





Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

### NOW AVAILABLE

#### Code of Federal Regulations 1945 Supplement

**Book 1:** Titles 1 through 9, including, in Title 3, Presidential documents in full text with appropriate reference tables.

**Book 2:** Titles 10 through 14.

These books may be obtained from the Superintendent of Documents, Government Printing Office, at \$3 each.

A limited sales stock of the 1944 Supplement (3 books) is still available at \$3 a book.

### CONTENTS—Continued

<b>GENERAL LAND OFFICE:</b>	Page
Restoration of lands:	
Alaska .....	6456
Michigan .....	6456
<b>GEOLOGICAL SURVEY:</b>	
Oil and gas operating regulations; Government royalty oil .....	6392
<b>INDIAN AFFAIRS, OFFICE OF:</b>	
Attorney contracts with organized tribes .....	6391
Recognition of attorneys and agents to represent claimants; employment of attorneys .....	6391
<b>INTERIOR DEPARTMENT. See also General Land Office; Geological Survey; Indian Affairs Office.</b>	
Coal mines in government possession, interim safety requirements .....	6456
<b>INTERSTATE COMMERCE COMMISSION:</b>	
Transportation of explosives; liquefied petroleum gas cylinders .....	6455

### CONTENTS—Continued

<b>OFFICE OF PRICE ADMINISTRATION:</b>	Page
Adjustments and pricing orders:	
American Stove Co. ....	6465
Chicago Electric Mfg. Co. ....	6464
Church, C. F., Mfg. Co. ....	6463
Crosley Motors, Inc. ....	6467
Ellwood Co. ....	6461
General Motors Corp. ....	6464
Landis Machine Co. ....	6464
National Mfg. Co. ....	6463
North Star Woolen Mill Co. ....	6467
Pacific Mfg. Co. ....	6462
Peterson Art Furniture Co. ....	6462
Reliance Distributing Co. ....	6461
Rutenber Electric Co. ....	6461
Welch Industries, Inc. ....	6477
Zer-O-Aire Co. ....	6463
Boots and shoes, used (SO 94, Order 128) .....	6468
Fats and oils (MPR 53, Am. 62) .....	6396
Flues, tobacco, and tobacco barn heating equipment (SO 129, Am. 28) .....	6453
<b>Foods:</b>	
Groups 1 and 2 stores (MPR 423, Incl. Am. 1-69) .....	6420
Groups 3 and 4 stores (MPR 422, Incl. Am. 1-73) .....	6397
Leather (MPR 61, Order 13) .....	6466
Logs, west coast (RMPR 161, Order 54) .....	6466
Machines, parts and industrial equipment (RMPR 136, Am. 42) .....	6419
Poles and piling, western (MPR 555, Am. 4) .....	6448
Regional and district office orders. See also Adjustments.	
Blocks, concrete and cinder, northern New Jersey area .....	6470
Building and construction materials:	
Brown County, Tex. ....	6473
El Paso County, Tex. ....	6476
Fort Worth, Tex., district .....	6469
Green, Coke, Runnels, Irion, and Sterling Counties, Tex. ....	6472
Lubbock County, Tex. ....	6474
Potter County, Tex. ....	6471
Rochester, N. Y., area .....	6468
Cement, Salt Lake City, Utah, district .....	6477
Community ceiling prices, lists of orders filed (2 documents) .....	6478, 6479
Concrete, ready mix, San Francisco region .....	6478
Insulation, mineral wool, Chicago region .....	6471
Solid fuels:	
Baltimore and Baltimore and Anne Arundel Counties, Md. ....	6468
Denver region .....	6477
Rubber (MPR 220, Am. 1 to Rev. Order 117) .....	6466
Sewer pipe, vitrified clay, and allied products (RMPR 206, Am. 20; MPR 592, Am. 45 to Order 1) (2 documents) .....	6419, 6465
Shirts, special utility (RMPR 304, Incl. Am. 1-4) .....	6438
<b>WAGE AND HOUR DIVISION:</b>	
Lerner employment certificates, issuance to various industries .....	6456

### CONTENTS—Continued

<b>WAR ASSETS ADMINISTRATION:</b>	Page
Surplus personal property to priority claimants, disposal; exemption of Office of Civilian Defense property loaned to State or local governments .....	6455
<b>WAR DEPARTMENT:</b>	
Bills and accounts, payments under contracts, formal and informal .....	6390
Service uniform, prescribed; women personnel .....	6390
<b>CODIFICATION GUIDE</b>	
A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Documents carried in the Cumulative Supplement by uncodified tabulation only are not included within the purview of this list.	
<b>TITLE 7—AGRICULTURE:</b>	Page
Chapter III—Bureau of Entomology and Plant Quarantine:	
Part 301—Domestic quarantine notices .....	6387
<b>TITLE 10—ARMY: WAR DEPARTMENT:</b>	
Chapter III—Claims and Accounts:	
Part 305—Payment of bills and accounts .....	6390
Chapter VII—Personnel:	
Part 709—Prescribed service uniform .....	6390
<b>TITLE 19—CUSTOMS DUTIES:</b>	
Chapter I—Bureau of Customs:	
Part 6—Air Commerce regulations .....	6391
<b>TITLE 25—INDIANS:</b>	
Chapter I—Office of Indian Affairs, Department of Interior:	
Part 14—Recognition of attorneys and agents to represent claimants .....	6391
Part 15—Attorney contracts with Indian tribes .....	6391
<b>TITLE 29—LABOR:</b>	
Chapter IX—Department of Agriculture (Agricultural Labor):	
Part 1110—Salaries and wages, Oregon .....	6391
<b>TITLE 30—MINERAL RESOURCES:</b>	
Chapter II—Geological Survey, Department of Interior:	
Part 221—Oil and gas operating regulations .....	6392
<b>TITLE 32—NATIONAL DEFENSE:</b>	
Chapter IX—Civilian Production Administration:	
Part 944—Regulations applicable to operation of priorities system (2 documents) .....	6392, 6394
Chapter XVII—Office of Economic Stabilization:	
Part 4003—Support prices; subsidies (3 documents) .....	6453
Part 4004—Price stabilization; maximum prices (3 documents) .....	6454, 6455
Chapter XXIII—War Assets Administration:	
Part 8302—Disposal of surplus personal property to priority claimants .....	6455

CODIFICATION GUIDE—Continued

TITLE 49—TRANSPORTATION AND Page  
RAILROADS:  
Chapter I—Interstate Com-  
merce Commission:  
Parts 71-85—Transportation  
of explosives----- 6455

(6) "Federal inspection" means inspection under the provisions of the act of March 4, 1907 (34 Stat. 1260), as amended, 21 U. S. C. 71, and as extended by Public Law 602, 77th Congress, approved June 10, 1942 (56 Stat. 351), and the rules and regulations promulgated thereunder.

(7) "Authorized purchaser" means:

(i) Any person who is under contract to sell or deliver set aside veal, or products prepared in whole or part therefrom, to a governmental agency;

(ii) Any person who has delivered set aside veal, or products prepared in whole or part therefrom, to a governmental agency, and has not replaced the set aside veal so delivered, or contained in the products so delivered, by a purchase of set aside veal under this order;

(iii) Any person who is authorized by the Administrator to purchase set aside veal.

(8) "Ship supplier" means any person designated and approved as such by the War Shipping Administration.

(9) "Conversion weight" means the dressed weight equivalent of the meat derived from the slaughter of calves, determined as prescribed in (f) hereof.

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

(11) "Administrator" means the Administrator, Production and Marketing Administration, United States Department of Agriculture, or any employee of the United States Department of Agriculture to whom the Administrator has delegated, or may hereafter delegate, any or all of the authority vested in him by this order.

(12) "Certified slaughterer" means any slaughterer of livestock who has been certified by the Secretary of Agriculture under the provisions of War Food Order No. 139, as amended (11 F.R. 5641).

(13) "Certified slaughtering plant" means any establishment or facility for the slaughtering of livestock which has been certified by the Secretary of Agriculture under the provisions of War Food Order No. 139 (11 F.R. 5641).

(14) Any term not specifically defined herein shall have the meaning set forth for such term in War Food Order No. 75, as amended (11 F.R. 4641).

(b) *Slaughterers affected; quantity; type; grade.* The provisions of this order shall apply to the following persons:

- All federally inspected slaughterers;
- All certified slaughterers;
- Every owner or operator of a certified slaughtering plant.

No slaughterer subject to the provisions of this order shall deliver meat for civilian consumption unless he shall:

- (1) Physically set aside, reserve and hold for delivery as directed in paragraph (b) (2) hereof, 40 percent of the con-

version weight of each week's production of veal graded "U. S. Utility" obtained from calves whose carcasses weigh, with the hide off, from 50 to 275 pounds, both inclusive;

(2) Deliver to governmental agencies, authorized purchasers and ship suppliers, before the close of each calendar week beginning with the week of June 23, 1946, veal of each of the grades specified in paragraph (b) (1) in a quantity not less than the quantity of veal of such grade required to have been physically set aside, reserved and held by such slaughterer as of the end of the third previous week.

(3) Deliver to governmental agencies, authorized purchasers and ship suppliers, on or before June 22, 1946, veal of such types and grades and in such quantities, calculated as of June 1, 1946, as were required to have been set aside, reserved and held for delivery to such governmental agencies, authorized purchasers and ship suppliers.

(c) *Credits allowed on deliveries.* Subject to the provisions of paragraph (d) hereof, any set aside veal delivered to a governmental agency, authorized purchaser, or ship supplier may be credited against requirements of paragraph (b) hereof for veal of the type and grade so delivered.

(d) *Certificates.* No set aside veal shall be delivered to any authorized purchaser, and no credit shall be allowed for any such delivery unless, prior to delivery, the slaughterer obtains a certificate signed by the authorized purchaser, containing the following: the name and address of both parties, the contract number of the contract between the authorized purchaser and the governmental agency, and a statement by the authorized purchaser that the set aside veal to be delivered, or an equivalent amount of set aside veal, of the same type and grade, will be or has been used in the fulfillment of such contract. The slaughterer shall enter on such certificate the date of delivery and the conversion weight of such veal, together with a description permitting conversion in accordance with paragraph (f) hereof. The slaughterer and the authorized purchaser shall each retain a signed copy of such certificate for at least two years and shall submit the same to the Administrator upon request. All statements contained in or accompanying such certificates shall be deemed representations to an agency of the United States. No person shall be entitled to rely upon any such certificate if he knows or has reasonable cause to believe it to be false.

