordinarily be sold by the manufacturer in the same price line except for the simplifications made in accordance with General Limitation Order L–169 of the War Production Board.

(2) *Reduction in cost of a price line.* Where the comparable unsimplified garment is one of a number of different styles which were sold in the same price line, the saving in each item of cost is figured on the basis of the average saving for the price line as a whole. This average is determined in accordance with the percentage of actual sales of each style of the comparable unsimplified garment during 1942. Based on this average saving, the reduction in cost shall be the same for all the styles of comparable unsimplified garments composing the price line.

For example: a pajama manufacturer had a $30.00 price line, composed of two unsimplified styles which are comparable to two simplified models he is now producing. His saving on trimmings is 30¢ a dozen on the first style and 75¢ a dozen on the second. In 1942, he sold in that price line 20% of the first style and 80% of the second. His average saving per dozen will be figured as follows:

First style—30¢ x 20%	$0.06
Second style—75¢ x 80%	0.60
Average saving per dozen	$0.66

His reduction in cost on trimmings for the entire price line will, therefore, be 66¢ per dozen.

(3) *How a manufacturer calculates his "reduction in cost"*—(i) *Meaning of "cost."* "Cost" includes all expenses for the following four items: (*a*) material, (*b*) direct and indirect labor, (c) trimmings, (*d*) boxing and other supplies.

(ii) *Savings which constitute the reduction in cost.* The saving in each of these items of cost must be figured separately in computing the amount of the reduction in cost. These savings shall be determined (*a*) by the actual reduction in yardage at the current cost of the material used in the simplified garment, (*b*) by the current cost of trimmings eliminated, (c) by the cost at current rates of the direct and indirect labor operations which have been eliminated or decreased, and (*d*) by the current cost of the boxing and other supplies reduced or eliminated. The measure of each saving shall be based on a comparison with the yardage taken, trimmings used, labor employed and boxing and other supplies used for the comparable unsimplified garment put into process by the manufacturer prior to November 25, 1942.

(iii) *Off-setting the increase in cost of fine combed-yarn cotton goods.* An increase in the replacement cost of fine combed-yarn cotton goods from November 25, 1942, to February 23, 1943, may be offset against the savings which result from the curtailments and restrictions of the simplified garment. No other increase in cost shall be offset against the savings. The maximum price of the simplified garment can never exceed the maximum price of the comparable unsimplified garment.

(iv) *Examples of calculation.* A manufacturer should calculate the amount of his saving in the production of a simplified garment in the following manner, substituting for each item listed his own actual figures for cost of material and the savings in yardage, direct and indirect labor, trimmings, and boxing and other supplies.

(*a*) *Example for shirt manufacturers.*

(Saving per dozen garments)	
Material—1¼ yds. @ 24¢ yd. (current cost)	$.30
Labor saving on boxing, collars, etc	.05
Boxing supplies, etc	.05
Reduction in cost	.40
Plus 15% on 40¢	.06
Reduction in price	.46

If a manufacturer's maximum price of the comparable unsimplified garment is $15.50 per dozen, the maximum price of the simplified garment would be $15.50 less $.46, or $15.04.

(*b*) *Example for pajama manufacturers.*

(Saving per dozen garments)	
Material—1¾ yds. @ 28¢ yd. (current cost)	$.49
Trimmings—pipings, frogs, sashes, decorations, etc	.50
Labor—frogs, piping, sashes, cuffs on sleeves and trousers, collars	.30
Reduction in cost	1.29
Plus 15% on $1.29	.19
Reduction in price	1.48

If a manufacturer's maximum price of the comparable unsimplified garment is $28.50 per dozen, the maximum price of the simplified garment would be $28.50 less $1.48, or $27.02.

(c) *Example of offsetting increase in cost of fine combed-yarn cotton goods.* If a pajama is made of fine combed-yarn cotton goods, and the replacement cost of these goods increased from November 25, 1942 to February 23, 1943, the calculation would be revised as follows:

Reduction in cost (taken from Example (b))	$1.29
Increase in replacement cost of goods:	
Cost on February 23, 1943	28¢
Cost on November 25, 1942	27¢
Increase per yard	1¢
Multiply by 50 (yardage of simplified garment)	.50
Net reduction in cost	.79
Plus 15% on 79¢	.12
Reduction in price	.91

The above examples (*a*) and (*b*) are merely illustrations and do not give maximum savings nor are they inclusive of all possible savings that may be made by a manufacturer.

(b) *Maximum price of a "second."* The maximum price of a simplified garment which is a "second," according to the manufacturer's standard of grading a "second" of the comparable unsimplified garment, is the maximum price of the simplified garment established by this regulation less the seller's customary percentage allowance for "seconds."

§ 1389.503 *Rule 2: maximum prices for sales by wholesalers or retailers.* (a) In any sale of a simplified garment at wholesale or retail, the maximum price of such garment shall be determined in accordance with the following procedure:

The seller shall

(1) Select from the same general classification and price range as the garment being priced under this section, the unsimplified garment of which the seller delivered the largest number of units during March 1942 and for which he had an established maximum price; and

(2) Divide his maximum price for that unsimplified garment by his replacement cost of that garment; and

(3) Multiply the percentage so obtained by the net cost to him of the garment being priced under this section. The resulting figure shall be the maximum price of the simplified garment being priced.

For example:

Maximum price of unsimplified garment	$2.00
Replacement cost of that unsimplified garment ($15.75 a doz.)	1.31
Net cost of simplified garment being priced ($15.00 a doz.)	1.25

Divide 2.00 by 1.31: $\frac{2.00}{1.31} = 153\%$

Multiply 153% by $1.25: 153% x $1.25 = $1.91 maximum price for simplified garment

(b) For purposes of this section, "replacement cost" means the net cost to the seller for his last purchase, or the net cost the seller would have had to pay on the basis of the last offering price to him, after May 18, 1942 but before Februray 23, 1943. "Net cost" means the price paid after deducting all discounts allowed to the seller, but adding transportation or delivery charges paid by him.

§ 1389.504 *Maximum prices for simplified garments which cannot be priced under Rule 1 or 2.* In certain cases, it will not be possible for a manufacturer to determine his maximum price of a simplified garment under Rule 1 (§ 1389.502) or for a wholesaler or retailer to determine his maximum price under Rule 2 (§ 1389.503). This is true, for example, in the case of a new retailer or wholesaler, or a company newly entering the shirt manufacturing business. In these and other appropriate cases, the seller's maximum price shall be determined in accordance with the following procedure:

(a) Where a seller cannot determine his maximum price under Rule 1 or 2, his maximum price of a simplified garment shall be the same as the maximum price established in accordance with this

regulation by the most closely competitive seller of the same class, (1) for the same simplified garment, or (2) if no such maximum price has been established for that garment, then for the similar simplified garment most nearly like it.

(b) In any case in which a seller cannot determine the maximum price of a simplified garment under Rule 1 or 2, or paragraph (a) of this section, he shall not sell, deliver, or offer for sale any such simplified garment until he has first received authorization from the Office of Price Administration. A seller who seeks such authorization shall file with the Office of Price Administration, Washington, D. C., three copies of an application setting forth (1) the reasons why he cannot price under the provisions of this regulation, (2) a description in detail of the garment for which a maximum price is sought, including a description of the fabric out of which the garment is made, (3) the differences which distinguish the simplified garment being priced from the unsimplified garments for which applicant has an established maximum price, and (4) an explanation of the necessity for manufacturing this particular simplified garment.

If such authorization is given, it will be accompanied by instructions as to the method of establishing the maximum price of the particular garment.

§ 1389.505 *Information requirements*—(a) *Identification of simplified garments*—(1) *Labeling or marking.* On and after March 1, 1943, a manufacturer must not deliver any simplified garment unless it has a label attached or other mark placed thereon which shall clearly bear the symbol "–R–". However, if the garment had been boxed before that date, the symbol "–R–" may be placed upon the box. No person shall remove any such label or mark from the garment before it is delivered to the ultimate consumer.

(2) *Bills, invoices, catalogs, and statements.* In every invoice, bill, catalog, and statement in which a manufacturer or wholesaler describes or designates a garment for which a maximum price is established by this regulation, he shall identify such garment by adding the symbol "–R–" to the style or catalog number.

(b) *Statement of maximum prices to be furnished to purchasers for resale.* Unless the specific information has been previously furnished to the purchaser, every manufacturer, wholesaler or other person who sells or delivers to a purchaser for resale, any garment for which a maximum price has been established by this regulation, shall furnish, at the time of delivery of such garment to the purchaser thereof, a statement in the following form containing the seller's maximum price for the garment delivered:

This notice is sent to you, as required by Maximum Price Regulation No. 332 issued by the OPA. It explains our maximum prices for the garments listed below, and tells you how to find your maximum prices.

Each of the styles listed below is marked with an "–R–", either on the garment or on the box. This shows that the garment has been simplified to conserve material in accordance with General Limitation Order L–169 of the War Production Board. You will find below our maximum prices for our new simplified styles, and also for the comparable unsimplified styles, if any, formerly sold by us. Wherever we have made a saving on the simplified style, we have passed on the reduction to you, as required by the OPA.

(Under each of the following headings, list the items sold)

Style No. of simplified garment	Description	Our maximum price	Our selling price	Our maximum price and style No. for the unsimplified model previously made

HOW TO COMPUTE YOUR MAXIMUM PRICES FOR SIMPLIFIED GARMENTS

You will

(1) Select from the same general classification and price range as the simplified garment being priced by you, the unsimplified garment of which you delivered the largest number of units during March 1942 and for which you had an established maximum price; and

(2) Divide your maximum price for that unsimplified garment by your replacement cost of that garment

(3) Multiply the percentage so obtained by the net cost to you of the simplified garment being priced. The resulting figure shall be the maximum price of the simplified garment.

For example:

Maximum price of unsimplified garment	$2.00
Replacement cost of that unsimplified garment ($15.75 a doz.)	1.31
Net cost of simplified garment being priced ($15.00 a doz.)	1.25

Divide 2.00 by 1.31: $\frac{2.00}{1.31}$ = 153%

Multiply 153% by $1.25: 153% × $1.25 = $1.91 maximum price for simplified garment

In finding your maximum price in accordance with the above method, you should take as your *replacement cost*, the *net cost* to you of your last purchase or the *net cost* you would have had on the basis of the last offering price to you of the unsimplified garment, after May 18, 1942 but before February 23, 1943. *"Net cost"* means the price you paid after deducting all discounts allowed to you and after adding any transportation or delivery charges paid by you.

If you cannot compute your maximum prices under these instructions, then your maximum price of a simplified garment shall be the same as the maximum price established by the most closely competitive seller of the same class, (a) for the same simplified garment, or (b) if no such maximum price has been established for that garment, then for the similar simplified garment most nearly like it.

(For full details of pricing, consult Maximum Price Regulation No. 332 or the nearest state or district office of the Office of Price Administration.)

WARNING: The OPA has ruled that inasmuch as a garment made with curtailments of material and trimmings, and restrictions on packing, cannot be considered the "same" as or "similar" to a garment made without such curtailments and restrictions, all maximum prices for simplified garments must reflect the appropriate reduction in costs.

