

Reference

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## Rules, Regulations, Orders

### TITLE 7—AGRICULTURE

#### AGRICULTURAL ADJUSTMENT ADMINISTRATION

##### MARKETING ORDERS

#### ORDER REGULATING THE HANDLING OF MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA\*

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Whereas, under the terms and provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture of the United States is empowered, after due notice and opportunity for hearing, to enter into marketing agreements with processors, producers, associations of producers, and others engaged in such handling of any agricultural commodity or product thereof as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, under the terms and provisions of said act, the Secretary of Agriculture is empowered to issue orders applicable to processors, producers, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of section 8c, such orders

\*Sec. 934.0 to and including Sec. 934.12 issued under the authority of 48 Stat. 31 (1933), 7 U. S. C. 608 (3); 50 Stat. 246 (1937), 7 U. S. C. 608c.

to regulate only such handling of such agricultural commodity or product thereof as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, the Secretary, having reason to believe that the execution of a marketing agreement and the issuance of an order with respect to the handling of milk in the Lowell-Lawrence, Massachusetts, milk marketing area, would tend to effectuate the declared policy of said act, gave, on the 7th day of October, 1938, notice of a public hearing<sup>1</sup> to be held, jointly with the Milk Control Board of the Commonwealth of Massachusetts, at Dracut, Massachusetts, which hearing was held on the 14th day of October 1938, on a proposed marketing agreement and a proposed order, said hearing being reopened<sup>2</sup> at Lawrence, Massachusetts, on the 12th day of December 1938 for the purpose of receiving additional evidence, and at said times and places conducted public hearings, jointly with the Milk Control Board of the Commonwealth of Massachusetts, at which all interested parties were afforded an opportunity to be heard on the proposed marketing agreement and the proposed order; and

Whereas, after such hearing and after the tentative approval by the Secretary of a marketing agreement, on the 21st day of January, 1939, handlers of more than 50 percent of the volume of milk covered by this order which is marketed within the Lowell-Lawrence, Massachusetts, marketing area, have signed such tentatively approved marketing agreement; and

Whereas, the Secretary hereby determines that the issuance of this order is approved or favored by over three-fourths of the producers who during the month of May 1938, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in the Lowell-Lawrence, Massachusetts, mar-

<sup>1</sup> 3 F. R. 2431 DI.  
<sup>2</sup> 3 F. R. 2872 DI.

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keting area and who voted in a referendum conducted by the Secretary; and

Whereas, the provision of the order providing for the payment to all producers delivering milk to the same handler of uniform prices for all milk delivered by them is approved or favored by at least three-fourths of the producers who, during the month of May 1938 (said month having been determined by



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the Secretary to be a representative period) were engaged in the production for market of milk covered in such order, said approval being separate and apart from the approval of producers as set forth above; and

Whereas, the Secretary on January 21, 1939,<sup>3</sup> found and proclaimed the period August 1925-July 1929 to be the base period to be used in connection with ascertaining the purchasing power of milk handled in the Lowell-Lawrence, Massachusetts, marketing area; and

Whereas, the Secretary finds that a pro rata assessment on handlers at a rate not to exceed 2 cents per hundred-weight of milk as provided in Sec. 934.10 will provide funds to cover the expenses which will necessarily be incurred by the market administrator for the maintenance and functioning of his office; and

Sec. 934.0 *Findings.* (a) Whereas, the Secretary finds, upon the evidence introduced at said hearings:

(1) That approximately 60 percent of the milk, delivered to handlers for sale in the Lowell-Lawrence, Massachusetts, marketing area, is produced outside the Commonwealth of Massachusetts;

(2) That the milk originating in States other than the Commonwealth of Massachusetts, enters the current of interstate commerce; that the milk originating in the Commonwealth of Massachusetts is inextricably intermingled with that milk which is in the current of interstate commerce and in such amount and in such manner that it is impossible to regulate that milk originating in States other than the Commonwealth of Massachusetts without regulating that milk which originates in the Commonwealth of Massachusetts, except as such

milk is regulated by an order of the Massachusetts Milk Control Board to which this order is complementary; and that all milk which is produced for sale in the marketing area is handled in the current of interstate commerce or so as directly to burden, obstruct, or affect interstate commerce in milk or its products;

(3) That the prices calculated to give milk handled in said marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to section 2 and section 8e of said act, are not reasonable in view of the price of feeds, the available supplies of feed, and and other economic conditions which affect the supply of and demand for such milk, and that the minimum prices set forth in this order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(4) That this order regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement upon which hearings have been held;

(5) That orderly marketing conditions for milk flowing into the Lowell-Lawrence, Massachusetts, marketing area are so disrupted as to result in an impairment of the purchasing power of such milk, and that the issuance of this order and all of its terms and conditions will tend to effectuate the declared policy of the act.