(e) *Federal inspection required.* All veal required to be set aside, reserved, and held under this order shall be inspected in accordance with the provisions of the act of March 4, 1907 (34 Stat. 1260), as amended; 21 U. S. C. 71, and as extended by Public Law 602, 77th Congress, approved June 10, 1942 (56 Stat. 351), and the rules and regulations promulgated thereunder.

(f) *Conversion weight.* The conversion weight of all deliveries of veal and the conversion weight of carcasses and of cuts and trimmings derived therefrom, shall be determined by multiply-

ing the weight thereof by the appropriate conversion factor set forth below:

Type and description of product:	Conversion factor (multiplier)
Dressed carcasses hide off, and cuts not boned, fresh (chilled) or frozen -----	1.00
Dressed carcasses hide on, fresh (chilled) or frozen -----	.90
Boned, fresh (chilled) or frozen ----	1.41

The term "boned" describes cuts from which 50 percent or more of the bone, by weight, has been removed by the process of boning and the term "not boned" describes cuts from which none or less than 50 percent of the bone, by weight, has been removed, and primal cuts which contain no bone.

(g) *Storage; packing.* All veal set aside, reserved, and held under this order shall be stored in such manner as to maintain the quality thereof, and shall be prepared and packaged in accordance with specifications of the Governmental agency purchasing such veal.

(h) *Authorized purchasers; requirements.* An authorized purchaser shall receive set aside veal under the provisions of this order only:

(1) For re-delivery to a governmental agency or ship supplier, in the same form or in processed form, within three weeks from the date of receipt of such veal, or

(2) To replace an equivalent amount of veal of the same type and grade theretofore delivered, either in the same form or in processed form, to a governmental agency or ship supplier.

(i) *Direction for delivery.* In the event of a failure on the part of any person subject to this order to deliver the required quantities of set aside veal within the time limit applicable hereunder, or upon a failure on the part of such person to prepare, process, wrap or package such set aside veal in accordance with requirements of the governmental agency purchasing the same, then and in that event the Administrator may direct that such veal be delivered forthwith to such governmental agency regardless of the stage of preparation, processing, wrapping or packaging. In the event of such direction for delivery, the Administrator or the governmental agency entitled to delivery may make provision for completing the processing, wrapping or packaging of such veal to meet the specifications of such governmental agency and may charge the expense thereof to the person required to make such delivery. Any direction for delivery in accordance with the provisions of this paragraph shall not affect the right of the Government to take any other action or proceeding under paragraph (c) of this order.

(j) *Allocation.* The Administrator may, by general order or written notice to individual slaughterers, order the allocation of veal set aside under this order to or among specific governmental agencies, authorized purchasers, or ship suppliers. In the absence of such allocation, slaughterers may, subject to paragraph (d) hereof, sell veal so set aside to any such person or agencies.



(k) *Existing contracts.* The provisions of this order shall not be construed as reducing the amount of meat which any slaughterer is required to offer or to deliver under any existing contract with a governmental agency, as defined herein, or with the United States Maritime Commission.

(l) *Reports.* Every slaughterer subject to this order shall report to the Administrator concerning his production of and transactions in veal. Such reports shall be made upon such forms as the Administrator may require, and shall be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. All such reports shall be signed by the slaughterer, by a partner if the slaughterer is a partnership, or by a responsible officer if the slaughterer is a corporation.

(m) *Audits and inspections.* The Administrator shall be entitled to make such audits or inspections of the books, records and other writings, premises, supplies of livestock or stocks of meat of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(n) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Administrator. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator, obtain a review of such action by the Administrator. After said review, the Administrator may take such action as he deems appropriate, which action shall be final.

(o) *Violations.* (1) Any person who violates any provision of this order which requires veal or veal products to be set aside, reserved and held for delivery to governmental agencies, authorized purchasers or ship suppliers, or any provision of this order which requires set aside veal to be delivered to such governmental agencies, authorized purchasers or ship suppliers shall, upon certification to the Reconstruction Finance Corporation, be subject to withholding by the Reconstruction Finance Corporation of any meat subsidy claimed by such person.

(2) Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using livestock, meat, meat products, or animal fats.

(3) Any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability

or duty created by, or to enjoin any violation of, any provision of this order.

(p) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided, be addressed to the Order Administrator, War Food Order No. 75-4, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, 5 South Wabash Avenue, Chicago 3, Illinois.

(q) *Territorial scope.* This order shall apply within the 48 States and the District of Columbia.

(r) *Effective date.* This amendment shall become effective at 12:01 a. m., e. s. t., June 9, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 75-4, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087; W.F.O. 75, 11 F.R. 4641)

Issued this 7th day of June 1946.

[SEAL] E. A. MEYER,  
Assistant Administrator, Pro-  
duction and Marketing Ad-  
ministration.

[F. R. Doc. 46-9747; Filed, June 7, 1946;  
4:20 p. m.]

## TITLE 10—ARMY: WAR DEPARTMENT

### Chapter III—Claims and Accounts

#### PART 305—PAYMENT OF BILLS AND ACCOUNTS

##### PAYMENTS UNDER CONTRACTS, FORMAL AND INFORMAL

1. Amend paragraph (c) (3) of § 305.7 to read as follows:

§ 305.7 *What payment is authorized.* \* \* \*

(c) *Customs duties on foreign purchases.* \* \* \*

(3) *Philippine export tax.* No export tax shall be imposed or collected by the Philippines on articles exported to the United States. See sec. 322, act 30 April 1946 (Public Law 371—79th Cong.).

2. In § 305.8 paragraph (d) is amended by deleting the last sentence and substituting new subject matter; paragraph (f) (3) (i) is amended by deleting the last portion of subdivision (i) immediately following the words "contracting officer" and substituting the following text, and subdivision (v) is revised as follows:

§ 305.8 *Adjustments.* \* \* \*

(d) *Inferior goods:* \* \* \* (See *Barry v. United States*, 229 U. S. 47; *Cor & Sons v. United States*, 55 Ct. Cl. 7; 5 Comp. Gen. 993.) Where contract terms provide for payment of a lesser amount

in the event that inferior goods are accepted under proper authority, payment may be made by disbursing officers on the basis of the determination of the contracting officer without reference to the Office of the Chief of Finance, provided there is received by the disbursing officer an invoice certified by the contractor in the reduced amount covering the inferior goods. In all cases where inferior goods are accepted at reduced prices, and the covering contract does not provide for such acceptance, the disbursing officer will submit the voucher for such reduced payment to the Office of the Chief of Finance for consideration.

(f) *Delay in performance.* \* \* \*

(3) *When liquidated damages provided for in contract.* (1) Whenever, under a \* \* \* contracting officer, through Army Service Forces, Office of the Chief of Finance, The Pentagon, Washington 25, D. C., to the General Accounting Office. See 16 Comp. Gen. 374.

(v) In the event that liquidated damages are credited to account No. 501-970 P 970-13 and subsequently it is determined that such amounts were withheld erroneously or are otherwise found to be due to the contractor, by reason of changes in the contract terms or by reason of any other procedures approved by appropriate authority providing for repayments of amounts so withheld, the amounts so determined to be payable may be certified on a payment voucher and charged to account No. 501-970 P 970-13 under the applicable appropriation.

(R.S. 161; 5 U.S.C. 22) [AR 35-6040, 1 Feb 1944 as amended by C5, 27 May 1946]

[SEAL] EDWARD F. WITSELL,  
Major General,  
The Adjutant General.

[F. R. Doc. 46-9845; Filed, June 11, 1946;  
10:42 a. m.]

### Chapter VII—Personnel

#### PART 709—PRESCRIBED SERVICE UNIFORM WOMEN PERSONNEL OF ARMY

Subparagraph (4) (i) (c) is added to paragraph (a) of § 709.72 as follows:

§ 709.72 *Summer service uniforms.* (a) *Officers and warrant officers.* \* \* \*

(4) *Waists.*  
(1) *Nurses, physical therapists, and dietitians.* \* \* \*  
(c) *Waist, tropical worsted, khaki, women's.*

(R.S. 1296; 10 U.S.C. 1391) [AR 600-37, 16 April 1945, as amended by C6, 21 May 1946]

[SEAL] EDWARD F. WITSELL,  
Major General,  
The Adjutant General.

[F. R. Doc. 46-9846; Filed, June 11, 1946;  
10:43 a. m.]



## TITLE 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs

(T. D. 51469)

PART 6—AIR COMMERCE REGULATIONS  
REDESIGNATION OF AIRPORTS OF ENTRY

JUNE 6, 1946.

The following-named airports are hereby redesignated as airports of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. Title 49, sec. 179 (b)), for a period of 1 year from the dates shown opposite their names:

*Name, location and date of redesignation*

John G. Hinde Airport, Sandusky, Ohio, June 1, 1946.

Havre-Hill County Airport, Havre, Montana, (formerly Havre Municipal Airport), June 2, 1946.

Watertown Municipal Airport, Watertown, N. Y., June 2, 1946.

The list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), is hereby amended by changing the dates of the designations opposite the names of these airports as indicated herein.

(Sec. 7 (b), 44 Stat. 572, sec. 611, 58 Stat. 714; 49 U.S.C. Supp., 177 (b))

[SEAL] E. H. FOLEY, Jr.,  
Acting Secretary of the Treasury.

[F. R. Doc. 46-9843; Filed, June 11, 1946;  
10:42 a. m.]

## TITLE 25—INDIANS

Chapter I—Office of Indian Affairs,  
Department of the Interior

## Subchapter C—Attorneys and Agents

PART 14—RECOGNITION OF ATTORNEYS AND  
AGENTS TO REPRESENT CLAIMANTS

## EMPLOYMENT OF ATTORNEYS

§ 14.1 *Employment of attorneys.* Indian tribes organized pursuant to the Indian Reorganization Act of June 18, 1934, as amended, (48 Stat. 984; 25 U.S.C. 461-479), may employ legal counsel. The choice of counsel and the fixing of fees shall be subject to the approval of the Commissioner of Indian Affairs or such other official of the Indian Service as may be properly authorized to act for and in his stead, as the duly authorized representative of the Secretary of the Interior.