§ 1389.506 *Relation to other regulations, and other special situations*—(a) *General Maximum Price Regulation.* Any sale or delivery of a simplified garment covered by this Maximum Price Regulation No. 332 is not subject to the General Maximum Price Regulation.[2] However, the following sections of the General Maximum Price Regulation, as well as the amendments to them, shall continue to be applicable to any person selling any simplified garment covered by this regulation:

(1) Determination of maximum prices by sellers at retail operating more than one retail establishment (§ 1499.4a).

(2) Transfers of business or stock in trade (§ 1499.5).

(3) Federal and state taxes (§ 1499.7).

(4) Base-period records (§ 1499.11).

(5) Current records (§ 1499.12).

(6) Maximum prices of cost-of-living commodities; statement, marking, or posting (§ 1499.13), except that paragraph (b) of § 1499.13 shall not apply.

(7) Sales slips and receipts (§ 1499.14).

(8) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this regulation selling at wholesale or retail.

(b) *War procurement agencies—Maximum Price Regulation 157.* This regulation does not apply to sales of simplified shirts made in accordance with military specifications, when the sales are made to war procurement agencies as defined in Maximum Price Regulation 157.[3] It does not apply to sales made by war procurement agencies of simplified shirts, whether or not the shirts are made in accordance with military specifications.

(c) Maximum Price Regulation No. 210[4] does not apply to simplified men's and boys' shirts and pajamas.

(d) *Export sales.* This regulation does not apply to export sales of simplified garments, and the Revised Maximum Export Price Regulation[5] applies to such sales.

(e) *Contractors' services.* This regulation does not apply to the supply of contractors' services as defined in Maximum Price Regulation No. 172.[6]

(f) *Geographical applicability.* This regulation applies to sales in the District of Columbia and the 48 states.

§ 1389.507 *Transactions which are prohibited by this regulation.* On and after March 1, 1943, regardless of any contract or other obligation, on person shall

(a) Sell or deliver any simplified garment at a price higher than the maximum price established by this regulation; or

(b) Require a purchaser to buy or agree to buy any other article, service, wrapper or package in connection with

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317, 2029, 2110.

[3] 7 F.R. 4273, 4541, 4618, 5180, 5716, 6004, 6424, 8948.

[4] 7 F.R. 6789, 7318, 7173, 7912, 8651, 8930, 8937, 8948, 9614, 10109; 8 F.R. 973, 1813, 2025.

[5] 7 F. R. 5059, 7242, 8829, 9000, 10530.

[6] 7 F.R. 4882, 6684, 8351, 8949, 10864.

a sale or delivery of any simplified garment for which a maximum price is established by this regulation; or

(c) Buy or receive any simplified garment in the course of trade or business at a price higher than the maximum price established by this regulation; or

(d) Do any other act which directly or indirectly increases the consideration paid for any simplified garment above the maximum price established by this regulation; or

(e) Offer, attempt, or agree to do any of the acts prohibited by this regulation.

§ 1389.508 *Less than maximum prices may be charged.* Lower prices than the maximum prices established by this regulation may be charged, demanded, paid or offered.

§ 1389.509 *Evasion.* The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods. Any practice which is a device to secure the benefit of a higher-than-ceiling price without actually raising the maximum price is as much a violation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, discounts, special privileges, tying-agreements, trade understandings and the like.

§ 1389.510 *Disclosure of maximum prices.* Every person selling or offering for sale any simplified garment for which a maximum price has been established by this regulation shall, within 10 days after receipt of a written request from any person to whom the seller has sold such garment, disclose in writing to such person the seller's maximum price for the garment.

§ 1389.511 *How this regulation may be amended.* Any person seeking a modification of any provision of this regulation may file a petition for an amendment of general applicability in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1389.512 *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

§ 1389.513 *Definitions—(a) Definitions incorporated by reference.* Unless the context otherwise requires, or unless otherwise specifically provided herein, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(b) *Other definitions.* When used in this regulation, the following terms shall have the meanings set forth below:

(1) "Manufacturer" means a person who sells a garment which he has fabricated or which has been fabricated for him by an agent or by a "contractor" as that term is defined in Maximum Price Regulation No. 172.

(2) "Wholesaler" means a person who buys a garment and resells it otherwise than at retail without substantially changing the form of the garment.

(3) "Retailer" means a person who sells a garment, in a form substantially unchanged from the form in which he bought it, to an ultimate consumer other than an industrial or commercial user.

(4) "Simplified garment." A simplified garment is one which was manufactured with curtailments of materials and trimmings and restrictions on packing in accordance with General Limitation Order L–169 of the War Production Board.

(5) "Unsimplified garment." An unsimplified garment is one which was manufactured without the curtailments of materials and trimmings, and the restrictions on packing specified in General Limitation Order L–169 of the War Production Board.

This regulation shall become effective March 1, 1943.

Issued this 23d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–2924; Filed, February 23, 1943; 11:08 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5C,[1] Amendment 24]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The words "the back of" where they appear in § 1394.8003 are deleted; the text of § 1394.8217 is designated paragraph (b) of § 1394.8217; § 1394.7504, the text of paragraph (d) of § 1394.8004, the text of paragraph (c) of § 1394.8153, §1394.8165, §1394.8173 and paragraph (c) of § 1394.8201 are amended; a new paragraph (h) to § 1394.8215, a new paragraph (a) to § 1394.8217, and a new paragraph (x) to § 1394.8352 are added; as set forth below:

Scope of Ration Order No. 5C

§ 1394.7504 *Effect on other ration orders.* No allotment of gasoline issued pursuant to Ration Order No. 5C for use with a motor vehicle shall be construed to authorize such use where it would be in violation of Ration Order No. 1A or Ration Order No. 2A or any other automobile rationing regulation or to remove or avoid any disqualification of such vehicle under such ration orders or regulations.

General Provisions With Respect to Issuance of Rations and Tire Inspection Records

§ 1394.8004 *Notation on ration books, applications, coupons and tire inspection records.* * * *

(d) Each person to whom a ration book has heretofore been or is hereafter issued shall clearly write in ink or stamp in ink on the reverse side of each coupon issued to him (except that in the case of Class B coupons, the writing or stamping may be either on the front or reverse side), before accepting a transfer of gasoline in exchange for such coupons, the following information.

* * * * *

General Provisions With Respect to Transfer and Use

§ 1394.8153 *Transfer to consumers in exchange for coupons.* * * *

(c) *Bulk coupons.* Bulk transfers may be made in exchange for bulk coupons as follows:

* * * * *

Prohibited Acts

§ 1394.8165 *Display of stickers.* No person may use a Class A, B, C, T–1, or T–2 coupon book, or bulk coupon, other than one representing a special ration, issued for a registered or commercial motor vehicle, unless a sticker identifying the class of ration issued for use with such vehicle, in such form as may be prescribed by the Office of Price Administration, is affixed to and conspicuously displayed on such vehicle. Such sticker shall be displayed on such vehicle at all times, but the display of such sticker shall be in accordance with the laws of the State in which such vehicle is operated. A person to whom any ration in addition to a Class A ration has been issued shall display only the sticker identifying such additional ration.

§ 1394.8173 *Use in violation of other ration orders.* No person shall use gasoline for the operation of any motor vehicle in violation of Ration Order No. 2A or any other automobile rationing regulations or which results in the use of tires in violation of Ration Order No. 1A.

Replenishment and Audit

§ 1394.8201 *Registration of inventory and capacity.* * * *

(c) Each place of business at which functions corresponding to those of a dealer or intermediate distributor are performed, or at which gasoline is received from a licensed distributor on consignment for purposes of sale, which, under the terms of § 1394.7551 (a) (17), is deemed to be a part of the facilities of a licensed distributor, shall be registered (on Form OPA R–545) by such licensed distributor or consignee on December 1 and 2, 1942, with the Board having jurisdiction over the area in which such place of business is located: *Provided,* That neither the inventory of gasoline on hand nor the gasoline storage capacity shall be registered, but only the name of the licensed distributor or consignee operating such place of business, a statement that the place of business is operated by a licensed distributor or by a consignee,

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1588, 1813, 1895, 2098.

and a certification as to the truth of this information.

* * * * *

Restrictions on Transfer Between Dealers and Distributors

§ 1394.8215 *Transfer and surrender of expired coupons.* * * *

(h) Any dealer or distributor in the limitation area who has in his possession or control coupons, other than A coupons bearing the designation "1" or "2", acquired on or before November 30, 1942, without the notations thereon required by §§ 1394.1304 (d), 1394.1304 (e) or 1394.1606 of Ration Order No. 5A shall surrender such coupons to the board having jurisdiction over the area in which his place of business is located on or before March 11, 1943. The board shall issue to the dealer or distributor in exchange for such coupons either inventory coupons or exchange certificates in the manner provided in paragraph (c) of this section: *Provided,* That each dealer or distributor shall execute and file with the board a statement that such coupons were acquired by him in exchange for gasoline on or before November 30, 1942.

Records and Audits

§ 1394.8217 *Accountability and records of dealers and intermediate distributors.* (a) Every dealer and intermediate distributor shall be accountable for all gasoline, coupons, ration credits and other evidences received by him and shall at all times have in his possession or control coupons, ration credits or other evidences having an aggregate gallonage value which, when added to the number of gallons of gasoline on hand, is equivalent in gallonage to his total gasoline storage capacity as stated in his registration filed with the board pursuant to §§ 1394.8201, 1394.8220, 1394.8222, 1394.8223 or 1394.8226, except for such gasoline as may be accounted for by evaporation, handling, accident or other extraordinary circumstances, and except for such coupons or other evidences as may be accounted for by theft or unavoidable loss or by failure to receive all inventory coupons to which he was entitled upon registration.

* * * * *

Effective Dates

§ 1394.8352 *Effective dates of amendments.* * * *

(x) Amendment No. 24 (§§ 1394.7504, 1394.8003, 1394.8004 (d), 1394.8153 (c), 1394.8165, 1394.8173, 1394.8201 (c), 1394.8215 (h), 1394.8217 (a) and (b)), to Ration Order No. 5C shall become effective March 1, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 10, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 23d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2925; Filed, February 23, 1943; 11:07 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 117 to Supp. Reg. 14[1] to GMPR[2]]

TRANSPORTATION OF FLUID MILK BY MOTOR TRUCK

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new subparagraph (73) is added to § 1499.73 (a) as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services, and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

* * * * *

(73) *Transportation of fluid milk by motor truck.* (i) Maximum prices arrived at in accordance with the provisions of § 1499.2 of the General Maximum Price Regulation for the transportation by truck of fluid milk consigned from the producers thereof to processing plants located in Fremont, Ohio, and Mayfield, Kentucky, may be altered as follows:

(*a*) Milk consigned from the producer thereof to processing plants in Mayfield, Kentucky, may be increased 5¢ per hundred pounds.

(*b*) Milk consigned from the producer thereof to processing plants in Fremont, Ohio; instead of being at the present rate of 25 cents per hundred pounds may be charged at the following rates:

Under $1.30 per cwt., 22½¢ per cwt.
$1.30–1.75 per cwt., 25¢ per cwt.
$1.75–2.25 per cwt., 27½¢ per cwt.
$2.25–2.75 per cwt., 30¢ per cwt.
Above $2.75 per cwt., 32½¢ per cwt.