Now, therefore, the Secretary of Agriculture, pursuant to the authority vested in him by Public Act, No. 10, 73d Congress, as amended and as reenacted and further amended by the Agricultural Marketing Agreement Act of 1937, hereby orders that such handling of milk in the Lowell-Lawrence, Massachusetts, marketing area as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce shall, from the effective date hereof, be in conformity to and in compliance with the following terms and conditions.\*

Sec. 934.1 *Definitions.* (a) *Terms.* The following terms shall have the following meanings:

(1) The term "act" means the Agricultural Marketing Agreement Act of 1937 which reenacts and further amends Public, No. 10, 73d Congress, as amended;

(2) The term "Secretary" means the Secretary of Agriculture of the United States;

(3) The term "Lowell-Lawrence, Massachusetts, marketing area," hereinafter called the "marketing area," means the territory included within the boundary lines of the cities and towns of Andover, Billerica, Boxford, Chelmsford, Dracut, Dunstable, Lawrence, Lowell, Methuen, North Andover, Tewksbury, Tyngsboro, and Westford, Massachusetts;

(4) The term "person" means any individual, partnership, corporation, association, or any other business unit;

(5) The term "producer" means any person who produces milk which is delivered to a receiving plant from which milk is shipped to or sold in the marketing area during any delivery period; Provided, That a person who delivers milk to a handler's receiving plant subject to the order regulating the handling of milk in the Greater Boston marketing area, pursuant to Sec. 934.6 (c), shall not be considered as a producer;

(6) The term "association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(7) The term "handler" means any person who, on his own behalf or as agent for producers, purchases or receives milk from producers, associations of producers, or other handlers and engages in the handling of such milk, which is sold, distributed or disposed of as milk or cream within the marketing area, as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products.

(8) The term "market administrator" means the person designated pursuant to Sec. 934.2 as the agency for the administration hereof.

(9) The term "delivery period" means the current marketing period from the effective date hereof to and including the last day of the calendar month in which this order becomes effective, and thereafter the current marketing period from the first day to and including the last day of each calendar month.

(10) The term "hundredweight" means one hundred pounds of milk or its volume equivalent, considering 85 pounds of milk and 86 pounds of skimmed milk per 40-quart can.

(11) The term "receiving plant" means any milk plant currently used for receiving, weighing (or measuring), sampling, and cooling milk received there directly from producers' farms, and for washing and sterilizing the milk cans in which such milk is received, and at which are currently maintained weigh sheets or other records of producers' deliveries.\*

Sec. 934.2 *Market administrator.* (a) *Designation.* The agency for the administration hereof shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

(b) *Powers.* The market administrator shall have power:

(1) To administer the terms and provisions hereof;

<sup>3</sup> 4 F. R. 403 DI.

(2) To receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof; and

(3) To recommend to the Secretary of Agriculture amendments hereto.

(c) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(2) Pay, out of the funds provided by Sec. 934.10, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate;

(4) Unless otherwise directed by the Secretary, publicly disclose within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 2 days after the date on which he is required to perform such acts, has not (a) made reports pursuant to Sec. 934.5 or (b) made payments pursuant to Sec. 934.8; and may at any time thereafter so disclose any such name if authorized by the Secretary so to do;

(5) Promptly verify the information contained in the reports submitted by handlers.\*

SEC. 934.3 *Classification of milk.* (a) *Sales and use classification.* Milk purchased or received by each handler shall be classified as follows:

(1) All milk the utilization of which is not established as Class II milk shall be Class I milk.

(2) All milk the utilization of which is established (a) as being disposed of other than as or in whole milk or chocolate or flavored whole or skimmed milk, and (b) as actual plant shrinkage up to but not exceeding 2 percent of the quantity of milk received by the handler directly from producers' farms shall be Class II milk.

(b) *Interhandler and nonhandler sales.* Whole milk or skimmed milk, disposed of by a handler to another handler, or to a person who distributes milk or manufactures milk products, shall be classified as Class I milk: Provided, That if such milk is utilized as Class II milk by the person who received it from the disposing handler, such milk shall be classified accordingly, subject to verification by the market administrator.\*

SEC. 934.4 *Minimum prices.* (a) *Price to associations of producers.* During the delivery periods prior to May 1, 1939, each handler shall pay an association of producers, at the time and in

the manner set forth in Sec. 934.8, not less than \$3.53 per hundredweight, and thereafter not less than \$3.13 per hundredweight for such milk containing 3.7 percent butterfat delivered in bulk from such association's receiving plant to such handler's plant located within 20 miles of the City Hall in Lowell or Lawrence.

(b) *Class I price to producers.* Each handler shall pay producers, at the time and in the manner set forth in Sec. 934.8, for Class I milk delivered by them, not less than the following prices:

(1) During the delivery periods prior to May 1, 1939, \$3.46 per hundredweight, and thereafter \$3.06 per hundredweight for such milk delivered from producers' farms to such handler's receiving plant located within 20 miles of the City Hall in Lowell or Lawrence.

(2) For such milk delivered from producers' farms to such handler's receiving plant not located within 20 miles of the City Hall in Lowell or Lawrence, an amount per hundredweight determined in accordance with subparagraph (1) of this paragraph, less an amount equal to 20 cents, plus the average of the freight rates from the railroad shipping point for such handler's plant to Lowell and Lawrence, calculated according to applicable rail tariffs for the transportation in carload lots of milk in 40-quart cans (considering 85 pounds of milk per 40-quart can).