Attorneys or agents may be employed by Indian tribes not organized under the act of June 18, 1934, under contracts subject to approval of the Commissioner of Indian Affairs and the Secretary of the Interior as required by section 2103 of the Revised Statutes of the United States (25 U.S.C. 81). Practice of such attorneys before the Indian Bureau and the Department is subject to the requirements of §§ 1.1 to 1.16 inclusive of Part 1, Title 43, Code of Federal Regulations.

(48 Stat. 984; R.S. 2103; 5 U.S.C. 22, 493, 25 U.S.C. 81, 461-479)

NOTE: Solicitor's memorandum opinion January 23, 1946, held authority may be delegated by the Secretary to the Commissioner to approve selection of attorneys and approval of payments made thereunder.

OSCAR L. CHAPMAN,  
Acting Secretary of the Interior.

[F. R. Doc. 46-9849; Filed, June 11, 1946;  
10:43 a. m.]

PART 15—ATTORNEY CONTRACTS WITH  
INDIAN TRIBESTRIBES ORGANIZED UNDER INDIAN REORGANI-  
ZATION ACT

Section 15.1 is amended as hereinafter set forth and there is added a new section, 15.6a *Appeals*.

SEC. 15.1 *Contracts with organized tribes.* Negotiation and execution of tribal attorney contracts with Indian tribes organized pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461-479), shall be in accordance with the provisions of the approved constitution or charter of the respective tribes.

The Commissioner of Indian Affairs or such other official in the Indian Service as may properly be authorized to act for and in his stead may, as the duly authorized representative of the Secretary of the Interior, approve the selection of counsel and the amount of fees and expenses to be paid under any such contract.

§ 15.6a *Appeals.* Within sixty (60) days from the date of notice of any decision made by the Commissioner or other official under § 15.1, any interested party may file with the Commissioner a notice of appeal from the decision to the Secretary of the Interior. The notice of appeal must be in writing and must set forth fully all grounds upon which it is based. Any appeal so filed shall be transmitted promptly by the Commissioner to the Secretary of the Interior, together with the complete record in the case.

(48 Stat. 984; 5 U.S.C. 22, 493; 25 U.S.C. 461-479)

OSCAR L. CHAPMAN,  
Acting Secretary of the Interior.

[F. R. Doc. 46-9850; Filed, June 11, 1946;  
10:43 a. m.]

## TITLE 29—LABOR

Chapter IX—Department of Agriculture  
(Agricultural Labor)

[Supp. 92]

PART 1110—SALARIES AND WAGES OF AGRICULTURAL  
LABOR IN THE STATE OF OREGONWORKERS ENGAGED IN PICKING CHERRIES IN  
UMATILLA COUNTY IN OREGON

§ 1110.15 *Workers engaged in picking cherries in Umatilla County, State of Oregon.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to salaries and

wages issued August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628; 11 F.R. 2517) and to the regulations of the Secretary of Agriculture issued March 23, 1945 (10 F.R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the Oregon USDA Wage Board that a majority of the producers of cherries in the area affected participating in hearings conducted for such purpose have requested the intervention of the Secretary of Agriculture, and based upon relevant facts submitted by the Oregon USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in picking cherries in Umatilla County, Oregon are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628; 11 F.R. 2517).

(b) *Maximum wage rates for picking cherries in Umatilla County, Oregon.*

Picking cherries—3½ cents per pound.

If wage payments are made on any other basis, the rate of compensation shall not exceed the equivalent of the rate herein provided. No perquisites shall be paid in addition to the maximum wage rates provided above.

(c) *Administration.* The Oregon USDA Wage Board, located at 701 Pittock Block, Portland, Oregon, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the Secretary of Agriculture on March 23, 1945 (10 F.R. 3177).

(d) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the Secretary of Agriculture on March 23, 1945 (10 F.R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

(e) *Effective date.* This Supplement No. 92 shall become effective at 12:01 a. m., Pacific Standard Time, June 11, 1946.

(56 Stat. 765 (1942); 50 U.S.C. 961 et seq. (Supp. IV); 57 Stat. 63 (1943) 50 U.S.C. 964 (Supp. IV) 58 Stat. 632 (1944); Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; E.O. 9620, 10 F.R. 12023; E.O. 9651, 10 F.R. 13487; E.O. 9697, 11 F.R. 1691; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702; 9 F.R. 6035, 14547; 10 F.R. 9478, 9628; 11 F.R. 2517; regulations of the Secretary of Agriculture, 9 F.R. 655, 12117, 12611; 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206; 10 F.R. 3177; 11 F.R. 5903)

Issued this 11th day of June 1946.

[SEAL] HOWARD A. PRESTON,  
Acting Director, Labor Branch,  
U. S. Department of Agriculture.

[F. R. Doc. 46-9255; Filed, June 11, 1946;  
11:11 a. m.]

## TITLE 30—MINERAL RESOURCES

Chapter II—Geological Survey,  
Department of the Interior

[Order 2198]

PART 221—OIL AND GAS OPERATING  
REGULATIONS

## GOVERNMENT ROYALTY OIL

MAY 17, 1946.

Order No. 2058 of May 25, 1945 (10 F.R. 6502, 6926), prescribing the procedure to be followed by refiners desiring to purchase Government royalty oil pursuant to section 36 of the act of February 25, 1920 (41 Stat. 451, 30 U.S.C., sec. 192), is hereby revoked.

OSCAR L. CHAPMAN,  
Acting Secretary of the Interior.

[F. R. Doc. 46-9852; Filed, June 11, 1946;  
10:43 a. m.]

## TITLE 32—NATIONAL DEFENSE

Chapter IX—Civilian Production  
Administration

**AUTHORITY:** Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827 and Pub. Law 270, 79th Cong.; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; E.O. 9638, 10 F.R. 12591; CPA Reg. 1, Nov. 5, 1945, 10 F.R. 13714.

PART 944—REGULATIONS APPLICABLE TO  
THE OPERATION OF THE PRIORITIES  
SYSTEM

[Priorities Reg. 33, Direction 1, as Amended  
June 11, 1946]

LUMBER, HARDWOOD FLOORING AND  
MILLWORK

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of lumber and millwork for defense, for private account and for export; and the following direction is deemed necessary and appropriate in the public interest and to promote the national defense:

(a) *What this direction does.* Priorities Regulation 33 and Direction 8 to Priorities Regulation 33 provide for the assignment to builders, prefabricators and others, of priorities assistance to secure materials listed on Schedule A of Priorities Regulation 33 and List I of Direction 8 to Priorities Regulation 33, which are required for use in the Veterans' Emergency Housing Program. Among these items are lumber, hardwood flooring and millwork. This direction provides that sawmills shall produce a percentage of their total production of lumber in housing construction lumber and hardwood flooring lumber and hold as a reserve for certified orders from distributors, office wholesalers, millwork manufacturers, hardwood flooring manufacturers and prefabricators, as well as rated orders from housing contractors and other consumers. It applies to all sawmills and to lumber distributors, office wholesalers, millwork manufacturers, hardwood flooring manufacturers, prefabricators and housing contractors, and other consumers who have been assigned priorities assistance. It explains how such persons may obtain lumber or lumber products for the purpose for which the priorities as-

sistance was granted and how delivery on such orders must be made. It also provides that the Civilian Production Administration may issue directives to allocate production, direct shipments, and direct or prohibit production of particular items.

This direction does not apply to lumber other than housing construction lumber and hardwood flooring lumber, and all such lumber must be sold and delivered in accordance with Priorities Regulation 1.

## DEFINITIONS

(b) *Definitions for the purpose of this direction.* (1) "Lumber" means any sawed lumber of any species, size or grade, including rough, surfaced on one or more sides or edges, dressed and matched, shiplapped, worked to pattern, or grooved for splines, except (i) shingles, slabs and round edge lumber; (ii) mine and railway cross ties nine feet or less in length; (iii) any segment of a log which has been produced so that it can be converted into veneer and which is sold and used for that purpose.

(2) "Distributor" means any person who buys and stocks lumber for resale as lumber either at wholesale or retail. A distributor who has two or more distinct and separate yards must for the purpose of this direction, consider each yard a "distributor".

(3) "Housing construction lumber" means softwood lumber in the form of flooring, ceiling, siding, partition, casing, base, moulding stock, strips and boards, two-inch dimension, finish, shop and lath.

(4) "Millwork" means windows, sash, doors; window sash and door frames; window and door screens; cut stock for foregoing items; trim, mouldings, built-in kitchen cabinets and other built-in millwork items suitable for authorized housing construction under Priorities Regulation 33.

(5) "Hardwood flooring lumber" means Grades 2 and 3a, rough, in all thicknesses of Oak, Pecan and Beech, in 4/4 and 8/4 thicknesses of Hard Maple and 4/4 and thinner thicknesses in Birch.

(6) "Sawmill" means: (i) any mill or plant, stationary or portable; (ii) any plant or concentration yard which processes (by drying, resawing, edging, grading, sorting, planing, or otherwise) 25 percent or more of the total volume of logs and lumber which it receives, into an item which is defined as lumber. However, the term "sawmill" does not include any establishment known in the trade as a distribution yard engaged in either retail or wholesale business even though it may process, for the servicing of special orders from consumers, more than 25 percent of the lumber it receives.

(7) "Housing contractor" means a builder (applicant) who has been directly assigned an HH rating under Priorities Regulation 33. It also includes a general contractor who has been directly authorized by such a builder to use the HH rating for the whole job. It does not include a subcontractor authorized to use the HH rating for a part of the job.

(8) "Millwork manufacturer" means a person who consumes a softwood lumber in the manufacture of millwork.

(9) "Hardwood flooring manufacturer" means a person who consumes hardwood flooring lumber in the manufacture of standard hardwood flooring.

(10) "Office wholesaler" means a person who buys lumber for resale but does not stock lumber.

(11) "Certified order" is any order for the delivery of lumber bearing the certificate described in paragraph (1).

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

(13) "Prefabricator" means a person engaged in the manufacture of prefabricated

houses, panels or sections who has been directly given priorities assistance on Form CPA-4415 to build prefabricated houses, panels or sections.

## SAWMILLS

(c) *Sawmill reserve production.* The following provisions will govern the amount of housing construction lumber sawmills shall produce and reserve for certified and rated orders.