(b) *Effective dates.* * * *

(112) Amendment No. 117 (§ 1499.73 (a) (73)) to Supplementary Regulation No. 14 shall become effective at 12:01 a. m., March 1, 1943.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 6965, 7011, 7012, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8555, 8959, 9043, 9196, 9397, 9391, 9495, 9496, 10381, 9639, 9786, 9900, 9901, 10069, 10111, 10022, 10151, 10231, 10294, 10346, 10480, 10583, 10537, 10705, 10557, 10583, 10865, 11005; 8 F.R. 276, 439, 535, 494, 589, 863, 980, 1030, 876, 878, 1121, 1139, 1590, 1142, 1279, 1383, 1589, 1455, 1460, 1633, 1467, 1813, 1894, 1978, 2041, 1895, 2035, 2157.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6939, 6794, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317, 2029, 2110.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2926; Filed, February 23, 1943; 11:07 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 282 Under § 1499.3 (b) of GMPR]

SHANNON HOSIERY MILLS, INC.

Correction

In the heading of § 1499.1718, appearing on page 2100 of the issue for Wednesday, February 17, 1943, "style No. 2500" should read "style No. 1500".

PART 1499—COMMODITIES AND SERVICES

[Order 284 Under § 1499.3 (b) of GMPR]

PENN TOBACCO COMPANY

Correction

The second sentence of the notice in paragraph (d) of the document appearing on page 2122 of the issue for Wednesday, February 17, 1943, should read, "Manufacturers' discounts may not be less than 10% trade discount plus 2% cash discount for payment within 10 days."

PART 1499—COMMODITIES AND SERVICES

[Order 291 Under § 1499.3 (b) of GMPR]

FAINER FROZEN FOODS

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1727 *Authorization of maximum prices for sales of Fainer Brand Frozen Foods by Fainer Frozen Foods, Pasadena, California, by authorized wholesale distributors and by retailers.* (a) On and after February 24, 1943, the maximum prices net f. o. b. Los Angeles, California, for sales by Fainer Frozen Foods, having its principal place of business at 915 South Arroyo Parkway, Pasadena, California, of "Fainer Frozen Foods" shall be:

$1.20 per dozen of 1 pound packages.
$2.28 per dozen of 2 pound packages.

for Fainer Brand Baked Beans, Chili Beans, Spaghetti with Soup Stock and Tomato Sauce; and

$1.92 per dozen of 1 pound packages.
$3.72 per dozen of 2 pound packages.

for Fainer Brand Chili and Beans and Spaghetti with Meat Sauce.

(b) Authorized wholesale distributors shall determine their maximum delivered selling prices of "Fainer Frozen Foods" by adding to their net cost of this item a mark-up over net cost of 33 percent of their net cost. Where a maximum price per dozen determined by the provisions of this paragraph is a frac-

tional cent price and the fraction of a cent is less than one-half cent, the price per dozen shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the distributor is permitted to increase his maximum price per dozen to the next higher cent.

Net cost for an authorized wholesale distributor as mentioned in this paragraph shall be his cost of Fainer Frozen Foods delivered in a customary quantity of this type of item by the customary mode of transportation to his customary receiving point, less all discounts allowed him, except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

(c) Sellers at retail shall determine their maximum selling prices of "Fainer Frozen Foods" by adding to their net cost of this item a mark-up over net cost of 36 percent of their net cost. Where a maximum price per package determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per package shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the retailer is permitted to increase his maximum price per package to the next higher cent.

Net cost for a retailer as mentioned in this paragraph shall be his cost for "Fainer Frozen Foods" delivered to his customary receiving point in a customary quantity of this type of item by a customary mode of transportation and from a customary source of supply, less all discounts allowed him, except the discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

(d) No seller, except a seller at retail, shall change his customary discounts, cold storage allowances or other allowances applying to sales of other quick-frozen food items in making sales of "Fainer Frozen Foods" unless such a change in these customary discounts, cold storage allowances and other allowances results in lower selling prices.

(e) On and after February 24, 1943, Fainer Frozen Foods shall supply a written notification to each authorized wholesale distributor before or at the time of the first delivery of "Fainer Frozen Foods" to a distributor, and for a period of three months thereafter shall include with each shipping unit of "Fainer Frozen Foods" a written notification to retailers. If such a retailer notification is enclosed in a shipping unit, a legend shall be affixed outside of such unit to read "Retailer's Notice Enclosed." The written notifications, for each type of purchaser, shall include the following appropriate statements:

Notification From Fainer Frozen Foods to Authorized Wholesale Distributors

OPA has authorized us to charge wholesalers the following net selling prices, f. o. b. Los Angeles, California, for "Fainer Frozen Foods:"

$1.20 per dozen 1 pound packages.
$2.28 per dozen 2 pound packages.

for baked Beans, Chili Beans, Spaghetti with Soup Stock and Tomato Sauce and Hominy, and

$1.92 per dozen 1 pound packages.
$3.72 per dozen 2 pound packages.

for Chili and Beans and Spaghetti with Meat Sauce, subject to all customary discounts, cold storage allowances and other allowances. Wholesalers are authorized to establish a ceiling price by adding to the net cost of these items 33 per cent of such net cost. Net cost is cost at the customary receiving point less all discounts, other than for prompt payment, and excluding charges for local hauling. Retailers shall establish ceiling prices by adding to their net cost 36 percent of their net cost. Each individual ceiling price determined by any seller shall be figured to the nearest cent (raise one-half cent fractions to the next even cent). A copy of notification to retailers is included in every shipping unit of these items. If the initial sale of these items to any retailer is a split case sale, wholesalers are required to provide such retailer with a copy of the retail notification so enclosed. OPA requires that you keep this notice for examination.

Notification From Fainer Frozen Foods to Retailers

OPA authorizes retailers to establish ceiling prices for "Fainer Frozen Foods" in 1 pound and 2 pound packages by adding to the net cost of these items 36 percent of their net cost. Net cost is the invoice cost at the customary receiving point less all discounts, other than for prompt payment, and excluding charges for local hauling. Such ceiling prices shall be figured to the nearest cent (raise one-half cent fractions to the next even cent). OPA requires that you keep this notice for examination.

(f) This Order No. 291 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 291 (§ 1499.1727) shall become effective February 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2920; Filed, February 23, 1943; 11:06 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 292 Under § 1499.3 (b) of GMPR]

GROCERY PRODUCTS MANUFACTURING CORP.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1734 *Authorization of maximum prices for sales of diced dehydrated mushrooms in bulk by Grocery Products Manufacturing Corporation, Mushroom Division, West Chester, Pennsylvania.* (a) On and after February 24, 1943 the maximum price for sales by the Grocery Products Manufacturing Corporation, Mushroom Division, West Chester, Pennsylvania, of diced dehydrated mushrooms shall be $4.45 per pound delivered anywhere in the United States.

The maximum price authorized herein is a gross price and includes the cost of shipping containers. The Grocery Products Manufacturing Corporation, Mushroom Division, shall not make any additional charge for such shipping containers for any sale or delivery, and if any bulk sales of diced dehydrated mushrooms without being packaged in containers are made the per pound maximum price of such dehydrated mushrooms shall be reduced in such proportion as the cost of the shipping container bears to the total cost of the product per pound.

(b) The Applicant, Grocery Products Manufacturing Corporation, Mushroom Division, shall not change its customary allowances, discounts or price differentials unless such change results in a lower price.

(c) This Order No. 298 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires the definitions set forth in § 1499.20 of the General Maximum Price Regulation and section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to terms used herein.

(e) This Order No. 298 (§ 1499.1734) shall become effective on the 24th day of February 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 23d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2921; Filed, February 23, 1943; 11:06 a. m.]

TITLE 46—SHIPPING

Chapter I—Bureau of Customs

Subchapter A—Documentation, Entrance and Clearance of Vessels, Etc.

[T.D. 50818]

PART 1—DOCUMENTATION OF VESSELS

OFFICIAL NUMBER AND SIGNAL LETTERS

46 CFR 1.16 relative to official number and signal letters amended to provide a uniform procedure in connection with the execution of the application for official number, forwarding the application to the Bureau, and notification of collector and owner of award of official number.

Section 1.16, Part 1, Title 46, Code of Federal Regulations, is hereby amended to read as follows:

§ 1.16 *Official number and signal letters.* (a) Every documented vessel shall have an official number awarded by the Commissioner of Customs. Application therefor shall be made on Customs Form 1320 by the owner or his agent through the collector of customs. When application is filed with the collector at the port designated as home port of the vessel, the application shall be in duplicate. When application is filed with the collector at any port other than the home port of the vessel, the application shall be in triplicate. In the case of corporate ownership, the application shall be signed in the corporate name by the president, secretary, or a specially authorized officer of the corporation or by an authorized agent. In the case of a partnership, the partnership name shall be signed by one of the partners, or by a duly authorized agent. In the case of in-

dividual ownership by two or more persons, one of the owners may sign in his own name as managing owner, provided there is filed with the collector a written authorization for him to act in that capacity signed by all the owners. In every case the capacity in which the person signs, whether as owner, managing owner, agent, etc., shall be clearly stated below his signature. In addition to the information therein required, the application shall state the name of any former owner.

(b) When application for an official number is filed with the collector at the port designated as home port of the vessel, the original only of customs Form 1320 shall be forwarded to the Bureau. When application for an official number is filed with the collector at any port other than the home port of the vessel, the original and one copy of the application shall be forwarded to the Bureau. Upon the award of an official number to the vessel, the Bureau will forward to the collector transmitting the application a notice of such award on customs Form 1321 in duplicate. The original shall be delivered to the applicant and the duplicate retained in the collector's files. When the application for official number is filed with the collector at any port other than the home port of the vessel, and an official number is awarded to the vessel, a copy of the notice of award will also be forwarded by the Bureau to the collector at the home port together with a copy of the application.

(c) All seagoing vessels of 100 tons or over, in addition to an official number, may have signal letters awarded. Signal letters may also be awarded to seagoing vessels of less than 100 tons where special application is made therefor through the collector.

(R.S. 161, sec. 2, 3, 23 Stat. 118, 119, R.S. 4177, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 3, 45. E.O. 9083; 7 F.R. 1609)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: February 19, 1943.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 43-2902; Filed, February 22, 1943; 12:07 p. m.]

Chapter IV—War Shipping Administration

[General Order 12, Supp. 14]

PART 306—GENERAL AGENTS AND AGENTS

COMPENSATION PAYABLE TO GENERAL AGENTS, ETC.

Compensation payable to general agents, agents, berth sub-agents, and domestic and foreign sub-agents—dry cargo vessels.

1. Section 306.2 *Effective period* is amended to read:

§ 306.2 *Effective period.* (a) The compensation payable to general agents, agents, domestic sub-agents and foreign sub-agents for services performed in connection with the business of dry cargo vessels under Service Agreements (GAA and TCA) shall be calculated in accordance with the provisions of General Order 12, Part I, and applicable supplements thereto (§§ 306.1 to 306.12 inclusive), as follows:

(1) Vessels delivered on or after February 25, 1942:

The date of delivery of the vessel;

(2) Vessels delivered prior to February 25, 1942:

(i) As to vessels owned by or bareboat chartered to the Administration:

The commencement of the first voyage on or after April 22, 1942;

(ii) As to vessels time chartered to the Administration:

The commencement of the first voyage on or after February 25, 1942.