(3) For the purpose of this paragraph, the milk which was disposed of during each delivery period by each handler as Class I milk from a handler's receiving plant located within 20 miles of the City Hall in Lowell or Lawrence shall be presumed to have been first that milk which was received directly from producers' farms at such plant, and then that milk which was shipped from the nearest receiving plant not located within 20 miles of the City Hall in Lowell or Lawrence.

(c) *Class II prices.* Each handler shall pay producers, at the time and in the manner set forth in Sec. 934.8, for Class II milk not less than the following prices per hundredweight:

(1) For such milk delivered to a handler's receiving plant located within 20 miles of the City Hall in Lowell or Lawrence, a price computed by the market administrator as follows: divide by 33 the weighted average price per 40-quart can of bottling quality cream in the Boston market, as reported by the United States Department of Agriculture, for the delivery period during which such milk is delivered, or the last such price reported for a delivery period if no such price is reported for the delivery period during which such milk is delivered, and multiply by 3.7.

(2) For such milk delivered to a handler's receiving plant not located within 20 miles of the City Hall in Lowell or Lawrence, the price computed by the market administrator pursuant to subparagraph (1) of this paragraph, minus 6 cents.\*

SEC. 934.5 *Reports of handlers.* (a) *Periodic reports.* On or before the 8th day after the end of each delivery period, each handler shall, except as set forth in Sec. 934.6 (a), with respect to milk and cream which was during such delivery period received from producers, received from handlers, or received from such handler's own production, report to the market administrator, in the form and detail prescribed by the market administrator, as follows:

(1) The receipts at each plant from producers who are not handlers;

(2) The receipts at each plant from any other handler, including any handler who is also a producer;

(3) The receipts from such handler's own production; and

(4) The respective quantities of milk which were sold, distributed, or disposed of, including sales or deliveries to other handlers, for the several purposes and classifications as set forth in Sec. 934.3.

(b) *Reports as to producers.* Each handler shall report to the market administrator:

(1) Within 10 days after the market administrator's request with respect to any producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (a) the name, post office address, and farm location, (b) the total pounds of milk delivered, (c) the average butterfat test of milk delivered, and (d) the number of days on which deliveries were made;

(2) At such time after the 18th day after the end of each delivery period as the market administrator may require, each handler shall within 10 days submit to the market administrator his producer records for such delivery period, which shall show for each producer: (a) the total delivery of milk with the average butterfat test thereof, (b) the net amount of the payment to each producer and association of producers, made pursuant to Sec. 934.8, and (c) the deductions and charges made by the handler;

(3) On or before the 18th day after the end of the first delivery period following the effective date hereof, each handler shall report to the market administrator a schedule of the transportation rates which were charged and paid for the transportation of milk from the farm of each producer to such handler's receiving plant, and such information with respect to distances involved as the market administrator may require;

(4) On or before the 18th day after any changes are made in the schedule filed in accordance with subparagraph (3) of this paragraph, a copy of the revised schedule with the effective dates of such changes as may appear in the revised schedule;

(c) *Announcement of transportation rates.* On or before the 30th day after the end of each delivery period, the mar-

ket administrator shall mail to all handlers and shall publicly announce the rate or rates of such deductions made by each handler, as reported pursuant to subparagraphs (3) and (4) of paragraph (b) of this section, and such information with respect to the distances involved and so reported as the market administrator may deem advisable.

(d) *Verification of reports.* Each handler shall make available to the market administrator or his agent, (1) those records which are necessary for the verification of the information contained in reports submitted by such handler pursuant to this section, and (2) those facilities necessary for the weighing, measuring, and sampling of milk and the testing of the butterfat content of milk, and for determining the utilization of milk made by the handler.\*

**SEC. 934.6 Application of provisions.**

(a) *Handlers who do not receive milk from producers.* No provision of this order shall apply to a handler who purchases or receives no milk from producers, except that such handler shall make such reports pursuant to Sec. 934.5 as the market administrator may require.

(b) *Handlers who receive milk of their own production and who receive milk from producers.* If any handler who produces milk in any delivery period receives from producers and associations of producers a quantity of milk equal to more than 10 percent of his fluid milk sales for such period, his receipts of his own production of milk shall be included in the computation of the value of milk of the handler for such period, pursuant to Sec. 934.7 (a).

(c) *Plants reporting to the Greater Boston market.* The provisions of this order shall not apply to the handling of milk received at any handler's receiving plant which is subject to the provisions of the order regulating the handling of milk in the Greater Boston, Massachusetts, marketing area (Order No. 4), issued by the Secretary on February 7, 1936, effective February 9, 1936, as amended, or of any order superseding or amending such order.\*

**SEC. 934.7 Determination of prices to producers.** (a) *Computation of value of milk for each handler.* For each delivery period the market administrator shall compute, subject to the provisions of Sec. 934.6, the value of milk disposed of by each handler, and to be accounted for under this paragraph as follows:

(1) Subtract from the quantity of such handler's Class I milk:

(i) The quantity of milk received by such handler from associations of producers pursuant to Sec. 934.4 (a);

(ii) The quantity of milk of his own production received by such handler in any period in which such handler's receipts of milk from producers and associations of producers does not exceed 10 percent of his fluid milk sales;

(2) Subtract from the quantity of such handler's Class I milk or of his Class II milk, according to the use thereof as the same is reported and classified pursuant to Sec. 934.3 (b), the quantity of milk received by such handler from other handlers;

(3) Multiply the remainder of the quantity of milk in each class by the price applicable pursuant to Sec. 934.4 (b) and Sec. 934.4 (c), and add together the resulting quantity and value of both classes.