(1) Each sawmill as described in paragraph (b) (6) above, shall reserve in his over-all production of lumber in footage for the month of June, 1946, and for each calendar month thereafter, time and supplies sufficient to produce and deliver on certified or rated orders within such month at least 50 percent of his expected monthly production of softwood lumber in the form of housing construction lumber, and 100 percent of the Grades 2 and 3a rough, in all thicknesses of Oak and Pecan; 100 percent of Grades 2 and 3a rough, in 4/4 and 8/4 thicknesses of Hard Maple; 25 percent of Grades 2 and 3a rough, in all thicknesses of Beech; and 25 percent of Grades 2 and 3a rough, in 4/4 and thinner thicknesses of Birch.

The Civilian Production Administration may from time to time, change such percentage by publication in the Federal Register prior to the first day of any month.

(2) Where it is the customary practice of a sawmill to season lumber as described in paragraphs (b) (3) and (b) (5) by air drying, the lumber properly piled for seasoning and carried in inventory for this purpose will not be considered as produced until seasoned for the customary period.

(3) This direction does not prevent the free movement of softwood or hardwood lumber between sawmills. However, a sawmill that delivers all or any part of his lumber to another sawmill must still manufacture the percentage required under paragraph (c) (1) above, of his softwood or hardwood production into housing construction lumber or hardwood flooring lumber. A sawmill receiving housing construction lumber or hardwood flooring lumber from another sawmill must hold such lumber for sale on certified or rated orders in addition to his own reserve production. A sawmill delivering housing construction lumber or hardwood flooring lumber to another sawmill may credit against his reserve production under paragraph (c) (1) above the amount of housing construction lumber or hardwood flooring lumber so delivered.

(4) Every sawmill must hold his reserve production until the last day of each month for delivery on certified or rated orders and must accept and ship such orders for delivery in that month in preference to all other orders to the extent that such orders do not require more than the sawmill's monthly reserve production. The order of precedence for filling certified and rated orders is given in paragraph (m) (1) below. A sawmill, however, must not accept for delivery in any month orders rated MM for more housing construction lumber or hardwood flooring lumber than 5 percent of his reserve production for that month except on special authorization from the Civilian Production Administration. When a sawmill has accepted certified or rated orders for housing construction lumber or hardwood flooring lumber to the extent of his reserve, he must not accept additional certified or rated orders (except AAA), for housing construction lumber or hardwood flooring lumber produced in that month. Any portion of the sawmill's production of housing construction or hardwood flooring lumber not required to fill certified or rated orders received during the month, may be sold only on uncertified and unrated (except AAA) orders.

(5) *Certified orders.* The following types of certified orders placed with the sawmill will be accorded the treatment provided for



in paragraph (c) (4) above, and shipments on such orders may be credited against the percentage the sawmill is required to produce and reserve each month: Certified orders from (i) distributors; (ii) millwork manufacturers; (iii) hardwood flooring manufacturers; (iv) office wholesalers; (v) prefabricators.

#### DISTRIBUTORS

(d) *Distributors.* The following provisions tell how lumber distributors may place certified orders for housing construction lumber and how lumber so obtained may be sold:

(1) Any distributor may place certified orders for delivery each month for housing construction lumber with a sawmill, a distributor who sells at wholesale or an office wholesaler for one of the following amounts whichever is greater; (i) starting with the month of June an amount of housing construction lumber not exceeding 7 percent of the amount in footage of his inventory of all softwood lumber as of January 1, 1942, or (ii) two carloads of housing construction lumber in any calendar quarter at the rate of not more than one carload in any month of the quarter.

(2) Every distributor must reserve 75% of the housing construction lumber received in any month on certified orders for delivery on certified and rated orders. A distributor must accept all certified and rated orders up to the reserve quantities which are received before the end of the month regardless of whether such orders call for delivery within that month. A distributor, however, may not accept for delivery in any month orders rated MM for more housing construction lumber than 10% of the quantity reserved in that month. In addition, he must not accept certified or rated orders (except AAA) for a quantity in excess of the reserve. Any housing construction lumber received which a distributor is not required to reserve and any lumber in the reserve for which certified and rated orders are not received during the month, may be delivered by a distributor only on uncertified and unrated (except AAA) orders.

(3) A distributor may not use MM, CC or HH rated orders to get housing construction lumber from a supplier to fill a rated order for housing construction lumber, and he may not use an MM, CC or HH rating to replace in inventory housing construction lumber delivered from inventory on an MM, CC or HH rated order.

#### OFFICE WHOLESALER

(e) *Office wholesaler.* (1) An office wholesaler receiving certified orders from a distributor, millwork manufacturer, hardwood flooring manufacturer, or prefabricator, may place certified orders with the sawmill for an amount of housing construction lumber or hardwood flooring lumber not in excess of the amount called for by the certified orders which he has received.

(2) An office wholesaler receiving AAA, MM, CC or HH rated orders for not less than carload lots of housing construction lumber or hardwood flooring lumber may extend the rating on such orders to the sawmill for direct mill shipments.

#### MILLWORK MANUFACTURERS

(f) *Millwork manufacturers.* The following provisions tell how millwork manufacturers may place with a sawmill, an office wholesaler or a distributor certified orders for housing construction lumber and how such lumber shall be used, and the millwork sold:

(1) Any millwork manufacturer may place certified orders for delivery in each month starting with the month of June, 1946, for housing construction lumber with a sawmill, an office wholesaler or a distributor for an

amount in footage not exceeding 8 percent of the amount in footage of softwood lumber consumed by him in the manufacture of millwork in the year 1940.

(2) A millwork manufacturer must use each month a quantity of lumber equal to all housing construction lumber received on certified orders for the manufacture of millwork. Every millwork manufacturer must reserve 75 percent of the millwork so manufactured for delivery on certified or rated orders. He must accept certified or rated orders up to the reserve which are received before the end of the month, regardless of whether such orders call for delivery within the month. A millwork manufacturer, however, may not accept for delivery in any month orders rated MM for more millwork than 10% of the quantity reserved in that month. In addition, he must not accept certified and rated orders for a quantity in excess of the reserve. Any millwork which the millwork manufacturer is not required to reserve and any millwork in the reserve for which certified and rated orders are not received during the month in which it is manufactured, may be delivered by the millwork manufacturer only on uncertified and unrated (except AAA) orders.

(3) A millwork manufacturer placing certified orders under paragraph (f) (1) above for delivery of housing construction lumber, who receives a rated order (except AAA) for millwork, may not extend the rating to a supplier to get housing construction lumber.

(4) A person not authorized as a millwork manufacturer to place certified orders under paragraph (f) (1) above, who has received an AAA, MM, CC or HH rated order for millwork, may extend the AAA, MM, CC or HH rating to his supplier, except to a sawmill, to get housing construction lumber to be incorporated in the millwork which he will deliver on that order, subject to the applicable inventory regulations.

#### HARDWOOD FLOORING MANUFACTURERS

(g) *Hardwood flooring manufacturers.* The following provisions tell how hardwood flooring manufacturers may place with a sawmill or office wholesaler certified orders for hardwood flooring lumber and how such lumber shall be used and the hardwood flooring sold:

(1) Hardwood flooring manufacturers may place certified orders for delivery each month starting with the month of June, 1946, with a sawmill or with an office wholesaler for hardwood flooring lumber for an amount in footage not to exceed 8 percent of the amount of footage of hardwood flooring lumber consumed in the manufacture of hardwood flooring in the year 1940.

(2) A hardwood flooring manufacturer shall use each month a quantity of hardwood lumber equal to all hardwood flooring lumber received on certified orders for the manufacture of hardwood flooring. Every hardwood flooring manufacturer must reserve 75 percent of the hardwood flooring so manufactured during that month for delivery on certified or rated orders. He must accept certified or rated orders up to the reserve which are received before the end of the month, regardless of whether such orders call for delivery within the month. A hardwood flooring manufacturer, however, may not accept for delivery in any month orders rated MM for more hardwood flooring than 10% of the amount reserved in that month. In addition, he must not accept certified and rated orders for a quantity in excess of the reserve. Any hardwood flooring which the hardwood flooring manufacturer is not required to reserve and any hardwood flooring in the reserve for which certified and rated orders are not received during the month it is manufactured, may be delivered by hardwood flooring manufacturer only on uncertified and unrated (except AAA) orders.

(3) Hardwood flooring manufacturers receiving rated orders (except AAA) for hard-

wood flooring may not extend the ratings to a supplier to get hardwood flooring lumber.

#### HOUSING CONTRACTORS

(h) *Housing contractors.* The following provisions tell how a housing contractor may place with a sawmill distributor or office wholesaler HH rated orders for housing construction lumber:

(1) A housing contractor who has an HH rating may apply the HH rating on orders for housing construction lumber to a distributor, or he may place HH rated orders for delivery each month starting with the month of June, 1946, with a sawmill or with an office wholesaler for housing construction lumber for an amount in footage not in excess of the total lumber required to meet his construction schedule for housing for which he has received priorities assistance under PR-33. Rated orders may be placed with a sawmill or with an office wholesaler for housing construction lumber only to the extent that other rated orders have not been placed with distributors for authorized amounts. The housing contractor must not specify delivery dates on rated orders more than 30 days before the time that the housing construction lumber is needed for incorporation into housing. Furthermore, the housing contractor must not place rated orders for housing construction lumber in which is specified a delivery date later than during the third calendar month after the time when the purchase order was placed.

(2) The housing contractor must use the housing construction lumber obtained on rated orders in the construction of housing for which the priorities assistance was authorized.

#### PREFABRICATORS

(i) *Prefabricators.* The following provisions tell how a prefabricator may place certified orders for housing construction lumber, millwork or hardwood flooring:

(1) A prefabricator may place certified orders for housing construction lumber with a sawmill, distributor or office wholesaler, for millwork with a millwork manufacturer, and for hardwood flooring with a hardwood flooring manufacturer, for an amount not in excess of the total amount of housing construction lumber, millwork or hardwood flooring required to meet a quarterly production schedule for prefabricated houses, panels or sections for which he has received priorities assistance on Form CPA-4415. A prefabricator must not specify delivery dates (at plant or warehouse) on certified orders more than 30 days before the time the housing construction lumber, millwork or hardwood flooring is needed for incorporation into the prefabricated houses, panels or sections. Furthermore, a prefabricator must not place certified orders for housing construction lumber, millwork or hardwood flooring in which is specified a delivery date later than during the third calendar month after the time when his purchase order is placed.