(b) The compensation payable to berth sub-agents for services performed in connection with the business of dry cargo vessels shall be calculated, as follows:

(1) In the absence of any agreed compensation, on any voyage that commenced on or after December 1, 1941 and prior to the attachment of the vessel under General Order 12, Part I, and applicable supplements thereto:

The compensation prescribed in Press Release 1085, i. e., one-third of one cent per bale cubic foot capacity per month;

(2) On any voyage that commenced subsequent to the attachment of the vessel under General Order 12, Part I, and applicable supplements thereto, and prior to midnight June 30, 1942:

The compensation prescribed in § 306.7 of General Order 12, Part I, and applicable supplements thereto (subject to adjustment in conformity with the suggestion contained in the Administrator's form letter dated November 23, 1942);

(3) On any voyage that commenced after midnight June 30, 1942:

The compensation prescribed in § 306.5 (a) in Supplement 7 to General Order 12, Part I; and

(4) In instances where only a relatively small part of the total bale capacity of a vessel was utilized by a berth sub-agent prior to the attachment of vessels under General Order 12 (such as vessels operated in the service of the military authorities on the West Coast):

The compensation of the berth sub-agent and domestic and foreign sub-agents shall be as determined by the Assistant Deputy Administrator for Fiscal Affairs.

2. Section 305.5 (a) *Berth sub-agent defined,* (General Order 12, Supp. 7, 7 F.R. 7561) is amended by striking out the comma and inserting in lieu thereof a a period after the words "June 30, 1942" in the fifth line of the second paragraph thereof, and by deleting the remainder of the sentence reading "and, as to any voyage then in progress, when the vessel is next free of cargo on board at that time."

3. Section 306.7 *Compensation of agents in continental United States ports,* (7 F.R. 6587, 8565, 8714, 10724; 8 F.R. 185, 279) is amended by adding the following paragraph:

(g) For compensation as Agent in connection with passengers transported on dry cargo vessels, the Agent will be compensated as follows:

$3.00 for each passenger carried outward.
$2.00 for each passenger carried homeward.

The term "passenger" for which compensation will be payable under this paragraph is as defined in § 306.23 of Supplement 3 to General Order 12.

This compensation is payable from the effective dates set forth in § 306.2, as amended.

4. Section 306.8, *Compensation of agents at ports outside of continental United States,* (7 F.R. 6587, 8565, 8714; 8 F.R. 185) is amended by adding the following paragraph:

(g) For compensation as Sub-Agent at ports outside the continental limits of the United States, including Alaska, for passengers handled on dry cargo vessels, the Agent may pay his foreign Sub-Agent, with respect to such passengers, at the prevailing commercial rate, but not in excess of the following:

$2.00 for each passenger embarked.
$1.00 for each passenger disembarked.

The term "passenger" for which compensation will be payable under this paragraph is as defined in § 306.23 of Supplement 3 to General Order 12.

This compensation is payable from the effective dates set forth in § 306.2, as amended.

5. Section 306.10 *Adjustment of earnings to cover deficiencies,* is amended by adding the following paragraph:

The effective date of the provisions of this § 306.10 shall be July 1, 1942, and adjustment for the first period shall be for the six months ending December 31, 1942, and thereafter on an annual basis.

6. Section 306.11 *Adjustment for excessive compensation,* is amended by adding the following paragraph:

The effective date of the provisions of this § 306.11 shall be July 1, 1942, and adjustment for the first period shall be for the six months ending December 31, 1942, and thereafter on an annual basis.

(E.O. 9054, 7 F.R. 837)

[SEAL] E. S. LAND,
Administrator.

FEBRUARY 20, 1943.

[F. R. Doc. 43-2900; Filed, February 22, 1943; 11:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Amendment 1 to Service Order 92]

PART 95—CAR SERVICE

DESIGNATION OF AGENT AT CERTAIN PORTS

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of February, A. D. 1943.

Good cause appearing therefor; *It is ordered,* That:

Section 95.31 of this part is hereby amended to read as follows:

§ 95.31 (a) *Designation of agent at New York, New Jersey, Delaware, Pennsylvania, and Maryland ports; outline of duties.* W. R. Godber, Joint Manager of the Anthracite Tidewater Emergency Bureau and Northern Tidewater Bitumi-

nous Emergency Committee, 143 Liberty Street, New York, N. Y., is hereby designated and appointed as Agent of the Commission and vested with authority to control the movement of railroad cars used in the transportation of coal for transshipment by vessels at New York, New Jersey, Delaware, Pennsylvania, and Maryland ports and storage yards named in Trunk Line Tariff Bureau Tariff 139–C I.C.C. A–751, or in Trunk Line Tariff Bureau Tariff No. 138–B I.C.C. No. A–750, or supplements thereto. As Agent, he is hereby authorized to represent the Commission in the regulation of the shipment of coal to piers in such manner as to prevent the accumulation of cars of coal at such piers and storage yards by any transshipper in excess of the ability of such transshipper to provide vessel capacity for the prompt dumping of the coal. As Agent, he is authorized and directed to determine and advise the Commission in the establishment of the maximum number of cars which any transshipper may have on hand at any pier or storage yard or in transit from points of origin to said piers and storage yards. In arriving at said maximum number of cars said Agent shall give consideration to past performance in dumping, as well as any other circumstances which will affect the ability of the transshipper to unload from cars to vessels. As Agent, he is also authorized and directed to promote voluntary consolidation, for transshipment, of various grades and consignment designations of coal and to promote the reduction of the number of grades and consignment designations of coal to a minimum. As Agent, he is also authorized and directed to take the necessary action to bring about embargoes of transshippers, piers, or ports, to properly control the movement of cars used in the transportation of coal.

(b) *Diversion and rerouting of coal.* As Agent, he is authorized and vested with authority to divert and reroute cars loaded with coal moving to or through the ports named in paragraph (a) of this section, for transshipment by vessel or for delivery at the port, from the line or piers of any railroad which, in his opinion, can not currently accept and move such traffic, over the line or piers of any other railroad or railroads less congested and in a better position to handle the traffic. Such diversion and rerouting shall be made at any intermediate point en route, and, when necessary, at point of origin. Such diversion and rerouting shall be made regardless of the routing shown on the bill of lading designated by either shipper or carrier.

(c) *Rates to be applied.* Inasmuch as the diversion and rerouting of traffic pursuant to this order is deemed to be due to carriers' disability, rates applicable to traffic so forwarded shall be those which would have applied to the shipments if such shipments had moved as originally routed.

(d) *Division of rates.* In executing the orders and directions of the Commission provided for in this order the common carriers involved shall proceed without reference to contracts, agreements, or arrangements now existing between them with reference to the divisions of the rates of transportation applicable to said traffic; such divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carriers; and upon failure of the carriers to so agree, said divisions shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

It is further ordered, That this amendment shall become effective immediately and shall remain in force until further order of the Commission; and that copies of this amendment be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43–2896; Filed, February 22, 1943; 11:17 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B–349]

BLUE GEM COAL CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of A. C. Owens, H. D. McDonald and Lester Owens, individually and as co-partners doing business under the name and style of Blue Gem Coal Company, a partnership, Code Member.

An amended complaint dated February 17, 1943, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on February 17, 1943, by Bituminous Coal Producers Board for District No. 8, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by A. C. Owens, H. D. McDonald and Lester Owens, individually and as co-partners, doing business under the name and style of Blue Gem Coal Company, (the "Code Member"), of the Bituminous Coal Code (the "Code"), and rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such amended complaint be held on March 22, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 214, Post Office Building, Knoxville, Tennessee.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on said amended complaint.

Notice is hereby given that answer to the amended complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the amended complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the amended complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3250 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the amended complaint herein, other matters incidental and related thereto, whether raised by amendment of such amended complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the amended complaint herein.

The matter concerned herewith is in regard to the amended complaint filed by said complainant alleging that A. C. Owens, H. D. McDonald and Lester Owens, individually and as co-partners doing business under the name and style of Blue Gem Coal Company, a code member of Twinton, Tennessee, whose code membership became effective as of

September 3, 1940, and who operates the Blue Gem Mine, Mine Index No. 2481, located in Overton County, Tennessee, District No. 8, has wilfully violated the Act, the Code, and the effective minimum prices established thereunder by selling during the period October 12, 1940, to September 25, 1941, both dates inclusive coal produced at the above-named mine to various purchasers, at prices below the effective minimum prices as established in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipment, as follows:

Size	Tonnage	Sales price f. o. b. mine	Effective minimum price f. o. b. mine
5" lump	53.55	$2.24 to $2.43	$2.50
2" x 5" egg	210.90	$1.50 to $2.09	2.10
2" x 3" nut	1,826.50	$0.50 to $1.50	1.85
1" x 2" pea	340.50	$0.29 to $1.35	1.85
Run of mine	36.50	$1.17 to $1.20	1.95
2" nut and slack	930.00	$0.35 to $0.76	1.35

Each sale and delivery of coal as set forth above resulted in a violation of section 4 Part II (e) of the Act and Part II (e) of the Code.

Dated: February 22, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-2915; Filed, February 23, 1943; 10:44 a. m.]

[Docket No. B-357]

HUDSON COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

I. Under provisions of the Bituminous Coal Act of 1937 (the "Act"), district boards are authorized in appropriate cases to file complaints of violations of the Act, the Bituminous Coal Code (the "Code") and rules and regulations of the Bituminous Coal Division (the "Division").

II. The Division on Febrary 11, 1943 referred to District Board No. 20 information in its possession bearing on whether violations of the Act, the Code, orders, rules and regulations thereunder have been committed by Hudson Coal Company, a corporation, the Code Member above-named (hereinafter referred to as the "Code Member") whose Code Membership became effective as of March 1, 1941, operator of the Sweet Mine, Mine Index No. 23, located in Carbon County, Utah, District No. 20, in connection with the following:

A. *Section 4 II (e) of the Act and Part II (e) of the Code.* Sales of coal produced at the aforesaid mine for rail shipment below the applicable minimum prices therefor as set forth in the Schedule of Effective Minimum Prices for District No. 20 for All Shipments (the "Schedule") including the following transactions:

1. Sales to various purchasers during the period March 31, 1941 to January 15, 1942, inclusive, of approximately 3,639.89 net tons of 3½" x 1⅝" nut coal at prices ranging from $2.65 per net ton to $2.75 per net ton f. o. b. the mine, whereas such coal, pursuant to Price Instruction No. 5 of the Schedule, should have been sold at not less than $2.40 per net ton f. o. b. said mine;

2. Sales to various purchasers during the period March 31, 1941 to January 15, 1942, inclusive, of approximately 615.15 net tons of 3½" x 1⅝" nut coal at prices ranging from $2.65 per net ton to $2.75 per net ton f. o. b. the mine, whereas such coal, pursuant to Price Instruction No. 5 of the Schedule, should have been sold at not less than $2.90 per net ton f. o. b. said mine;

3. Sale to Idaho Bean and Elevator Co., Twin Falls, Idaho, on or about January 10, 1942, of approximately 38 net tons of 3½" x 10" stove coal at $3.65 per net ton f. o. b. the mine, whereas such coal, pursuant to Price Instruction No. 5 of the Schedule, should have been sold at not less than $4.20 per net ton f. o. b. the mine;