(b) *Computation of composite prices to be paid to producers.* The market administrator shall compute for each handler the composite price per hundredweight, f. o. b. such handler's plant located within 20 miles of the City Hall in Lowell or Lawrence for each delivery period as follows:

(1) Ascertain the total value of all milk disposed of by such handler, computed pursuant to paragraph (a) of this section;

(2) Add the amount of the differential applicable pursuant to Sec. 934.8 (d) (1);

(3) Subtract the amount to be paid by the handler pursuant to Sec. 934.8 (a) (2) (ii);

(4) From the quantity of milk ascertained in subparagraph (3) of paragraph (a) of this section subtract the quantity thereof for which the handler is required to make payment pursuant to Sec. 934.8 (a) (2) (ii);

(5) Divide the value remaining after subtraction pursuant to subparagraph (3) of this paragraph by the total quantity of milk included in the computation of the value of milk disposed of by such handler made pursuant to paragraph (a) of this section, which remains after subtraction pursuant to subparagraph (4) of this paragraph.

(c) *Announcement of prices to be paid producers.* The market administrator shall mail to all handlers and shall publicly announce:

(1) On or before the 12th day after the end of each delivery period with respect to each handler who made the report pursuant to Sec. 934.5 (a), and as soon after the 11th day after the end of each delivery period as such information becomes available for any other handler:

(i) The composite price for each handler for such delivery period as determined in accordance with paragraph (b) of this section;

(ii) The Class II price for such delivery period;

(iii) The butterfat differential for such delivery period;

(2) As soon after the 11th day after the end of each delivery period as such information becomes available:

(i) The total quantity and value of all milk sold, distributed, or used by all handlers as included in the computations under paragraph (a) of this section;

(ii) The total quantity and value of the Class I milk sold, distributed, or used by all handlers, and included in such computations;

(iii) The total quantity and value of the Class II milk sold, distributed, or used by all handlers, and included in such computations; and

(iv) The average price for all milk received by all handlers from producers, and all milk of their own production received by handlers, during such delivery period as is included in such computations.\*

**SEC. 934.8 Payments to producers.**

(a) *Time and method of payments.* On or before the 18th day after the end of each delivery period, each handler shall make payment, subject to the differentials set forth in this section:

(1) To associations of producers, for the total value of milk delivered in bulk by each from a plant of such association to such handler's plant located within 20 miles of the City Hall in Lowell or Lawrence, the price pursuant to Sec. 934.4 (a).

(2) To producers, for the total value of milk delivered to him by producers during such delivery period as computed in accordance with Sec. 934.7 (a), as follows:

(i) Each handler shall make payment to each producer, except as provided in subdivisions (ii) and (iii) of this subparagraph, at not less than the composite price per hundredweight computed for such handler pursuant to Sec. 934.7 (b).

(ii) Each handler receiving milk from a producer, who has not regularly distributed milk in the marketing area or delivered milk to a handler for a period of 30 days prior to the effective date hereof, shall make payment to such producer, except as provided in subdivision (ii) of this subparagraph, at not less than the applicable Class II price for all milk delivered by him for a period beginning with the date of his first regular delivery of milk and including the first two full calendar months following such date.

(iii) Each handler shall make payment to producers, who are members of a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," a total amount equal to not less than the sum of the individual payments otherwise payable to such producers under subdivisions (i) and (ii) of this subparagraph.

(b) *Correction of errors in payments to producers.* Errors in making any of the payments prescribed in this section shall be corrected not later than the date for making payments next following the determination of such errors. Any correction affecting all producers delivering to any handler during the period in which such error occurred shall be corrected as the market administrator shall

determine to be equitable, either by (a) adjustment of the account of each individual producer who delivered during such period on the basis of a recomputation of the price of such handler, or (b) addition or subtraction of the amount of such correction to or from the value of all milk received by such handler in the delivery period during which such error was determined, computed as set forth in Sec. 934.7 (a).

(c) *Butterfat differential.* If any producer has delivered to any handler during any delivery period milk having an average butterfat content other than 3.7 percent, such handler shall, in making payments to such producer, prescribed by paragraph (a) of this section, add for each one-tenth of one percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of one percent of average butterfat content below 3.7 percent an amount per hundredweight which shall be calculated by the market administrator as follows: divide by 33 the weighted average price per 40-quart can of bottling quality cream in the Boston market, as reported by the United States Department of Agriculture for the delivery period during which such milk is delivered, or the last such price reported for a delivery period if no such price is reported for the delivery period during which such milk is delivered, and divide the result by 10.