(2) A prefabricator must use the housing construction lumber, millwork or hardwood flooring obtained on certified orders for the purposes for which priorities assistance has been granted under Direction 8 to Priorities Regulation 33.

(3) A prefabricator may not apply or extend an HH rating for housing construction lumber, millwork or hardwood flooring.

#### INTEGRATED SAWMILLS

(j) *Sawmills that are also prefabricators, millwork or hardwood flooring manufacturers.* If a person engaged in operating a sawmill is also engaged in manufacturing prefabricated houses, panels or sections, millwork or hardwood flooring, he may transfer housing construction lumber or hardwood flooring lumber from his sawmill to his manufacturing operation provided he is permitted to place monthly certified orders for housing construction lumber, millwork or



hardwood flooring lumber. The transfer from the sawmill must be treated as delivery on a certified order and he must keep records of the transfer in his sawmill files and endorse the appropriate certificate on his records.

A person making a transfer permitted in the above paragraph must use or dispose of the housing construction lumber, millwork or hardwood flooring lumber transferred to his manufacturing operation in conformity with the applicable paragraphs above.

#### NEWCOMERS

(k) *Persons not established as distributors, millwork manufacturers or hardwood flooring manufacturers.* (1) Any person who was not on January 1, 1942, a lumber distributor and wants permission to place monthly certified orders for an amount of housing construction lumber in excess of two carloads of housing construction lumber in any calendar quarter at the rate of not more than one carload in any month of the quarter, may apply by letter to the Civilian Production Administration.

(2) Any person who was not, in the year 1940 a millwork or hardwood flooring manufacturer, and wants permission to place monthly certified orders may apply by letter to the Civilian Production Administration.

(3) Any person applying by letter under subparagraph (1) or (2) above should state how much housing construction lumber or hardwood flooring lumber he needs each month, proximity of his place of business to similar businesses, and any other information to help the Civilian Production Administration decide what amount of housing construction lumber or hardwood flooring lumber is needed by him to engage in business. Such application will be processed in an equitable manner.

#### CERTIFICATION ON ORDERS

(1) *Certification on orders.* To certify an order for housing construction lumber or hardwood flooring lumber or millwork or hardwood flooring under this direction, the following certificate must be endorsed on or attached to the purchase order, sales ticket or other delivery orders. Certificates must be signed manually or as explained in Priorities Regulation 7. However, the standard form described in that regulation may not be used in place of certificate described in this direction. The certification required by this direction may not be waived under paragraph (f) or Priorities Regulation 7. The Serial Number must be inserted by persons holding authorizations on Form CPA-4386 or Form CPA-4415 in the place provided in the certificate. Orders placed verbally must be confirmed immediately and the confirmation must bear the appropriate certificate. The certificate must be substantially as follows:

The undersigned certifies to the supplier and to the Civilian Production Administration that he is a (distributor, millwork manufacturer, hardwood flooring manufacturer, prefabricator, office wholesaler) and that the quantities of housing construction lumber or hardwood flooring lumber or millwork or hardwood flooring covered by this order (together with all other certified orders for the particular material for delivery in the month specified in this order) do not exceed the amount permitted under Direction 1 to Priorities Regulation 33 with the provisions of which he is familiar.

Date.....  
Serial Number.....

#### MISCELLANEOUS

(m) The following provisions generally affecting sawmills, distributors, millwork manufacturers, hardwood flooring manufacturers, prefabricators, housing contractors, and office wholesalers, should be carefully read:

(1) *Status of certified orders.* Certified orders for the purpose of this direction shall be subject to the rules for acceptance and rejection of rated orders as provided in Priorities Regulation 1 except as modified in this direction. The order of precedence is (subject to any provision limiting the quantity of orders that need be accepted) as follows:

(i) At sawmill; (1) AAA; (ii) MM; (iii) certified; (iv) CC and HH;

(ii) At a supplier other than a sawmill; (1) AAA; (ii) MM; (iii) CC, HH, and certified orders which are of equal value.

(2) *Applicability of regulations.* Except as otherwise required by this direction, Priorities Regulations 1 and 3 continue to govern the use of ratings and the acceptance, scheduling and filling of orders. All other applicable regulations and orders of the Civilian Production Administration must be observed where not inconsistent with this direction.

(3) *Extension of preference ratings.* For the purpose of this direction the extendibility of ratings (except AAA) is governed by paragraphs (d), (e), (f), (g) and (h) which rules supersede paragraphs (d) and (d-1) of Priorities Regulation 3.

(4) *Violations.* Any person who willfully violates any provision of this direction or who, in connection with this direction, willfully 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.

(5) *Reports.* Every person shall file with the Civilian Production Administration, or any other federal agency, through which the Civilian Production Administration may distribute housing construction lumber, such reports and questionnaires as the Civilian Production Administration or such other agency may from time to time require subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(6) *Directives.* The term "directive" as used in this direction means written instructions to a specific person regarding the manufacture, delivery, or use of lumber, millwork or hardwood flooring. The Civilian Production Administration may issue directives requiring sawmills, millwork manufacturers or hardwood flooring manufacturers or distributors to set aside specific quantities or percentages of production or shipments for persons placing certified or rated orders. It may also allocate production or shipments to specified persons for specified uses, and may direct how and in what quantities deliveries to specified persons or uses may be made. It may also direct distribution to particular areas and may direct or prohibit the production by any person of particular items of lumber, millwork or hardwood flooring. Directives supersede any preference ratings (except AAA) or certifications assigned to particular purchase orders or contracts. They may be issued for the satisfaction of Veterans' Emergency Housing Program and essential civilian requirements, and in order to carry out more fully the purposes of this direction.

(7) *Appeals.* Any appeal from the provisions of this direction should be made by mailing a letter in triplicate to the Civilian Production Administration, Forest Products Division, Washington 25, D. C., Ref.: Direction 1 to Priorities Regulation 33, stating the particular provision appealed from and stating fully the grounds for the appeal.

(8) *Communications.* All communications unless otherwise directed must be addressed as follows: Civilian Production Ad-

ministration, Forest Products Division, Washington 25, D. C.

Issued this 11th day of June 1946.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 46-9876; Filed, June 11, 1946;  
11:37 a. m.]

#### PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 33, Direction 1A, as Amended  
June 11, 1946]

#### SOFTWOOD PLYWOOD

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of softwood plywood 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:

(a) *What this direction does.* Priorities Regulation 33 and Direction 8 to Priorities Regulation 33 provide for the assignment to builders and prefabricators of priorities assistance to secure materials listed on Schedule A of PR 33 and List I of Direction 8 to PR 33 which are required for use in the Veterans' Housing Program. Among these items is softwood plywood. This direction provides that the manufacturers of softwood plywood shall produce a percentage of their total production in construction and door panel grades and reserve a percentage of those grades for certified orders from prefabricators, distributors, cabinet manufacturers, door manufacturers and housing contractors. It provides that the softwood plywood reserved and the product into which it is incorporated, may only be sold on certified orders or HH rated orders.

This direction does not apply to plywood not in construction and door panel grades and thicknesses and such plywood must be sold and delivered in accordance with the rules in Priorities Regulation 1.

(b) *Definitions for the purpose of this direction.* (1) "Softwood plywood" means laminated veneers of any species of softwood united with a bonding agent to produce board.

(2) "Construction plywood" means plywood of one or more softwood panels, 12 feet and shorter and without external sealer treatment of the following grades: Interior (moisture resistant) type as follows: 1/4" sanded or 5/16" unsanded wallboard; 3/8" sanded or 7/16" unsanded wallboard; 1/4" sanded or 5/16" unsanded sound one side plypanel; 3/8" sanded or 7/16" unsanded sound one side plypanel; 5/16" sheathing; 3/8" sheathing; 1/2" sheathing and 5/8" sheathing; and Exterior type 1/4" sanded or 5/16" unsanded sound one side plypanel and 3/8" sanded or 7/16" unsanded sound one side plypanel.

(3) "Door plywood" means softwood plywood, Interior (moisture resistant) and Exterior type without external sealer treatment of 1/4" sound two sides door plypanel.

(4) "Plywood manufacturer" means a person engaged in the manufacture of softwood plywood.

(5) "Prefabricator" means a person engaged in the manufacture of prefabricated houses, panels or sections who has been granted priorities assistance on Form CPA-4415 to build prefabricated houses, panels or sections.

(6) "Housing contractor" means a builder (applicant) who has been directly assigned an HH rating by CPA, FHA or NHA. It also includes a general contractor who has been directly authorized by such a builder to use the HH rating for the whole job. It does not include a subcontractor authorized to use the HH rating for a part of the job.

(7) "Distributor" means a person who buys and stocks softwood plywood for resale as plywood at wholesale or retail.

(8) "Cabinet manufacturer" means a person who produces kitchen cabinets for built-in installation in housing.

(9) "Door manufacturer" means a person who consumes softwood plywood in the manufacture of standard house doors.

(10) "Square footage" means measurement on a  $\frac{3}{8}$ " rough basis.

(11) "Certified order" means any order for the delivery of softwood plywood bearing the certificate prescribed in paragraph (j).

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

#### Plywood Manufacturers

(c) *Plywood manufacturers reserve production.* The following conditions will govern the amount of construction plywood and door plywood, plywood manufacturers shall produce and reserve for certified orders:

(1) Each softwood plywood manufacturer shall reserve in his total over-all production of softwood plywood in square footage for the month of April, 1946, and for each calendar month thereafter, time and supplies sufficient to produce and deliver within such month; (i) at least 45% of his expected monthly production of softwood plywood in the form of construction plywood of which not more than 20% of the construction plywood may be in exterior type; (ii) at least 5% of his expected monthly production of softwood plywood in the form of door plywood, for delivery on certified orders.

The CPA may from time to time change such percentages by amendments published in the FEDERAL REGISTER prior to the first day of any month.

(2) Every plywood manufacturer must hold 60% of his production of construction plywood in square footage in any month for delivery on certified orders. A plywood manufacturer must accept and ship such certified orders in preference to all other orders (except AAA) to the extent that such orders do not require more than 60% of his production of construction plywood for that month. When a plywood manufacturer has accepted certified orders for construction plywood for this amount, he must not accept additional certified orders for construction plywood produced in that month. Any portion of the plywood manufacturer's reserve which is not required to fill certified orders received in the month it was produced, may be sold only on uncertified and unrated (except AAA) orders.