4. Sales to various purchasers during the period August 9, 1941 to January 6, 1942, inclusive, of approximately 641.72 net tons of 3½" x 8" stove coal at $3.50 per net ton f. o. b. the mine, whereas such coal, pursuant to Price Instruction No. 5 of the Schedule, should have been sold at not less than $3.65 per net ton f. o. b. the mine;

5. Sales to various purchasers during the period April 29, 1941 to January 13, 1942, inclusive, of approximately 1182.05 net tons of 3½" lump coal at $3.65 per net ton f. o. b. the mine, whereas such coal, pursuant to Price Instruction No. 5 of the Schedule, should have been sold at not less than $3.80 per net ton f. o. b. the mine;

(6) Sales to Asael Farr Coal Company, Ogden, Utah, during the period March 31, 1941 to January 15, 1942, inclusive, of approximately:

(a) 251.30 net tons of 3½" lump coal invoiced at $3.65 per net ton f. o. b. said mine, whereas said coal, pursuant to Price Instruction No. 5 of the Schedule, should have been sold at not less than $3.80 per net ton f. o. b. said mine;

(b) 675.12 net tons of 3½" x 8" stove coal invoiced at $3.50 per net ton f. o. b. said mine, whereas said coal, pursuant to Price Instruction No. 5 of the Schedule, should have been sold at not less than $3.65 per net ton f. o. b. said mine;

(c) 450.45 net tons of 1⅝" x 3½" oiled nut coal invoiced at $2.75 per net ton f. o. b. said mine, whereas said coal, pursuant to Price Instruction No. 5 of the Schedule, should have been sold at not less than $3.00 per net ton f. o. b. said mine;

(d) 253.21 net tons of 1⅝" x 3½" nut coal invoiced at $2.65 per net ton f. o. b. said mine, whereas said coal, pursuant to Price Instruction No. 5 of the Schedule, should have been sold at not less than $2.90 per net ton f. o. b. said mine;

(e) 156.28 net tons of 3½" lump coal invoiced at $3.65 per net ton f. o. b. the mine, whereas said coal, pursuant to Price Instruction No. 5 of the Schedule, should have been sold at not less than $3.80 per net ton f. o. b. said mine.

B. *Section 4 II (e) of the Act, Part II (e) of the Code and Rule 1 of Section X of the Marketing Rules and Regulations.* Granting unauthorized claims for allowances from the effective minimum prices, in amounts ranging from 25 cents to 40 cents per net ton, for alleged substandard preparation or quality, and also failing to comply with the requirements of Rule 1 of Section X of the Marketing Rules and Regulations, on coal sold to said Asael Farr Coal Company and Consolidated Coal Company, as follows:

1. To the Asael Farr Coal Company during the period October 16 to December 31, 1941, clusive, approximately 311.91 net tons of 3" lump coal; approximately 294.90 net tons of 3½" x 8" coal; approximately 261.92 net tons of 1⅝" x 3½" coal; and approximately 47.60 net tons of 3½" lump coal; and

2. To the Consolidated Coal Company during the period October 27, 1941 to December 31, 1941, inclusive, approximately 250.55 net tons of 8" lump coal; 228.75 net tons of 3½" x 8" coal; approximately 42.90 net tons of 1⅝" x 3½" coal; and approximately 43.90 net tons of 3½" x 10" coal.

C. *Order of the Division No. 313, dated February 24, 1941.* Failing to show on copies of invoices filed with the Division the actual size of coal sold by it, including all of the coal referred to in Item A hereinabove, sold for rail shipment to various purchasers, during the period March 31, 1941 to January 15, 1942, inclusive, as required by Order of the Division No. 313 dated February 24, 1941.

D. *Section 4 II (e) of the Act and Part II (e) of the Code.* Sales of coal produced at the aforesaid mine for truck shipment below the applicable minimum prices therefor as set forth in the Schedule including the following transactions:

1. Sales to the Eureka Powder Company during the period January 14 to 27, 1942, of approximately 34.85 tons of 3" lump coal at approximately $3.09 per net ton f. o. b. the mine, whereas the effective minimum price applicable for such coal was $3.65 per net ton f. o. b. the mine, as set forth in the Schedule;

2. The sale on or about January 14, 1942, to J. D. Richardson, of approximately 7.15 net tons of 1⅝" lump coal at approximately $2.89 per net ton f. o. b. the mine, whereas the effective minimum price applicable for such coal was $3.45 per net ton f. o. b. the mine, as set forth in the Schedule; and

3. The sales to Byron Fergeson on or about January 16, 1942, of approximately 11.67 net tons of 1" slack coal (oiled) at approximately $1.98 per net ton f. o. b. the mine, and approximately 13.03 net tons of 3" lump coal, on March 3, 1942, at approximately $3.09 per net ton, whereas the effective minimum prices applicable for such coals were $2.00 and $3.65 respectively, per net ton f. o. b. the mine, as set forth in the Schedule.

E. *Order of the Division No. 312 dated February 24, 1941.* Failing to show on copies of invoices filed with the Division the net actual weight and price per ton of the coal referred to in Item D hereinabove, as required by Order of the Division No. 312 dated February 24, 1941.

III. By said communication dated February 11, 1943, the Division notified said Board that unless it took action on the matters referred to therein within ten days from the date thereof the Division would take such action in lieu of the board as it deemed to be appropriate.

IV. District Board No. 20 has not taken any action on said matters.

V. Section 6 (a) of the Act provides in part that in the event a district board shall fail for any reason to take action authorized or required by this section then the Division may take such action in lieu of the district board.

VI. District Board No. 20 having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the Board, as in this Notice of and Order for Hearing provided, pursuant to section 6 (a) and other pertinent provisions of the Act for the purpose of determining:

A. Whether the Code Member wilfully violated sections 4 II (e) and (i) 8 of the Act; Part II (e) and (i) 8 of the Code; Rule 1 of section X, Rule 2 of section XII, and Rule 8 of section XIII, of the Marketing Rules and Regulations; and Orders of the Division No. 312 and 313, each dated February 24, 1941; and

B. Whether, in the event the Code Member is found to have violated the Act and the Code and rules and regulations thereunder, an order should be entered revoking the Code Membership of the Code Member, or directing the Code Member to cease and desist from violating the Act, the Code and rules and regulations thereunder.

It is hereby ordered, That a hearing pursuant to sections 4 II (j), 5 (b) and 6 (a), and other pertinent provisions of the Act, be held on March 29, 1943, 10 a. m. at a hearing room of the Division at the Courtroom, Salt Lake Court, Salt Lake City, Utah, to determine whether the aforementioned Code Member has committed the violations in the respects heretofore described and whether the Code Membership of said Code Member should be revoked or an order entered directing the Code Member to cease and desist from violating the Act, the Code and rules and regulations of the Division thereunder.

It is further ordered, That D. C. McCurtain, or any other officer of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing, or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons or entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted pursuant to sections 4 II (j) and 5 (b) of the Act may file a petition for intervention not later than five (5) days before the date set for hearing herein.

Notice is hereby given that answer setting forth the position of the Code Member with reference to the matters hereinbefore described must be filed with the Division at its Washington Office or with one of the Statistical Bureaus of the Division within twenty (20) days after the date of service of a copy hereof on the Code Member; and that any failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission by the Code Member of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

Notice is also hereby given that any application, pursuant to § 301.132 of said Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing must be filed not later than fifteen (15) days after receipt by said Code Member of this Notice of and Order for Hearing.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the charges specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: February 22, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-2913; Filed, February 23, 1943; 10:44 a. m.]

[Docket No. B-369]

R. A. NIXON

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 2, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on June 4, 1942, by Bituminous Coal Producers Board for District No. 11, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by R. A. Nixon, a code member in District No. 11 (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 23, 1943, at 10:00 a. m. at a hearing room of the Bituminous Coal Division at the Commissioner's Room, Vanderburgh County Courthouse, Evansville, Indiana.

It is further ordered, That Joseph A. Huston, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that R. A. Nixon, located in Spurgeon, Indiana, whose code membership became effective as of March 4, 1940, operator of the Nixon Mine, Mine Index No. 887, located in Pike County, Indiana, District No. 11 has wilfully violated:

1. Section 4 II (e) of the Act and Part II (e) of the Code by selling to various purchasers, subsequent to October 1, 1940, approximately 3032 net tons of 1¼" lump coal (Size Group No. 6) produced at the aforesaid mine at $1.80 per net ton f. o. b. the mine, whereas the effective minimum price for said coal is $2.20 per net ton f. o. b. the mine.

2. Section 4 II (i) 8 of the Act and Part II (i) 8 of the Code, Orders of the Division Nos. 296 and 297, and Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations by failing to set forth on his truck sales tickets during the period from October 1, 1940 to December 31, 1940, both dates inclusive, the actual size of coal sold during said period as required by said Orders of the Division Nos. 296 and 297. Said code member recorded the size of the coal sold on said truck sales tickets as run of mine coal, whereas it was in fact 1¼" lump coal.

3. Section 4 II (i) 8 of the Act and Part II (i) 8 of the Code, Order of the Division No. 307 and Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations, by failing to set forth on his truck sales tickets during the period from January 1, 1941 to February 25, 1941, both dates inclusive, the actual size of coal sold during said period as required by said Order of the Division No. 307. Said code member

recorded the size of the coal sold on said truck tickets as run of mine coal, whereas it was in fact 1¼" lump coal.

4. Order of the Division No. 307, by failing during the period from February 26, 1941 to March 31, 1941 to maintain records of coal sold by truck or wagon during said period as required by the said Order of the Division No. 307.

5. Section 4 II (i) 8 of the Act and Part II (i) 8 of the Code, Order of the Division No. 312 and Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations, by failing to maintain proper records during the period from July 21, 1941 to October 18, 1941, both dates inclusive, as required by said Order of the Division No. 312. Said code member recorded the size of the coal sold on said truck tickets as run of mine coal, whereas it was in fact 1¼" lump coal.

Dated: February 22, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-2916; Filed, February 23, 1943; 10:44 a. m.]

[Docket No. A-1737]

DISTRICT BOARDS 7 AND 8

ORDER POSTPONING HEARING AND EXTENDING TIME FOR FILING STATEMENTS OR PETITIONS OF INTERVENTION

In the matter of the petition of District Boards Nos. 7 and 8 for an increase in minimum prices, pursuant to section 4 II (a) and (b) of the Bituminous Coal Act of 1937.

The Bituminous Coal Producer Board for District No. 3, an interested party in the above-entitled matter, filed an application on February 12, 1943, requesting that the time within which interested persons or parties may file their statements or petitions of intervention, setting forth their positions with regard to the specific requests and proposals of the original petitioners herein, and their own specific requests and proposals be extended to March 20, 1943, and that the hearing in said matter, heretofore scheduled for February 24, 1943, be postponed until March 24, 1943. All participants were given adequate opportunity to exexpress their views concerning the application and many (including District Boards 1, 2, 4, 7, 8, 9, 11 and 12 and Consumers' Counsel) urged or stated they had no objection to the granting of the application for postponement of the hearing. Good cause has been shown why the application should be granted in part.