(d) *Country receiving plant and freight differential.* The payments to be made by handlers to producers pursuant to paragraph (a) of this section shall be subject to a differential as follows:

(1) With respect to all milk not required to be paid for by handlers pursuant to paragraph (a) (2) (ii) of this section delivered by a producer to a handler at a receiving plant not located within 20 miles of the City Hall in Lowell or Lawrence, there shall be deducted an amount per hundredweight equal to 20 cents plus the average of the freight rates from the railroad shipping point for such handler's plant to Lowell and Lawrence, according to the tariff currently approved by the Interstate Commerce Commission for the transportation in carload lots of milk in 40-quart cans (considering 85 pounds of milk per 40-quart can).

(e) *Other differentials.* In making payments to producers prescribed in paragraph (a) of this section handlers may make deductions as follows:

(1) With respect to milk delivered by producers in containers supplied by the handler for the transportation of milk from their farms to the handler's receiving plant, an allowance of \$.0075 per hundredweight as rental for such containers;

(2) With respect to all milk received by a handler from producers, an amount per hundredweight equal to one-half of the payment required to be made by the handler to the Massachusetts Milk Control Board (pursuant to an official order

of such board issued under authorization of Section 13 of the Massachusetts Milk Control Law, Chapter 376 of Massachusetts Acts of 1934, as amended by Section 6 of Chapter 428 of Massachusetts Acts of 1937) on account of the sale, distribution, or use of such milk or of cream manufactured from such milk, divided by the total quantity of milk (a) delivered by producers and by such handler if he is also a producer, as included in the computation made pursuant to Sec. 934.7 (a), and (b) received by such handler from associations of producers, other handlers, and other persons engaged in the business of handling milk, as to which such handler is the first milk dealer within the Commonwealth of Massachusetts dealing in or otherwise handling such milk.\*

SEC. 934.9 *Marketing services.* (a) *Marketing service deduction.* In making payments to producers pursuant to Sec. 934.8 each handler shall, with respect to all milk delivered by each producer during each delivery period, except as set forth in paragraph (b) of this section, deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 18th day after the end of such delivery period, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

(b) *Marketing service deductions with respect to members of a producers' cooperative association.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," is actually performing the services set forth in paragraph (a) of this section each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from payments made pursuant to Sec. 934.8, as may be authorized by such producers, and pay over on or before the 18th day after the end of each delivery period such deduction to the associations rendering such service of which such producers are members.\*

SEC. 934.10 *Expense of administration.* (a) *Payments by handlers.* As his pro-rata share of the expense of administration hereof, each handler, except as set forth in Sec. 934.6 (a), shall, on or before the 18th day after the end of each delivery period, pay to the market administrator 2 cents per hundredweight or such lesser amount as the market administrator shall determine to be sufficient with respect to all milk pro-

duced outside the Commonwealth of Massachusetts and delivered by producers and by such handler if he is also a producer, during such delivery period: Provided, That each handler, which is a cooperative association of producers, shall pay such pro-rata share of expense of administration only on such milk actually received from producers at a plant operated by such association from which milk is delivered to, or for consumption in, the marketing area.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro-rata share of expense set forth in this section.\*

SEC. 934.11 *Effective time, suspension, and termination of order.* (a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Termination of order.* The Secretary may terminate this order whenever he finds that this order obstructs or does not tend to effectuate the declared policy of the act.

This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handlers, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: Provided, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The market administrator, or such other person as the Secretary may designate, (a) shall continue in such capacity until discharged by the Secretary, (b) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (c) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all

funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.\*

SEC. 934.12 *Liability.* (a) *Liability of handlers.* The liability of the handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.\*

Now, therefore, H. A. Wallace, Secretary of Agriculture, acting under the provisions of Public Act No. 10, 73d Congress, as amended, and as reenacted and further amended by the Agricultural Marketing Agreement Act of 1937, for the purposes and within the limitations therein contained and not otherwise, hereby executes and issues in duplicate this order under his hand and the official seal of the Department of Agriculture, in the city of Washington, District of Columbia, on this 6th day of February, 1939, and declares this order to be effective on and after the 12th day of February 1939.

[SEAL] H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 39-441; Filed, February 7, 1939;  
11:52 a. m.]

[ACP-1939, Supp. 9]

PART 701—1939 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SUPPLEMENT 9

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1939 Agricultural Conservation Program Bulletin,<sup>1</sup> as amended, is hereby further amended as follows:

Paragraph (b) of Section 701.3, as amended, is further amended by the addition of the following:

(10) The national and State acreage allotments of rice, as established by the Secretary, are as follows:

	Acres
Arkansas.....	147,317
California.....	111,920
Louisiana.....	412,039
Missouri.....	500
Texas.....	189,300
Total.....	861,076

Done at Washington, D. C., this 6th day of February, 1939. Witness my hand

<sup>1</sup> 3 F. R. 2715 DI.

and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 39-440; Filed, February 7, 1939;  
11:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES  
FEDERAL TRADE COMMISSION

[Docket No. 3072]

IN THE MATTER OF JOSEPH C. BRADLEY  
ET AL.