(3) A plywood manufacturer must reserve 40% of his total production of construction plywood in square footage beginning with the month of April, 1946, and for each calendar month thereafter for delivery only on uncertified and unrated orders from distributors.

(4) A plywood manufacturer must hold his reserve production of door plywood in any month for delivery on certified orders from door manufacturers or distributors. He must accept and ship such certified orders in preference to all other orders (except AAA) to the extent that such certified orders do not require more than the monthly reserve production of door plywood. When a plywood manufacturer has accepted certified orders

for door plywood for the amount of his reserve production, he must not accept additional certified orders for door plywood produced in that month. Any portion of the plywood manufacturer's reserve of door plywood which is not required to fill certified orders received in the month in which it was produced, may be sold only on uncertified and unrated (except AAA) orders.

#### Prefabricators

(d) The following provisions tell how prefabricators may place with a plywood manufacturer or distributor certified orders for construction plywood:

(1) A prefabricator may place certified orders with a plywood manufacturer or a distributor for construction plywood in the amount for which he has received priorities assistance on Form CPA-4415. A prefabricator must not specify delivery dates (at his plant or warehouse) on certified orders more than 30 days before the time the construction plywood is needed for incorporation into the prefabricated houses, panels, or sections. Furthermore, a prefabricator must not place certified orders for construction plywood in which is specified a delivery date later than during the third calendar month after the time when the purchase order is placed.

(2) A prefabricator must use construction plywood obtained on certified orders in the production of prefabricated houses, panels or sections to be sold on orders rated HH.

(3) A prefabricator may not apply or extend an HH rating for construction plywood.

#### Housing Contractors

(e) *Housing contractors.* The following provisions tell how a housing contractor may place certified orders or HH rated orders with a plywood manufacturer or distributor for construction plywood.

(1) A housing contractor may apply the HH rating on orders for construction plywood to a distributor, but not to a plywood manufacturer, or a housing contractor purchasing in not less than carload lots, may place certified orders for mill shipment delivery each month starting with the month of April 1946, with a plywood manufacturer or a distributor, in an amount in square footage not in excess of the total construction plywood required to meet his construction schedule for housing for which he has received priorities assistance on Form CPA-4386. A housing contractor may not place HH rated or certified orders for construction plywood except for use in kitchen cabinets and bathroom and kitchen flooring. He may not apply the HH rating or use a certificate for an amount in excess of 300 square feet per house or apartment. If kitchen cabinets are purchased as millwork the total permissible amount of construction plywood must be reduced by the amount of plywood in the cabinets.

(2) A housing contractor must not specify delivery dates (at site or warehouse) on certified orders or HH rated orders, more than 30 days from the time that the construction plywood is needed for incorporation into the housing. Furthermore, the housing contractor must not place certified orders for construction plywood in which is specified a delivery date later than the third calendar month after the time when the purchase order is placed. A housing contractor may place certified orders for construction plywood only to the extent that HH rated orders have not been placed with a distributor.

(3) A housing contractor must use the construction plywood obtained on certified orders or HH rated orders on housing construction for which the HH rating was authorized.

#### Cabinet Manufacturers

(f) *Cabinet manufacturers.* The following provisions tell how a cabinet manufac-

turer may obtain authority to place certified orders with a plywood manufacturer or a distributor for construction plywood for use in drawer bottoms of built-in kitchen cabinets and how the cabinets must be sold:

(1) A cabinet manufacturer wishing to place certified orders with a plywood manufacturer or a distributor for construction plywood to be used in the manufacture of drawer bottoms for kitchen cabinets, shall apply to the CPA for authority to place such orders. A cabinet manufacturer must apply to CPA before May 10, 1946, unless already authorized, for the months of May and June, 1946, and for calendar quarters thereafter must apply at least 20 days before the first day of the quarter, by letter stating: (i) average monthly consumption of construction plywood in drawers for built-in kitchen cabinets in year 1940 (required in first application only); (ii) average anticipated monthly production of kitchen cabinets in units to be produced in the period for which authorization is requested, and (iii) total requirements in  $\frac{3}{8}$ " basis of construction plywood for drawers for built-in kitchen cabinets in item (ii) above. Such application will be processed equitably. A cabinet manufacturer must not specify delivery dates (at plant or warehouse) on certified orders more than 30 days before the time the construction plywood is needed for incorporation into the kitchen cabinet drawers. Furthermore, the cabinet manufacturer must not place certified orders for construction plywood in which is specified a delivery date later than during the third calendar month after the time the purchase order was placed.

(2) Authorizations to cabinet manufacturers will bear a serial number which must be inserted by the cabinet manufacturer in the place provided in the certificate required by paragraph (j) below.

(3) A cabinet manufacturer must use the construction plywood received on certified orders in the production of built-in kitchen cabinets suitable for housing. The cabinets manufactured from the construction plywood must be held for sale as millwork and sold in conformity with paragraph (f) (2) of Direction 1 to PR 33 providing for the sale of millwork.

#### Door Manufacturers

(g) *Door manufacturers.* The following provisions tell how door manufacturers may place with plywood manufacturers or distributors certified orders for door plywood for the manufacture of standard house doors and how the doors must be sold.

(1) A door manufacturer may place certified orders for door plywood for delivery in each month beginning with the month of April, 1946, with the plywood manufacturer or a distributor for an amount in square footage not in excess of 10% of the amount in square footage of door plywood consumed by him in the manufacture of standard house doors in the year 1940.

(2) A door manufacturer must use each month, all the door plywood received on certified orders in the manufacture of standard house doors. The doors so manufactured must be held for sale as millwork and sold in conformity with paragraph (f) (2) of Direction 1 to PR 33 providing for the sale of millwork.

#### Distributors

(h) *Distributors.* The following provisions tell how distributors may place orders for construction plywood, and how the construction plywood may be sold:

(1) A distributor may place uncertified and unrated orders for delivery each month for construction plywood with a plywood manufacturer. Every distributor must reserve 75% of the construction plywood received in any month for delivery on cer-



tified and rated orders. A distributor must accept all certified and rated orders which are received before the end of the month up to the reserve quantities regardless of whether such orders call for delivery within that month. A distributor, however, may not accept for delivery in any month orders rated MM for more construction plywood than 5% of the quantity reserved in that month. In addition, he must not accept certified or rated orders (except AAA) for construction plywood for a quantity in excess of the reserve. Any construction plywood which a distributor is not required to reserve, and any construction plywood in the reserve for which certified and rated orders are not received during the month, may be delivered by a distributor only on uncertified and unrated (except AAA) orders.

(2) A distributor who has received a certified order for construction or door plywood may place the certified order with a plywood manufacturer to get the construction or door plywood which will be delivered direct to consumer subject to the applicable inventory regulations. A distributor may not place a certified order with a producer for replacement of inventory.

(1) *Newcomers.* (1) A person who in the year 1940 was not established as a cabinet manufacturer or a door manufacturer, and who wants to place monthly certified orders for construction plywood for use in kitchen cabinets or for door plywood for use in standard house doors, may apply to CPA for authorization to place certified orders for a calendar quarter. Authorization will be issued on a quarterly basis and application by letter must be filed at least 10 days before the first day of the calendar quarter for which authorization is asked. The letter should state: (i) location of plant; (ii) amount of equipment and its production capacity to manufacture kitchen cabinets or house doors; (iii) line of kitchen cabinets to be produced; (iv) anticipated monthly production of house doors or kitchen cabinets in which plywood is required; (v) total requirements on a  $\frac{3}{8}$ " basis of plywood for house doors or kitchen cabinets for the next current quarter. Such application will be processed in an equitable manner.

(2) A person receiving authorization to place a certified order under paragraph (1) (1) above, must hold kitchen cabinets or doors manufactured for sale in conformity with the provisions of paragraph (f) (3) and (g) (2) above, respectively.

#### Certification

(j) *Certification.* To certify an order for construction plywood or door plywood under this direction, the following certificate must be endorsed on or attached to the purchase order, or sales ticket. Certification must be signed manually or as explained in PR 7. However, the standard form described in that regulation may not be used in place of the certificate described in this direction. The certificate described in this direction may not be waived by paragraph (f) under PR 7. The serial number must be inserted by cabinet manufacturers, and persons holding authorizations on Form CPA-4386 or Form CPA-4415 in the place provided in the certificate.

Prefabricators, housing contractors, cabinet manufacturers, door manufacturers and distributors who place certified orders calling for delivery of construction plywood or door plywood, must use a certificate reading substantially as follows:

The undersigned certifies to the supplier and to the CPA that he is a ----- (prefabricator, housing contractor, cabinet manufacturer, door manufacturer, or distributor) and that the quantities of construction plywood or door plywood covered by this order

(together with all other certified orders for construction plywood or door plywood for delivery in the months specified in this order) do not exceed the amount he has been allowed under Direction 1A of PR 33 with the provisions of which he is familiar.

Dated.....  
Serial number .....

#### Miscellaneous

(k) *Miscellaneous.* The following provisions generally affecting plywood manufacturers, prefabricators, housing contractors, cabinet manufacturers, door manufacturers and distributors should be carefully read:

(1) *Status of certified orders.* Certified orders for the purpose of this direction are subject to the rules for acceptance and rejection of rated orders as provided in Priorities Regulation 1 as if they were rated orders. The order of precedence where orders are received by distributors, cabinet manufacturers and door manufacturers is (subject to any provision of this direction limiting the quantity of orders that need be accepted) as follows: (i) AAA; (ii) MM; (iii) CC, HH and certified orders which are of equal value.

(2) *Applicability of regulations.* Except as otherwise required by this direction Priorities Regulations 1 and 3 govern the use of ratings and the acceptance, scheduling and filling of orders. All other applicable regulations and orders of the Civilian Production Administration must be observed.

(3) *Extension of rated orders.* Ratings (except AAA) may not be applied or extended to a plywood manufacturer for construction or door plywood. However, any person who has received a rated order for the delivery of construction or door plywood may extend the rating to his suppliers (except to a plywood manufacturer) to get plywood which he will deliver on that order subject to applicable inventory regulations. If a person has made delivery of construction or door plywood on a rated order, he may extend the rating to his suppliers (except to a plywood manufacturer) to replace the amount in his inventory subject to the applicable inventory regulations. A millwork manufacturer who has received a rated order (except AAA) for millwork or who has delivered millwork on a rating (except AAA), may not extend the rating (except AAA), for construction or door plywood for incorporation into millwork. These rules supersede paragraphs (d) and (d-1) of Priorities Regulation 3 on the extension of ratings.