Now, therefore, it is ordered, That the time within which interested persons or parties in this docket may file statements or petitions of intervention pursuant to the Memorandum Opinion and Order Denying Temporary Relief and Notice of and Order for Hearing, entered January 9, 1943, be, and the same hereby is, extended to March 3, 1943.

It is further ordered, That the hearing in the above-entitled matter be postponed from February 24, 1943 to March 24, 1943, at the time and place heretofore designated.

Dated: February 19, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-2914; Filed, February 23, 1943; 10:44 a. m.]

CIVIL AERONAUTICS BOARD.

ADOPTION OF REGULATIONS PERTAINING TO TRAFFIC CONTROL

NOTICE OF HEARING

Notice is hereby given that on the second day of March, 1943, at 9:30 a. m., in Room 5042, Commerce Building, Washington, D. C., a hearing will be held before a presiding officer of the Board with respect to the adoption of regulations pertaining to §§ 60.33 and 60.530 (Traffic Control) of the Civil Air Regulations.

Dated at Washington, D. C., February 19, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 43-2885; Filed, February 22, 1943; 10:55 a. m.]

REGULATIONS PERTAINING TO AIRLINE TRANSPORT PILOTS' PHYSICAL EXAMINATIONS

NOTICE OF HEARING

Notive is hereby given that on the second day of March, 1943, at 11:00 a. m., in Room 5042, Commerce Building, Washington, D. C., a hearing will be held before a presiding officer of the Board with respect to the deletion of a portion of § 21.400 of the Civil Air Regulations pertaining to physical examinations of airline transport pilots.

Dated at Washington, D. C., February 19, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 43-2886; Filed, February 22, 1943; 10:55 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-115]

THE EAST OHIO GAS COMPANY

ORDER POSTPONING HEARING

FEBRUARY 20, 1943.

It appearing to the Commission that:

Good cause has been shown for the postponement of the hearing in the above-entitled matter;

The Commission *orders,* That:

The hearing in the above-entitled matter heretofore set for March 3, 1943, be and the same hereby is postponed to begin April 7, 1943, at 9:45 a. m., in Room 331, Old Post Office Building, Cleveland, Ohio.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 43-2901; Filed, February 22, 1943; 11:52 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4915]

THE DENTISTS' SUPPLY COMPANY OF NEW YORK

NOTICE OF HEARING

Complaint. Pursuant to the provisions of an Act of Congress approved October 15, 1914, entitled "An Act to Supplement Existing Laws Against Unlawful Restraints and Monopolies, and for Other Purposes" (the Clayton Act), as amended by an Act of Congress approved June 19, 1936 (U.S.C. Title XV, section 13) (The Robinson-Patman Act), and pursuant to the provisions of an Act of Congress approved September 26, 1914, entitled "An Act to Create a Federal Trade Commission to Define Its Powers and Duties and for Other Purposes" (The Federal Trade Commission Act), the Federal Trade Commission having reason to believe that the respondent named in the caption hereof has violated and is now violating the provisions of subsection (a) of section 2 of said Clayton Act as amended; and the Federal Trade Commission having reason to believe that said respondent has been and is using unfair methods of competition in commerce as "commerce" is defined in said Federal Trade Commission Act, and it appearing to said Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint against the said respondent, stating its charges as follows:

Count I

PARAGRAPH ONE: Respondent Dentists' Supply Company of New York is a corporation organized and existing by virtue of the laws of the State of New York with an office and principal place of business located at 220 West 42nd Street, New York City, and with factories located at York, Pennsylvania, and Philadelphia, Pennsylvania.

PAR. TWO: Respondent corporation is now, and has been since prior to June 19, 1936, engaged in the business of manufacturing artificial teeth which it sells to wholesale dealers known as dental supply houses, to dental laboratories and to dentists, located in States other than the State of Pennsylvania, causing said artificial teeth, when sold, to be transported from the place of manufacture within said State of Pennsylvania to the purchasers thereof located in states other than the State of Pennsylvania, and there is, and has been at all times herein mentioned, a continuous current of trade and commerce in said product across state lines between respondent's factories and the purchasers of such product. Said product is sold and distributed for use, consumption and resale within the various states of the United States and the District of Columbia.

PAR. THREE: In the course and conduct of its business as aforesaid respondent is now, and during the time herein mentioned has been, in substantial competition with other corporations engaged in the business of manufacturing and selling artificial teeth in commerce between and among the various states of the United States and the District of Columbia. Said corporate respondent is the largest manufacturer and distributor of artificial teeth in the United States, its sales constituting approximately 70% of the total United States production, and as such occupies a dominant position in the artificial teeth industry. The annual net sales of respondent in the United States of artificial teeth total approximately $3,000,-

000. Respondent's product is sold to over 200 authorized dealers known as dental supply houses which are wholesalers and which resell to the ultimate purchasers, dental laboratories and dentists located in the various states of the United States and in the District of Columbia. Dentists by trade custom seldom make their own false denture requirements but customarily order such work performed by dental laboratories which laboratories constitute the dominant factor in the use and consumption of artificial teeth. While respondent's dealers sell other dental supplies than teeth, approximately 20% of their sales are artificial teeth purchased from respondent.

Respondent is now, and has been since prior to June 19, 1936, selling its said dealers on the following uniform discount plan: Respondent grants its dealers a 40% discount, plus 9% for payment within 30 days, from the unit retail price of the artificial teeth as shown on respondent's price list; and in addition, where a dealer sells to a dental laboratory or dentist in $300 quantities, respondent grants the dealer making such purchase an additional 7½% discount. Dealers' resale prices, as suggested by respondent, are now and have been during said period on the basis of 10% discount from list prices on $100 purchases and 20% discount from list prices on purchases amounting to $300 or more.

PAR. FOUR: In the course and conduct of its business as aforesaid since June 19, 1936, respondent has been, and is now, discriminating in price between different purchasers buying such products of like grade and quality sold by the respondent for use, consumption and resale, by giving and allowing some of its purchasers of such products lower prices than given or allowed other purchasers competitively engaged in said line of commerce and by giving and allowing certain of said purchasers adjustments, rebates or discounts in the form of cash or commodities not given or allowed to other of respondent's purchaser customers. That the respondent has effectuated the discriminations in price referred to herein by superimposing upon the regular schedule of discounts allowed by respondent to its dealers and by its dealers to the ultimate purchasers a variety of additional rebates and discounts given in the form of free or bonus artificial teeth and more particularly hereinafter described in paragraphs 5, 6, 7 and 8 of this complaint.

PAR. FIVE: Respondent employs some twenty district sales representatives who visit dental laboratories and dentists for the purpose of promoting the sale of teeth by said prospective purchasers from respondent's dealers. Such sales representatives take orders for teeth, and solicit the execution of bonus contract agreements hereinafter described. Any orders for teeth obtained by respondent's sales representatives aforesaid are transmitted to respondent's New York Office where they are either filled directly by respondent or referred to a dealer to fill out of such dealer's current stock or are filled by shipping the order to such dealer for subsequent delivery to the purchaser. Respondent's book entries, however, invariably show the sale as having been made to the dealer and respondent looks to such dealer for payment of the order and credits the dealer's account accordingly.

As a special inducement to dental laboratories to purchase from respondent's dealer selling agencies in amounts in excess of $1000 per annum, since prior to June 19, 1936, respondent through its sales representatives aforesaid has been and is now soliciting and obtaining the execution of bonus contract agreements from numerous dental laboratories located in the various states of the United States and in the District of Columbia. If a laboratory agrees to purchase $1,000, $2500, $5000, or $10,000 worth of teeth annually from respondent's dealers or any of them, then respondent in turn agrees to give such purchaser 10% or $100 worth of free bonus teeth computed at unit retail prices on a $1000 to $2499 annual volume purchase, 15% or $375 worth of free bonus teeth similarly computed on a $2500 to $4999 annual volume purchase, 20% or $1000 worth of free bonus teeth similarly computed on a $5000 to $9999 annual volume purchase, and 25% or $2500 worth of free bonus teeth similarly computed on a $10,000 or greater annual volume purchase. That said bonus contracts contain among other provisions the following clauses, to-wit:

(1) The Consumer covenants and agrees to purchase from the Company's regular selling agencies named herein teeth of the Company's manufacture, namely: "Trubyte," "Solila," "Twentieth Century," "Dentsply," "Famous" and "Trubridge" teeth (Steele's facings excepted) and/or "Trubase" and "Truwax" and/or White's teeth to the total purchase price and amount of ---------- Dollars during the term of this agreement.

* * * * *

(5) Upon the faithful carrying out by the Consumer of the aforesaid covenants, the Company hereby covenants and agrees to give direct to the Consumer a Bonus on all such teeth and on "Trubase" or "Truwax" of its manufacture and on White's teeth purchased and paid for by the consumer during the term of this agreement by supplying free of charge to the Consumer porcelain teeth of the Company's manufacture (Steele's facings excepted), as specified by the Consumer of the value of $---------- Dollars. The value of the teeth so delivered as said Bonus to be computed at the Unit Prices of such teeth published in the price list of the Company, current December 31, 194-, or at the date of the termination of this agreement in case of its earlier termination.

(6) It is mutually covenanted and agreed that as evidence of the purchase of such teeth or wax by the Consumer, the Consumer shall present to the Company on or before January 20, 194--, receipted bills or other evidence, satisfactory to the Company, showing the quantities purchased, from whom purchased and amounts paid for same by the Consumer during the term of this agreement; and the amount of such purchases upon which the Bonus shall be computed shall be the amount actually paid by the Consumer for said teeth and wax; and within thirty days after the presentations of such evidence by the Consumer, the Company agrees to give the Consumer the quantity of teeth so due as said bonus.

That the amount of dollar purchases of teeth which the dental laboratory entering into such a contract agrees to purchase is either $1000, $2500, $5000 or $10,000 annually as heretofore alleged, one of which amounts being inserted in the space provided in clause (1) of such contract above set forth. That the dollar amount of bonus or free teeth agreed to be supplied by respondent to such dental laboratory purchaser in consideration for the agreed annual dollar volume purchase is a sum certain computed in the manner alleged, said dollar amount of bonus or free teeth being inserted in the space provided in clause (5) of such contract above set forth. If the amount which a dental laboratory agrees to purchase is not reached but one of the lower brackets is obtained within the period covered by the contract, then such dental laboratory is paid in accordance with the bracket it does reach whereas if a higher bracket is reached than agreed upon under the bonus contract, then such dental laboratory is paid at the rate provided for such higher bracket. The bonus provided by such bonus contract agreement is cumulative. For example, a dental laboratory purchasing $9500 in teeth is given 20% of $9500 or $1900 in free teeth. If, however, it purchases an additional $500 it will reach the $10,000 bracket and be paid a bonus at the rate of 25% of its entire purchases or $2500. That approximately 1400 of such bonus contracts have been executed by respondent and respondent's purchaser customers annually since June 19, 1936, and that minimum annual volume purchases provided for under such contracts were completed and bonus or free teeth given in the amount provided as to approximately 65% of the total number of bonus contracts executed. That respondent through its sales representatives not only personally solicits such dental laboratories for both regular teeth orders and for bonus contract agreements but also makes effective its special price policies and schedules as applied to them which price policies and schedules are reduced to writing and formally executed by both respondent and by such dental laboratories in the form of such bonus contracts aforesaid. That such dental laboratories are purchasers from and customers of respondent within the intent and meaning of the provisions of subsection (a) of section 2 of the Act described in the preamble hereof. That such bonus system results in a lower unit price being paid for teeth by respondent's purchaser customers who are able to take advantage of such bonus system by purchasing in the required volume and enables such purchaser customers in whose favor such discrimination is made either to undersell their competitors or furnish better facilities and services to their dentists customers, or both.