SEC. 3.6 (ja) *Advertising falsely or misleadingly—History of product:* SEC. 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* SEC. 3.6 (y) *Advertising falsely or misleadingly—Safety:* SEC. 3.27 (k) *Combining or conspiring—To sell products deceptively.* Representing, in connection with manufacture, offer for sale, etc., in interstate commerce or in District of Columbia, of an electro magnetic belt, i. e., the "Harmony Electro Magnetic Health Appliance", and whether through respondents' joint or separate action, that said product is an effective, safe, tested, tried and proven therapeutic agent, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Joseph C. Bradley et al., Docket 3072, January 27, 1939]

SEC. 3.6 (y l) *Advertising falsely or misleadingly—Scientific or other relevant facts:* SEC. 3.27 (k) *Combining or conspiring—To sell products deceptively.* Representing, in connection with manufacture, offer for sale, etc., in interstate commerce or in District of Columbia, of an electro magnetic belt, i. e., the "Harmony Electro Magnetic Health Appliance", and whether through respondents' joint or separate action, that electro magnetism thoroughly relaxes, strengthens vitality, assists oxidation, increases or builds up circulation, aids metabolism, stimulates the nerves, builds up the body, repels the blood, stimulates circulation, dissolves poisons in the system, sets oxygen and hydrogen free, or that the magnetic field created by the operation of an electro magnetic belt has any effect whatever on the iron in the blood of the human body, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Joseph C. Bradley et al., Docket 3072, January 27, 1939]

SEC. 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* SEC. 3.27 (k) *Combining or conspiring—To sell products deceptively.* Representing, in connection with manufacture, offer for sale, etc., in interstate commerce or in District of Columbia, of an electro magnetic belt, i. e., the "Harmony Electro Magnetic Health Appliance", and whether through respondents'

joint or separate action, that use of said product will remove acidosis or toxicosis from the system, or in any manner aid metabolism in the body, or will put new life in the body, or that use of said belt, identical with or similar to said Health Appliance, has any therapeutic value in treating rheumatism, high blood pressure, paralysis, anemic condition, bronchitis, etc., as specified, or any other ailment of the human body, or that use of a belt identical with or similar to the "Harmony Belt" is any aid whatever in removing poisons from the body by assisting the kidneys and bowels in performing their normal functions, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Joseph C. Bradley et al., Docket 3072, January 27, 1939]

United States of America—Before  
Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of January, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF JOSEPH C. BRADLEY,  
JOHN M. SCHULZ, WILLIAM M. IRELAND,  
FRIEDA E. BRESLIN, AND A. R. ERBE

ORDER TO CEASE AND DESIST

This proceeding having been heard<sup>1</sup> by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before William W. Sheppard, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint, and in opposition thereto, brief filed herein by Clark Nichols, Counsel for the Commission, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Joseph C. Bradley, John M. Schulz, William M. Ireland, Frieda E. Breslin, and A. R. Erbe, acting jointly under a common understanding, combination and agreement, or acting separately as individuals, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the manufacture, offering for sale, sale and distribution of an electro magnetic belt, known as the "Harmony Electro Magnetic Health Appliance," whether sold under that name or any other name, in interstate commerce or in the District of Columbia, do forthwith cease and desist from representing;

1. That the Harmony Electro Magnetic Health Appliance is an effective safe,

<sup>1</sup> 3 F. R. 544 DI.

tested, tried and proven therapeutic agent;

2. That electro magnetism thoroughly relaxes, strengthens vitality, assists oxidation, increases or builds up circulation, aids metabolism, stimulates the nerves, builds up the body, repels the blood, stimulates circulation, dissolves poisons in the system, sets oxygen and hydrogen free;

3. That the use of said electro magnetic belt will remove acidosis or toxicosis from the system, or in any manner aid metabolism in the body, or will put new life in the body;

4. That the use of said electro magnetic belt, identical with or similar to the Harmony Electro Magnetic Health Appliance, has any therapeutic value in treating rheumatism, stiff joints, arthritis, lumbago, neuritis, headaches, sore eyes, high blood pressure, paralysis, strokes, eczema, phlebitis, catarrh, anemic condition, high fever, asthma, bronchitis, indigestion, constipation, ulcers, acidosis, old age troubles, kidney and bladder trouble, or any other ailment of the human body;

5. That the magnetic field created by the operation of an electro magnetic belt has any effect whatever on the iron in the blood of the human body;

6. That the use of an electro magnetic belt identical with or similar to the "Harmony Belt" is any aid whatever in removing poisons from the body, by assisting the kidneys and bowels in performing their normal functions.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 39-447; Filed, February 7, 1939;  
3:00 p. m.]