(4) *Violations.* Any person who willfully violates any provisions of this direction, willfully 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.

(5) *Reports.* Every person shall file with the Civilian Production Administration, or any other federal agency, through which the Civilian Production Administration may distribute plywood, such reports and questionnaires as the Civilian Production Administration or such other agency may from time to time require subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(6) *Appeals.* Any appeal from the provisions of this direction shall be made by mailing a letter in triplicate to the Civilian Production Administration, Forest Products Division, Washington 25, D. C., Ref.: Direction 1A to PR 33 stating the particular provision appealed from and stating fully the grounds for the appeal.

(7) *Communications.* All communications unless otherwise directed must be addressed as follows: Civilian Production Administration, Forest Products Division, Washington 25, D. C.

(8) [Deleted May 1, 1946.]

Issued this 11th day of June 1946.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 46-9877; Filed, June 11, 1946;  
11:37 a. m.]

## Chapter XI—Office of Price Administration

### PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53, Amdt. 62]

#### FATS AND OILS

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.

Article 9 of Maximum Price Regulation No. 53 is amended in the following respects:

1. The line in the table of prices immediately following section 9.2 in reference to babassu oil is amended as follows:

	New York		Pacific coast ports		Gulf ports	
	Tank (cars)	Drums (carlots)	Drums (carlots)	Tank (cars)	Tank (cars)	Drums (carlots)
Babassu oil.....	\$12.00	.....	\$12.00	.....	\$12.00	.....

2. A new section 9.2 (g) is added to read as follows:

(g) Philippine copra and crude coconut oil to be imported into the United States.

(1) No person in the course of trade or business shall import (buy, receive or in any manner pay for and bring in, deliver or cause to be brought into the continental United States for domestic consumption or processing) Philippine copra and crude coconut oil at prices higher than the following:

(i) \$109.50 per short ton of copra (2000 pounds) c. i. f. Pacific Coast ports.

(ii) \$114.75 per short ton of copra (2000 pounds) c. i. f. Gulf or Atlantic Coast ports.

(iii) 8.35 cents per pound of coconut oil c. i. f. Atlantic ports.

(iv) 8.00 cents per pound of coconut oil c. i. f. Pacific Coast ports.

(2) The above prices are basis 6% F. F. A. content. The buyer must deduct from the above prices 50 cents per ton of copra or  $\frac{1}{2}$  of 1% of the contract price of the coconut oil, fractions in proportion, for each percentage of free fatty acid in excess of 6%.

(3) The above prices include export duties or taxes, if any, freight to the point or port of arrival within the United States, brokerage, marine insurance, and all other charges except applicable United States duties, processing or excise taxes, if any.



(4) The word "person" as used in this subsection 9.2 (g) means the first consignee of the Philippine copra and coconut oil in the continental United States.

This amendment shall become effective June 11, 1946.

Issued this 11th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9878; Filed, June 11, 1946;  
11:30 a. m.]

#### PART 1351—FOOD AND FOOD PRODUCTS

[MPR 422, Incl. Amdts. 1-73]

##### CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

This compilation of Maximum Price Regulation 422 includes Amendment 73, effective June 15, 1946. Additions, amendments and deletions by Amendment 73 are indicated by underscoring or notes.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 422 has been issued simultaneously herewith and filed with the Division of the Federal Register.<sup>2</sup>

So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation. In the judgment of the Price Administrator, the ceiling prices established by this maximum price regulation are and will be generally fair and equitable and comply with the requirements of the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, and Executive Order No. 9328, and will effectuate the purposes of said act and Executive orders.

§ 1351.361 *Ceiling prices of certain foods sold at retail in group 3 and group 4 stores.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, and Executive Order No. 9328, Maximum Price Regulation No. 422, which is annexed hereto and made a part hereof, is hereby issued.

##### ARTICLE I—GENERAL PROVISIONS

Sec.

1. What this regulation does.
2. How you find out whether your store is covered by this regulation and what group it is in.

###### *Dry Groceries*

3. How and when you figure your ceiling prices for "dry groceries".
4. Directions for applying the rule for "dry groceries".
5. How you figure your ceiling prices for "new items" of "dry groceries".
6. When you may change a ceiling price.
- 6a. "Dry groceries" which you import.

###### *Perishables*

7. How and when you figure your ceiling prices for "perishables".
8. Directions for applying the rule for "perishables".

<sup>1</sup> 10 F.R. 1505.

<sup>2</sup> Statements of consideration are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

Sec.

9. Prices which you must post.
10. Indirect price increases prohibited.
11. Sales slips and receipts.
12. Records.
13. Licensing.
14. Prohibitions.
15. Notice of dollars-and-cents ceiling prices.
16. Further provisions supplementing or explaining this regulation.

##### ARTICLE II—SPECIAL PRICING PROVISIONS

17. Additions allowed for deliveries made by you to your customers.
18. Additions for packaging.
- 18a. Gift and holiday packages assembled by you.
- 18b. Special allowance for forwarding gift package to a donee in a foreign country.
19. Special limitations in figuring your "net cost" in certain cases.
20. How you figure your "net cost" in certain cases.
21. Additional charges allowed for slaughtering and plucking poultry.
- 21a. [Revoked]
22. Additions for delivery from your warehouse to your store.
23. How you may figure your ceiling prices for "perishables" on a weighted-average basis.
24. How you figure your ceiling prices for "dry groceries" you purchase from wholesalers.
25. How you figure your ceiling prices for foods you "manufacture or otherwise process."
- 25a. Deleted.
- 25b. Ceiling prices for sales of poultry to other retailers.
- 25c. Special pricing provisions for manufacturers selling some commodities at retail:
- 25d. Ceiling prices for sales of butter if you own more than 1,000 pounds on October 31, 1945.
- 25e. Ceiling prices for sales of cheddar cheese if you own more than 1,000 pounds on January 31, 1946.
- 25f. Ceiling prices for sales of "sugar" after February 9, 1946.
26. Mail order sales.

##### ARTICLE III—ADJUSTMENT PROVISIONS

27. How you may, under certain conditions, apply to use Group 1 mark-ups.
28. How certain stores, where necessary to assure an adequate supply of food in a locality, may apply for mark-up adjustments.
29. Applications for adjustment.
- 29a. Regional adjustment of poultry mark-ups.

##### ARTICLE IV—MISCELLANEOUS PROVISIONS

30. How you find the "annual gross sales" of your store.
31. How you determine your group in certain special cases.
32. Taxes.
33. Transfer of business and stock in trade.
34. Export sales.
35. Relation to other regulations.
36. Definitions.
37. Geographical applicability.

##### ARTICLE V—TABLES

38. Table of mark-ups for "dry groceries". (Table A.)
39. Table of mark-ups for "perishables". (Table B.)
40. Tables of ceiling prices based on any given "net cost" and mark-up. (Tables C and D.)

AUTHORITY: § 1351.361 issued under 56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th

Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9599, 10 F.R. 10155; E.O. 9651, 10 F.R. 13487; E.O. 9697, 11 F.R. 1691.

##### ARTICLE I—GENERAL PROVISIONS

**SECTION 1. What this regulation does.** This regulation fixes new ceiling prices for the "dry groceries" listed in Table A and the "perishables" listed in Table B for all retail stores, other than "independent" retail stores, doing an annual business of less than \$250,000, and for all retail stores, whether "independent" or not, doing an annual business of more than \$250,000. These new ceiling prices are to be used instead of the ceiling prices figured under any other price regulation or order issued by the Office of Price Administration (hereinafter called OPA) except as otherwise provided in any order fixing dollars-and-cents ceiling prices which has been or which may be issued by the OPA pursuant to General Order No. 51.<sup>3</sup> All other retail stores (Group 1 and Group 2 stores selling these food products are covered by Maximum Price Regulation No. 423.

**SEC. 2. How you find out whether your store is covered by this regulation and what group it is in—(a) What stores are covered.** Your store is covered by this regulation if it is a Group 3 or 4 store as defined below and if you are a retailer who buys and resells food products, generally without materially changing their form, for the most part to ultimate consumers who are not commercial, industrial or institutional users. For the purposes of this regulation, "Great Lakes marine suppliers" shall be considered as retailers. The provisions of this regulation apply to "retail route sellers" only with respect to fresh fruits and vegetables. This regulation does not apply, however, to automatic vending machines, farmers selling produce grown on their own farms, or to sales of "specially prepared dietetic foods" by "health food stores" or "health food departments."

[Paragraph (a) amended by Am. 15, 9 F.R. 4214, effective 4-27-44; Am. 50, 10 F.R. 9272, effective 8-2-45; and Am. 58, 10 F.R. 13073, effective 10-25-45]

(b) *What are Group 3 and 4 stores.* For the purpose of this regulation, Group 3 and 4 stores are defined as follows:

(1) *Group 3.* Your store is in Group 3 if its "annual gross sales" are less than \$250,000, and if it is not an "independent" store. Your store is an "independent" store if it is not one of 4 or more stores under one ownership whose combined "annual gross sales" are \$500,000 or more.

(2) *Group 4.* Your store is in Group 4 if its "annual gross sales" are \$250,000 or more.

(If you are not sure what group your store is in, use the directions in Section 30 for figuring its "annual gross sales." See section 36 for definitions of Group 1 and 2 stores.)

(c) *How to post a sign of the group your store is in.* At all times, you must have the group your store is in under this regulation posted on a sign reading "OPA-3" or "OPA-4", whichever it is, or

<sup>3</sup> Revised: 9 F.R. 408, 11982; 10 F.R. 9299.

on a sign which the OPA may furnish to you, except that if under any order issued under General Order No. 51 you are allowed to post the sign of another group, you may do so. The sign must be posted so that it can be clearly seen by your customers. (The word "group" as used in this regulation means the same thing as the word "class" meant in Revised Maximum Price Regulations No. 238<sup>4</sup> and No. 268.<sup>4</sup>)

(d) *When you may choose to treat your store as a group 4 store.* If your store is a Group 3 store, you may choose to treat it as a Group 4 store and post a sign in your store as a member of that group if you:

(1) Figure your ceiling prices for all the items listed in Tables A and B of this regulation as a Group 4 store;

(2) Use the Group 4 ceiling prices fixed in Maximum Price Regulation No. 390<sup>6</sup> for all the household soaps and cleansers it covers.