PAR. SIX: That, for the purpose of granting and allowing the bonus or free teeth discounts under its bonus system described in paragraph Five hereof, respondent has permitted the main office of some chain dental laboratory buyers to pool the orders of the unit laboratories thereof and has granted and allowed to such chain dental laboratory buyers the bonus applicable to the volume of teeth purchases during the bonus contract pe-

riod represented by the pooled orders. For example, if the pooled order has totaled over $10,000 in teeth ordered from respondent during the bonus contract period, each unit laboratory through its main office has received a 25% free teeth bonus on all its purchases even though the individual unit laboratory may not have ordered a sufficient quantity to qualify for any or for more than a 10% bonus under respondent's bonus system. That the respondent granting and allowing such pooling privilege in connection with the granting and allowing of bonus teeth under its bonus system aforesaid did not make shipment of the teeth purchased from all the unit laboratories during the bonus contract period to the main office or warehouse of such dental laboratory chains. That in fact the teeth purchased by such dental laboratory chains were and are now purchased in small amounts from time to time by each unit laboratory from many of respondent's dealers. That the chain dental laboratories receiving such pooling privilege in the calculation of bonuses under respondent's bonus system aforesaid were and are now in competition with other dental laboratories competing with such dental laboratory chains in the sale of respondent's teeth but which by virtue of not being a unit laboratory of a chain do not receive any bonus or as large a bonus from respondent.

PAR. SEVEN: Respondent since prior to June 19, 1936, has and now does operate a dental depot in New York City, where it keeps a complete stock of artificial teeth manufactured in its factories in the State of Pennsylvania and shipped to said dental depot located in New York City, State of New York. That in connection with the operation of such dental depot it sells directly to dental laboratories in competition with its dealers located in New York City. That in connection with such direct sales made to its purchaser customers it solicits and procures the execution of bonus contract agreements identical in form to said bonus contract agreements described in Paragraph Five of this complaint. That such bonus system employed in connection with sales made from respondent's New York City depot to purchaser customers located in the New York City area results in a lower unit price being paid for teeth by respondent's purchaser customers who are able to take advantage of such bonus system by purchasing in the required volume and enables such purchaser customers in whose favor such discrimination is made either to undersell their competitors or furnish better facilities and services to their dentist customers, or both.

PAR. EIGHT: The prices at which respondent sells its teeth products to its dealers are uniform and are as set forth in Paragraph Three of this complaint with the following exception: In fulfilling its agreement to furnish a specified amount of bonus or free teeth to its bonus contract holders, respondent since June 19, 1936, has and now does issue to such purchaser customers holding and completing bonus contracts certificates entitling the holder thereof to bonus or free teeth in the dollar amount specified therein upon presentation of such certificates to respondent or to any of respondent's dealers. Prior to January 1, 1939, respondent allowed its dealers a secondary bonus or discount of 8% of the dollar value of bonus certificates and in proportion to the dollar amounts of respondent's teeth purchased by the bonus certificate holders from such dealers. To illustrate: Abel Dental Laboratory of Houston, Texas, having a $1000 bonus contract, purchased during the period specified therein $56.48 worth of teeth from A. P. Cary Co. and $979.17 worth of teeth from Pendleton & Arto, two of respondent's dealers located in Houston, Texas; respondent issued to said dental laboratory purchaser two bonus certificates, one in the amount of $97.91 and another in the amount of $5.65. Both of such certificates were redeemed by said Pendleton & Arto and its account was credited for the amount of the teeth given in such redemption at dealers' list prices; however, Pendleton & Arto, which handled the redemption of both certificates, was allowed by respondent 8% of $97.91 as $979.17 of the merchandise had been purchased from such dealer and A. P. Cary Co. was allowed by respondent 8% of $5.65 as $56.48 of the merchandise had been purchased from such dealer. Since the dealer redeeming the bonus certificates is credited with the full amount of teeth given in redemption of such certificates at dealers' prices, no profit is made by the dealer on the transaction as is the case in ordinary dealers' sales. It is only in the event that the dealer has originally sold some of the merchandise to the bonus certificate holder upon which the bonus certificate is issued that the dealer redeeming the certificate obtains any part of the above described secondary bonus or discount. From January 1, 1939, and thereafter respondent increased such secondary bonus or discount paid to its dealers upon bonus certificates in the manner aforesaid from 8% to 12½%. The dealer's account is credited by respondent in the amount of such secondary bonus or discount allowed, thereby reducing the cost to the dealer of the teeth purchased by such dealer at regular dealers' prices. That the practice aforesaid of respondent's secondary bonus system to dealers results in a lower unit price being paid for teeth by some of respondent's dealers than is paid by other of respondent's dealers. Moreover, said secondary bonus or discount paid by respondent to its dealers and predicated upon the bonus certificates issued to dental laboratories under respondent's bonus system described in Paragraph Five hereof, implements and makes effective such bonus system to dental laboratories, thereby contributing to the discriminations and competitive injuries resulting from said bonus system of respondent described in said Paragraph Five hereof.

PAR. NINE: The effect of the discriminations in price set forth in paragraphs Five to Eight, inclusive, hereof, may be substantially to lessen competition between respondent and its competitors; between the customers of respondent in whose favor such discriminations are made and the customers of the competitors of the respondent; tend to create a monopoly in respondent in the line of commerce in which it is engaged; to injure, destroy or prevent competition with respondent; to injure, destroy or prevent competition with the customers of respondent who receive the benefit of such discriminations; to injure, destroy or prevent competition with customers of persons, partnerships and corporations that have knowingly received and are now knowingly receiving the benefits of such discriminations.

Such discriminations in price by the respondent between different purchasers of goods of like grade and quality in interstate commerce in the manner and form aforesaid, are in violation of the provisions of subsection (a) of section 2 of the Clayton Act described in the preamble hereof.

Count II

PARS. ONE TO EIGHT, INCLUSIVE: As Paragraphs One to Eight, inclusive, of Count II of this complaint, the Commission hereby incorporates Paragraphs One to Eight, inclusive, of Count I hereof to precisely the same extent as if each and all of them were set forth in full and repeated verbatim in this count.

PAR. NINE: The capacity, tendency and effect of the respondent's system of bonus contract agreements extended to dental laboratories in the manner fully described in Paragraphs Five, Six and Seven hereof and of the respondent's system of secondary bonuses or discounts extended to its dealers in the manner fully described in Paragraph Eight hereof, are and have been:

1. To bring about an unlawful discrimination in the prices at which respondent's artificial teeth are sold to respondent's purchaser customers.

2. To discriminate unlawfully against small dental laboratories who are or have been engaged or desire to engage in the use, consumption and resale of respondent's artificial teeth.

3. To unreasonably lessen, eliminate, restrain, stifle, hamper, suppress and injure competition in the sale of artificial teeth by encouraging concentrated buying of respondent's teeth in order to obtain the bonuses under respondent's bonus system and thereby depriving dealers of competing manufacturers of the business which they would enjoy under conditions of normal and unobstructed or free and fair competition in the sale of artificial teeth.

4. To encourage the purchase of excess requirements of respondent's artificial teeth beyond the needs of purchaser customers, thereby restricting, restraining and impeding the normal flow of commerce in such products.

5. To monopolize or to tend to monopolize in respondent interstate trade and commerce in artificial teeth.

6. To hamper and interfere with the natural flow of trade in commerce of artificial teeth to and through the various states of the United States; and to injure the manufacturer competitors of respondent by unfairly diverting business and trade from them and by de-

priving them of the business which they would enjoy were it not for the unfair tendency and effect of respondent's bonus system.

7. To prejudice and injure manufacturers who do not conform to respondent's bonus system or sales methods or who do not desire to conform to them but are compelled to adopt similar systems or sales methods by the action of respondent in that particular.

PAR. TEN: The acts and practices in this count set forth are all to the prejudice of the public; they have a dangerous tendency, to hinder, lessen, restrict and suppress competition in the interstate sale of artificial teeth throughout the several states, and to create a monopoly thereof in the hands of the respondent and constitute unfair methods of competition in commerce within the meaning of section 5 of the Federal Trade Commission Act described in the preamble hereof.

Wherefore, the premises considered, the Federal Trade Commission on this 18th day of February, 1943, hereby issues its complaint against said respondent.

Notice. Notice is hereby given you, The Dentists' Supply Company of New York, a corporation, respondent herein, that the 26th day of March, A. D. 1943, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may given notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 18th day of February A. D. 1943.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-2854; Filed, February 22, 1943; 10:47 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Amendment of Vesting Order 13]

VESTING OF CERTAIN PATENTS

Whereas pursuant to Vesting Order No. 13 of May 29, 1942, (7 F.R. 4128) the undersigned purported to vest several patents described in the Exhibits attached to the said order;

Whereas included among the patents listed in Exhibit D attached to the aforesaid order was Patent Number 2,261,008 (inventor R. Van Sickle, et al., for circuit interrupter) which patent was described therein as standing of record in United States Patent Office in the name of Lorenz, C. Aktiengesellschaft;

Whereas such patent in fact stands of record in the United States Patent Office in the name of Westinghouse Electric and Manufacturing Company, a corporation of the United States; and

Whereas it was intended to vest Patent Number 3,264,008 (which patent was subsequently vested by Vesting Order Number 201 of October 2, 1942) but such patent was, through clerical error, designated in Vesting Order Number 13 as Patent Number 2,261,008;

No, therefore, Vesting Order Number 13 of May 29, 1942, is hereby amended as follows and not otherwise:

By striking the number "2,261,008" appearing in Exhibit D attached thereto and made a part thereof.

All other provisions of said Vesting Order Number 13 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on February 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-2890; Filed, February 22, 1943; 11:04 a. m.]

[Vesting Order 600]

HEINRICH WILHELM OSCAR DUVINAGE, ET AL.