[Docket No. 3506]

IN THE MATTER OF BOYD HOUSER CANDY COMPANY

SEC. 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in interstate commerce or in District of Columbia, of candy, candy so packed, etc., that sales thereof to general public are to be, or may be, made by means of a lottery, etc., as specified, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Boyd Houser Candy Company, Docket 3506, January 25, 1939]

SEC. 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., dealers, in connection with offer, etc., in interstate commerce or in District

of Columbia, of candy, assortments of candy which are, or may be, used without alteration, etc., to conduct a lottery, etc., in the sale, etc., thereof to the public, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Boyd Houser Candy Company, Docket 3506, January 25, 1939]

SEC. 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., dealers, in connection with offer, etc., in interstate commerce or in District of Columbia, of candy, assortments of candy, or other merchandise, together with a push or pull card, punch board or other lottery device for use, or which may be used, in sale, etc., thereof to the public at retail, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Boyd Houser Candy Company, Docket 3506, January 25, 1939]

SEC. 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., dealers, in connection with offer, etc., in interstate commerce or in District of Columbia, of candy, a push or pull card, punch board, or other lottery device, either with assortments of candy or separately, which push or pull card, etc., is to be, or may be, used in distributing, etc., such candy or other merchandise to the public, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Boyd Houser Candy Company, Docket 3506, January 25, 1939]

United States of America—Before  
Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of January, A. D. 1939.

Commissioners Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF BOYD HOUSER, INDIVIDUALLY AND TRADING AS BOYD HOUSER CANDY COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard<sup>1</sup> by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all the intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That the respondent Boyd Houser, individually and trading as Boyd Houser Candy Company or trading under any other name, his representatives, agents and employees, in connection with

<sup>1</sup> 3 F. R. 2538 DI.

the offering for sale, sale and distribution of candy in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

1. Selling and distributing candy so packed and assembled that sales of such candy to the general public are to be made or may be made by means of a lottery, gaming device or gift enterprise.

2. Supplying to or placing in the hands of dealers assortments of candy which are used or which may be used without alteration or rearrangement of the contents of such assortments to conduct a lottery, gaming device, or gift enterprise in the sale or distribution to the public of such candy contained in said assortments.

3. Supplying to or placing in the hands of dealers assortments of candy, or other merchandise, together with a push or pull card, punch board or other lottery device for use or which may be used in the sale or distribution of such candy or other merchandise to the public at retail.

4. Supplying to or placing in the hands of dealers a push or pull card, punch board, or other lottery device, either with assortments of candy or separately, which push or pull card, punch board or other lottery device is to be used or may be used in distributing or selling such candy or other merchandise to the public.

*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.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 39-448; Filed, February 7, 1939;  
3:00 p. m.]

[Docket No. 3599]

IN THE MATTER OF THE NEWTON PRODUCTS COMPANY

SEC. 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in interstate commerce or in District of Columbia, of candy or any other merchandise, candy so packed, etc., that sales thereof to the public are to be, or may be, made by means of a lottery, etc., as specified, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, The Newton Products Company, Docket 3599, January 26, 1939]

SEC. 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., dealers, in connection with offer, etc., in interstate commerce or in District of Columbia, of candy or any other merchandise, packages or assortments of candy which are to be, or may be, used to conduct a lottery, etc., as specified, in the sale, etc., of candy or any other

articles of merchandise to the public, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, The Newton Products Company, Docket 3599, January 26, 1939]

SEC. 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., dealers, in connection with offer, etc., in interstate commerce or in District of Columbia, of candy or any other merchandise, assortments of candy, or any other merchandise, together with a lottery device, which is to be, or may be, used in selling, etc., such candy, etc., to the public, prohibited. Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, The Newton Products Company, Docket 3599, January 26, 1939].

SEC. 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., dealers, in connection with offer, etc., in interstate commerce or in District of Columbia, of candy or any other merchandise, a lottery device, either with assortments of candy or other merchandise or separately, which is to be, or may be, used in selling, etc., such candy or other merchandise to the public, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, The Newton Products Company, Docket 3599, January 26, 1939]

SEC. 3.99 (b) *Using or selling lottery devices—In merchandising.* Packing, etc., in same package, etc., for sale to public at retail, in connection with offer, etc., in interstate commerce or in District of Columbia, of candy or any other merchandise, uniform pieces of candy having centers of a different color, together with larger pieces of candy, or other articles of merchandise, to be given as prizes to purchasers procuring a piece of candy with a particular colored center, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, The Newton Products Company, Docket 3599, January 26, 1939]

*United States of America—Before  
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of January, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That the respondent, The Newton Products 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 candy or any other merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling and distributing candy so packed and assembled that sales of such candy to the general public are to be made, or may be made, by means of a lottery, gaming device, or gift enterprise.

2. Supplying to, or placing in the hands of dealers packages or assortments of candy which are to be used, or may be used, to conduct a lottery, gaming device, or gift enterprise in the sale or distribution of candy or any other articles of merchandise to the public.

3. Supplying to, or placing in the hands of dealers assortments of candy, or any other merchandise, together with a lottery device, which lottery device is to be used, or may be used, in selling or distributing such candy or other merchandise to the public.

4. Supplying to, or placing in the hands of dealers a lottery device either with assortments of candy or other merchandise or separately, which lottery device is to be used, or may be used, in selling or distributing such candy or other merchandise to the public.

5. Packing or assembling in the same package or packages of candy for sale to the public at retail, pieces of candy of uniform size and shape having centers of a different color, together with larger pieces of candy, or other articles of merchandise, which said larger pieces of candy or other articles of merchandise are to be given as prizes to purchasers procuring a piece of candy having a center of a particular color.

*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. 39-449; Filed, February 7, 1939;  
3:00 p. m.]

TITLE 43—PUBLIC LANDS

GENERAL LAND OFFICE

REDUCING AND REVOKING CERTAIN STOCK  
DRIVEWAY WITHDRAWALS IN OREGON

JANUARY 28, 1939.

Departmental orders of April 12, 1917, April 24, May 6, October 14 and 23, November 4, and December 9, 1918, February 25, July 16, September 3, 5, 16 and 19, October 1 and 7, 1919, January 28,

and October 18, 1921, January 17 and 24, February 5 and 23, March 22, and November 19, 1923, April 10, May 7, and December 6, 1924, January 18, 1928, February 8, March 21, April 9, September 19, and December 2, 1929, March 13 and 19, April 16, 17 and 30, May 28, and July 17, 1930, March 27, 1931, February 17, September 29, October 26, and December 3, 1932, April 20, July 12, August 28, and November 21, 1933, January 18, 22 and 26, and July 3 and 12, 1934, establishing and modifying stock driveway withdrawals under section 10 of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144), are hereby revoked, in so far as they affect any lands within Oregon Grazing Districts Nos. 2, 3, 4, 5 and 6, established April 3 and 8, July 9, October 21, and November 7, 1935.

OSCAR L. CHAPMAN,

Assistant Secretary of the Interior.

[F. R. Doc. 39-455; Filed, February 8, 1939;  
10:11 a. m.]

Notices

FEDERAL POWER COMMISSION.

[Docket No. G-110]

IN THE MATTER OF ARKANSAS-LOUISIANA  
GAS COMPANY

ORDER POSTPONING HEARING

FEBRUARY 7, 1939.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

It appearing to the Commission that:

(a) The Arkansas-Louisiana Gas Company has filed with the Commission a request for postponement of the hearing in this proceeding, now set for February 10, 1939, by order of the Commission adopted on October 18, 1938;<sup>1</sup>

(b) The Arkansas-Louisiana Gas Company has also filed with the Commission a Supplement to Rate Schedule F. P. C. No. 2, continuing in effect Arkansas-Louisiana Gas Company's Rate Schedule F. P. C. No. 1 from March 31, 1939, to August 31, 1939, covering service to Camden Gas Company and being the rates contained in contract between Arkansas-Louisiana Gas Company and Camden Gas Company, dated October 17, 1927, and supplements thereto dated October 19, 1927, and February 18, 1929;

The Commission orders that:

For good cause shown, the hearing in this proceeding, now set for February 10, 1939, be and it is hereby postponed to a date and place to be hereafter designated by the Commission.

By the Commission.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 39-454; Filed, February 8, 1939;  
10:11 a. m.]

<sup>1</sup> 3 F. R. 2521 DI.



FEDERAL TRADE COMMISSION.

*United States of America—Before  
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of January, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3343]

IN THE MATTER OF HOUBIGANT, INC., A CORPORATION, CHERAMY, INC., A CORPORATION, AND HOUBIGANT SALES CORPORATION, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That Edward E. Reardon, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, February 23, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 2301, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 39-451; Filed, February 8, 1939; 10:11 a. m.]

*United States of America—Before  
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of January, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

No. 27—2

[Docket No. 3337]

IN THE MATTER OF ETABLISSEMENTS RIGAUD, INC., ET AL.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That Edward E. Reardon, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, February 20, 1939, at ten o'clock in the forenoon of that day (eastern standard time), in Room 2301, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 39-452; Filed, February 8, 1939; 10:11 a. m.]

*United States of America—Before  
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of January, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3339]

IN THE MATTER OF W. J. BUSH & COMPANY, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That Edward E. Reardon, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in

this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Tuesday, February 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 2301, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 39-453; Filed, February 8, 1939; 10:11 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the  
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of February, A. D. 1939.

[File No. 52-12]

IN THE MATTER OF YORK RAILWAYS COMPANY

CORRECTION ORDER

Whereas this Commission's Order of February 6, 1939,<sup>1</sup> giving notice of a hearing to be held on the above-entitled matter on February 23, 1939, contained the following incorrect caption:

[File No. 31-433]

IN THE MATTER OF YORK RAILWAYS COMPANY  
Section 11 (f) and Rule U-11F-1 of the Public Utility Holding Company Act of 1935.

*It is ordered*, That the said caption be amended to read as follows:

[File No. 52-12]

IN THE MATTER OF YORK RAILWAYS COMPANY  
Section 11 (f) and Rule U-11F-1 of the Public Utility Holding Company Act of 1935.

*It is further ordered*, That in all other respects said Order of February 6, 1939 remain in full force and effect.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-456; Filed, February 8, 1939; 11:32 a. m.]

<sup>1</sup> 4 F. R. 539 DI.