Re: Real property in Queens County, New York, interests in which are owned by German citizens.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the persons, whose names and last known addresses as represented to the undersigned are set forth in Exhibit A attached hereto and made a part hereof, are citizens of Germany and are nationals of a designated enemy country (Germany);

2. Finding, therefore, that all right, title, interest and estate, both legal and equitable, of said persons, and each of them, as their interests appear opposite their respective names in said Exhibit A, in and to that certain real property situated at 9581 113th Street, South Ozone Park, Queens County, New York, together with all fixtures, improvements and appurtenances thereto, more particularly described in Exhibit B attached hereto and made a part hereof, is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

3. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on December 30, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Names and last known addresses	Interests
Heinrich Wilhelm Oscar Duvinage, #113 Hornerweg, Hamburg, Germany	1/24
Johannes Wilhelm Heinrich Duvinage, #219 Kielerstrasse, Altona, Germany	1/24
Paul Theodor Alwin Duvinage, #11 Venusberg, Hamburg, Germany	1/24
Elsa Johanna Albertina Duvinage Reimers, #173 Borstelmannsweg, Hamburg, Germany	1/24
Friederica Magdalena Sophie Friede Rumel, Bruel, Mecklenburg, Germany	1/6
Auguste Henriette Maria Friede Block, Bruel, Mecklenburg, Germany	1/6
Carl Christian Peter Friede, Friedrich Garfastrasse, Bruel, Mecklenburg, Germany	1/30
Wilhelm Carl Friede, #69 Deuchstrasse, Wilster Holstein, Germany	1/30
Friederica Maria Sophia Friede Pingel, #31 Hammerdeich, Hamburg, Germany	1/30
Bernhardine Elise Henriette Friede Alm, #13 Luisenstrasse, Schwerin, Mecklenburg, Germany	1/30
Paula Karla Hermine Bertha Gielow Hermann, #18 Wallensteinstrasse, Schwerin, Mecklenburg, Germany	1/30
Erna Clara Johanna Kruger, #111 Potsdammerstrasse, Michendorf near Potsdam, Germany	1/6

EXHIBIT B

All that certain lot, piece or parcel of land with the improvements thereon erected, situated, lying and being in the County of Queens, City and State of New York, surveyed April 18, 1891 by W. E. Conklin, Plot No. 1, Map No. 267, filed Queens County Clerk's Office July 17, 1891, bounded and more particularly described as follows:

Beginning at a point on the Easterly line of Cedar Avenue distant 100 feet Northerly from the corner formed by the intersection of the said Easterly line of Cedar Avenue with the Northerly line of Broadway; thence running Easterly along the Southerly line of Lot No. 7 as laid down on said map and parallel with the said Northerly line of Broadway 100 feet; thence Northerly parallel with the said Easterly line of Cedar Avenue fifty feet to the Southerly line of Lot No. 9 as laid down on said map; thence Westerly along said Southerly line of Lot No. 9 100 feet to the said Easterly line of Cedar Avenue; thence Southerly line of Lot No. 9 100 feet to the said fifty feet to the point or place of beginning.

Together with all the right, title and interest of the estate of William Friede, deceased, in and to so much of the land lying in Cedar Avenue, as lies in front of and adjacent to said above described premises to the center line thereof.

[F. R. Doc. 43-2889; Filed, February 22, 1943; 11:04 a. m.]

[Vesting Order 919]

INDENTURE OF TRUST BY SINGER MANUFACTURING CO.

In re: Indenture of Trust made by Singer Manufacturing Company dated January 29, 1926—File No. D-38-299; E. T. sec. 128.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary, acting under the judicial supervision of the Supreme Court of the State of New York, in and for the County of Kings;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

	Last known address
National:	
Marie Burns Alberti d'Enno	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Marie Burns Alberti d'Enno in and to the fund deposited with the Treasurer of the City of New York pursuant to an order of the aforesaid court issued in connection with a petition by the Fulton Trust Company of New York requesting the Court to direct the settlement and distribution of the proceeds of a trust executed on January 29, 1926, by The Singer Manufacturing Company, a corporation organized under the laws of the State of New Jersey, and Fulton Trust Company of New York, a corporation organized under the Banking Law of the State of New York.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such properly and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the Proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: February 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-2888; Filed, February 22, 1943; 11:04 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 29 Under MPR 152]

THE LAKE SIDE PACKING COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 29 under Maximum Price Regulation No. 152—Canned Vegetables.

The Lake Side Packing Company, Manitowoc, Wisconsin, has filed an application for specific authorization to charge particular maximum prices pursuant to § 1341.22 (d) of Maximum Price Regulation No. 152.

Due consideration has been given to the information submitted by applicant with respect to the packing of peas and snap beans in certain container sizes.

For the reasons set forth in the opinion which accompanies this order and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered,* That:

(a) The Lake Side Packing Company may sell, offer to sell or deliver and any person may buy, offer to buy or receive the following commodities at the maximum prices indicated;

Container No. or size	Commodity	Authorized maximum price per dozen f. o. b. factory
No. 1 cans	Fancy 2, 3 and 4 sieve blended sweet peas.	$.95
No. 1 cans	Extra Standard 2, 3 and 4 sieve blended sweet peas.	.83
8 ounce	Fancy No. 1 sieve Alaska peas	.91
8 ounce	Fancy No. 2 sieve Alaska peas	.85
No. 1 cans	Standard 5 sieve sweet peas	.77
8 ounce	Extra standard No. 2 sieve Alaska peas.	.70
8 ounce	Fancy No. 3 sieve cut green beans.	.68
8 ounce	Fancy No. 3 sieve cut wax beans.	.68
No. 2 cans	Fancy 2, 3, and 4 sieve blended cut green beans.	1.15
No. 2 cans	Fancy 2, 3 and 4 sieve blended cut wax beans.	1.15
No. 10 cans	Fancy 2, 3 and 4 sieve blended cut green beans.	5.46
No. 10 cans	Fancy 2, 3, and 4 sieve blended cut wax beans.	5.46

(b) This Order No. 29 may be revoked or amended by the Price Administrator at any time.

(c) The applicant, Lake Side Packing Company, shall not change its customary allowances, discounts or price differentials unless such change results in a lower price.

(d) Unless the context otherwise requires the definitions set forth in § 1341.30 of Maximum Price Regulation No. 152 and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(e) This order shall become effective on 24th day of February 1943.

Issued this 23d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2930; Filed, February 23, 1943; 11:06 a. m.]

[Order 21 Under MPR 157]

NATIONAL PANTS CORPORATION

ORDER DENYING ADJUSTMENT

Order No. 21 under Maximum Price Regulation No. 157—Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes—Docket No. 3157-30.

On October 29, 1942, National Pants Corporation, Dallas, Texas, filed an application for adjustment under Maximum Price Regulation No. 157. Due consideration has been given to the application, and an opinion in support of this Order No. 21 has been issued simultaneously and filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1 and Procedural Regulation No. 6, *It is ordered*, That:

(a) The application for adjustment is hereby denied.

(b) National Pants Corporation shall immediately notify all persons with whom it has contracts which are subject to Maximum Price Regulation No. 157 and which establish prices in excess of those authorized by Maximum Price Regulation No. 157 that it will make final settlement of such contracts in accordance with the maximum prices established by Maximum Price Regulation No. 157.

(c) National Pants Corporation shall refund to persons with whom it has contracts which are subject to Maximum Price Regulation No. 157 all payments which have been made to it in excess of the maximum prices authorized by Maximum Price Regulation No. 157.

(d) Within 30 days after the date on which this Order No. 21 was mailed to it, National Pants Corporation shall file a statement with the Office of Price Administration, Washington, D. C., stating the action it has taken to comply with the terms of this Order No. 21.

(e) This Order No. 21 shall become effective February 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2931; Filed, February 23, 1943; 11:06 a. m.]

[Order 172 Under MPR 188]

OTARION, INCORPORATED

ORDER DENYING APPLICATION FOR ADJUSTMENT

Order 172 under § 1499.161 (a) (1) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. 3188-25.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) The application of Otarion, Incorporated, 448 North Wells Street, Chicago, Illinois, filed November 2, 1942, and assigned Docket No. 3188-25, requesting an adjustment of its maximum price for sales to dealers of the hearing aid manufactured by it, is denied.

(b) This Order No. 172 shall become effective February 24, 1943.

Issued this 23d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2929; Filed, February 23, 1943; 11:06 a. m.]

[Order 173 Under MPR 188]

ATKINS TABLE AND CABINET CO.

APPROVAL OF MAXIMUM PRICE

Order No. 173 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum price for the sale by Atkins Table and Cabinet Co., 127 Atkins Avenue, Brooklyn, New York, of Model No. 300 Ice Refrigerator.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) The maximum price for the sale by the Atkins Table and Cabinet Company, 127 Atkins Avenue, Brooklyn, New York, of the Model No. 300 Ice Refrigerator shall be $25.54.

(b) This Order No. 173 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 173 shall become effective on the 24th day of February 1943.

Issued this 23d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2932; Filed, February 23, 1943; 11:12 a. m.]

[Order 174 Under MPR 188]

DRATCH'S VICTORY REFRIGERATOR BOX

APPROVAL OF MAXIMUM PRICE

Order No. 174 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum price for the sale by Dratch's Victory Refrigerator Box, #1 Chester Street, Brooklyn, New York, of Model No. 333 Ice Refrigerator.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) The maximum price for the sale by Dratch's Victory Refrigerator Box, #1 Chester Street, Brooklyn, New York, of the Model No. 333 ice refrigerator shall be $24.70.

(b) This Order No. 174 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 174 shall become effective on the 24th day of February 1943.

Issued this 23d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2933; Filed, February 23, 1943; 11:12 a. m.]

[Order 171 Under MPR 188]

FLORIDA FURNITURE INDUSTRIES, INC.

ORDER GRANTING ADJUSTMENT

Order No. 171 under § 1499.161 (a) (1) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. GF3-2821.

Granting an adjustment of maximum prices for sales of a bedroom suite by Florida Furniture Industries, Inc.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register, and by virtue of the authority vested in the Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Florida Furniture Industries, Inc., Palataka, Florida, may sell and deliver its No. 71 bedroom suite at prices no higher than those set forth below:

Item:	*Maximum price*
No. 71 Bed	$7.45
No. 71 Chest	7.46
No. 71 Vanity	11.29

These prices shall be subject to Florida Furniture Industries, Inc.'s, discounts, allowances, and price differentials in effect for these articles during March, 1942.

(b) Florida Furniture Industries, Inc., shall send to each customer with each first delivery of an item in its No. 71 bedroom suite a notice reading as follows:

The Office of Price Administration has granted Florida Furniture Industries, Inc., permission to increase its maximum prices on the items of its #71 bedroom suite, but since the new maximum prices are below the prices charged by competitive manufacturers, you will not be permitted to increase your maximum prices.

(c) All prayers of this application not granted herein are denied.

(d) This Order No. 171 may be revoked or amended by the Administrator at any time.

(e) This Order No. 171 shall become effective February 24, 1943.

Issued this 23d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2934; Filed, February 23, 1943; 11:12 a. m.]

[Order 163 Under MPR 188]

SUPERIOR BEDDING COMPANY

APPROVAL OF A MAXIMUM PRICE

Correction

Paragraph (c) of the document appearing on page 2180 in the issue for Thursday, February 18, 1943, should read:

"(c) This Order No. 163 shall become effective on the 17th day of February 1943."

[Order 5 Under Rev. Maximum Export Price Regulation]

DAYBRITE LIGHTING INCORPORATED

ORDER GRANTING PETITION FOR RELIEF

Order No. 5 under § 1375.9 (c) of the Revised Maximum Export Price Regulation.

On January 21, 1943, DayBrite Lighting Inc., 5411 Bulwer Avenue, St. Louis, Missouri, filed a petition for relief from § 1375.9 (c) of the Revised Maximum Export Price Regulation, pursuant to the provisions of that section.

Due consideration has been given to the petition and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, *It is hereby ordered:*

(a) DayBrite Lighting Inc. is authorized to invoice directly to the Government of Guatemala, at its distributor's price, $279.80, certain fluorescent lighting fixtures.

(b) This Order No. 5 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 5 shall become effective February 24th, 1943.

Issued this 23d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2928; Filed, February 23, 1943; 11:07 a. m.]