(3) Use all the dollars-and-cents ceiling prices fixed under the OPA community price orders issued for Group (or Class) 4 stores in your community; and

(4) Notify your nearest OPA district office of these facts.

#### Dry Groceries

**SEC. 3. How and when you figure your ceiling prices for "dry groceries"—(a) General rule.** Your ceiling price for each item (that is, for each kind, brand, grade, variety, container-type and container-size) of "dry groceries" listed in Table A shall be the total of (1) the "net cost" you had to pay for the most recent delivery of the item to you before August 5, 1943, plus (2) the mark-up given you for it in Table A.

(b) *When you must figure your ceiling prices.* By the opening of business on August 5, 1943, you must have figured your ceiling price for each item of "dry groceries" listed in Table A which you have in stock at that time. (See section 24 for an exception to this rule if you purchase an item from wholesalers.) Between July 26, 1943, and August 5, 1943, you may put into effect the new ceiling price on any item as soon as you figure it; you must put the new ceiling prices into effect on all items not later than August 5, 1943. If you do not put the new price for an item into effect before August 5, 1943, you must continue to use your existing ceiling for that item until August 5. If you receive delivery of any item between July 26 and August 5 for which you have no ceiling price, you must, before selling it, figure your ceiling price according to the rules of this regulation.

**SEC. 4. Directions for applying the rule for "dry groceries"—(a) "Net cost."** To figure your ceiling price, first find the "net cost" of the item based on its most recent delivery to you before August 5, 1943. Your net cost will be the amount you paid your supplier less all discounts except the discount for prompt payment and swell and label allowances, plus all

transportation charges you paid except local trucking and local unloading. Treat as a separate item each kind, brand, grade, variety, container-size and container-type of "dry groceries".

(1) Your net cost must be figured on purchases of a customary quantity from a customary type of supplier delivered to your "usual receiving point" by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on a single unit basis (that is, per can, per pound, per package, per jar, etc.), to the nearest half-cent. Your invoice cost may be the cost of a carton, case or barrel for instance, and not the cost of the package, can or other unit you sell. You must get the net cost of the single unit you sell by dividing the cost for the carton, case or barrel by the number of units in the carton, case or barrel.

(3) For items you "manufacture or otherwise process" use the special rules in section 25.

(b) *Mark-up.* Turn to Table A to find the mark-up for the item given your group of store. Table A lists all the "dry groceries" covered by this regulation by commodity groups.

(c) *Ceiling price.* Next turn to Table C. Using the directions given there, you will get your ceiling price for the item. You must not change this ceiling price unless OPA authorizes you to do so. (Section 6 tells you when you can change it.)

[Paragraph (c) amended by Am. 17, 9 F.R. 5956, effective 5-25-44]

(d) *Invoices.* You must write your "net cost" per unit either on your invoice or other record of the price you paid for the item or on a separate slip of paper and attached to that invoice or other record. You must keep separate, or mark or tag plainly, all invoices or records showing the net cost per unit which you used in figuring your ceiling prices. These invoices and records you used in figuring your ceiling prices are your means of proving that your ceiling prices are right.

**SEC. 5. How you figure your ceiling prices for "new items" of "dry groceries".** A "new item" of "dry groceries" is any item of "dry groceries" which you did not have in stock at the opening of business on August 5, 1943. You must figure and post your ceiling price for a new item before selling it, following the rules in section 4, but basing your "net cost" on the first delivery of the item to you on or after August 5, 1943. In pricing new items it is a violation to use the net cost of a first purchase made in a non-customary manner (that is, from a non-customary supplier or in a non-customary quantity) when you know that you will be making future purchases in a customary manner.

If your first purchase is of this type you must find out and use in figuring your ceiling price, what the net cost would be of a purchase from a type of supplier usually used for a similar item and of a quantity in which a similar item is usually purchased.

**SEC. 6. When you may change a ceiling price—(a) Official notification.** If

OPA changes a supplier's ceiling price for an item covered by this regulation, it may direct retailers to refigure their ceiling prices for the item. You may not refigure your ceiling price under this paragraph until you receive written notice requiring you to do so. Ordinarily a written notice telling you to refigure your ceiling price will come to you directly from your supplier or the manufacturer. You will find it inside or attached to the carton, case or barrel containing the item, or it will be sent to you with the invoice. After actually receiving the item for the first time with such a notice, you must, before selling the item, refigure your new ceiling price by following the directions in section 4, figuring your "net cost", however, on that first delivery. You must write this new ceiling price on the invoice covering that delivery. Be sure to keep this notice attached to your invoice or other record showing the price you paid for the item. Even though you received later shipments with the same notice you must not change your ceiling price again.

(b) *Special deals.* If your ceiling price for an item was based on a delivery to you at a "special deal" price, you may refigure your ceiling price when you receive your first delivery of that item after the termination of the "special deal". In refiguring your ceiling price, you must follow the directions in section 4, figuring your "net cost", however, on the first delivery to you of the item after the termination of the "special deal".

A "special deal" price means a reduced price, in effect for an announced period of not more than 90 days, to all purchasers of the same class, which price was made for the purpose of introducing a new commodity not theretofore on the market, or resulting from offers of free goods or combination sales. No price resulting from a discount for quantity purchases shall be considered a "special deal" price.

[Sec. 6 amended by Am. 10, 8 F.R. 17370, effective as to paragraph (a), 1-8-44; as to paragraph (b), 12-29-43]

**SEC. 6a. Dry groceries which you import.** On and after September 11, 1944, this regulation shall not apply to you for sales of any dry grocery item purchased by you directly from a foreign seller or his agent (except as provided in section 20 (1)), for importation into the continental United States. Your ceiling price for such items shall be determined by you in accordance with Order No. 38 under the Maximum Import Price Regulation<sup>7</sup> or the General Maximum Price Regulation<sup>8</sup> or any other applicable maximum price regulation covering the sale of the item by importers. If you have an existing ceiling price for any such item, you must, by the opening of business on September 11, 1944, refigure that ceiling price in accordance with the applicable maximum price regulation or order covering the sale of the item by importers.

[Sec. 6a added by Am. 25, 9 F.R. 10982, effective 9-11-44]

<sup>7</sup> Revised: 11 F.R. 2827.

<sup>8</sup> 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.

<sup>4</sup> Revoked: 8 F.R. 12468.

<sup>5</sup> 8 F.R. 6129, 7116, 7661, 7592, 8682, 9365, 9299, 9460, 10568; 9 F.R. 14676; 10 F.R. 3554, 6514, 8656.

<sup>6</sup> 9 F.R. 7061; 10 F.R. 2311, 7578, 12923; 11 F.R. 245.



**Perishables**

**SEC. 7. How and when you figure your ceiling prices for "perishables"—(a) General rule.** Your ceiling price for each item (that is, for each kind, brand, variety, and grade) of "perishables" listed in Table B shall be the total of (1) the "net cost" of the largest delivery of the item to you during the week before, plus (2) the mark-up given you for it in Table B.

(b) *When you must figure your ceiling prices.* By the opening of business on August 5, 1943, you must have figured your ceiling price for each item of "perishables" listed in Table B which you have in stock at that time. These ceiling prices must be checked each week after August 5, 1943, and changed on Thursday of each week for any item if your "net cost" of that item has changed in the preceding seven days. Never change your ceiling price on any day but Thursday.

For items which you receive for the first time, or which you have not had in stock for 7 days, you must figure and use a ceiling price at once using the net cost of that first delivery. On each Thursday after that, you must treat the item as you would any other item of perishables covered by this regulation.

[Above paragraph amended by Am. 73, effective 6-15-46]

Stores under one ownership pricing from a central point may refigure ceiling prices for items so priced based on the net cost of deliveries received during the seven days preceding Tuesday of each week. These prices must not be put into effect until the following Thursday.

**SEC. 8. Directions for applying the rule for "perishables"—(a) Net cost.** To figure your ceiling price, first find the "net cost" of the largest delivery to you of the item during the seven day period before the Thursday for which you are figuring your price. If you have received more than one delivery of the same largest quantity, use the most recent of these deliveries. Your net cost will be the amount you paid your supplier less all discounts except the discount for prompt payment, plus all transportation charges you paid, which may include costs for icing, refrigeration, and ventilation, but which may not include costs for local trucking and local unloading.

[Paragraph (a) amended by Am. 6, 8 F.R. 15251, effective 11-9-43]

(1) Your net cost must be based on purchases from a customary type of supplier delivered to your usual receiving point by a customary means of delivery. Of course, you must never figure your

\* However, for each item of butter, you may on or after November 1, 1945 figure a new ceiling price immediately upon receipt of a delivery at a "net cost" different from the "net cost" on which your existing ceiling price is based. On each Thursday thereafter, you must refigure your ceiling price in accordance with the rules in section 8.

[Footnote added by Am. 60, 10 F.R. 13593, effective 11-1-45]

net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on the basis of the "selling unit" (for example, 1 pound, 1 dozen, etc.) listed in Table B for the commodity group which includes the item you are pricing. If you are pricing fresh fruits or vegetables that you bought in a standard container listed in section 20, paragraph (t), you must figure your net cost as though the weight prescribed in that section were the actual net weight of the container. Always figure net cost to the nearest half-cent.

[Subparagraph (2) amended and (3) deleted by Am. 73, effective 6-15-46]

(3) [Deleted.]

(b) *Mark-up.* Turn to Table B to find the mark-up for the item given for your group of store. Table B lists all the "perishables" covered by this regulation by commodity groups. Note that some mark-ups are percentage mark-ups, while others are dollars-and-cents additions per "selling unit" which you make to your net cost.

[Paragraph (b) amended by Am. 15, 9 F.R. 4214, effective 4-27-44]

(c) *Ceiling price.* (1) *Percentage mark-ups.* (i) *Perishable items other than fresh fruits and vegetables.* If the item has been given a percentage mark-up in Table B, turn to Table C. Using the directions given there, you will get your ceiling price for the item.

(ii) *Fresh fruits and vegetables.* If the item has been given a percentage mark-up in Table B, turn to Table D. Using the directions given there, you will get your ceiling price for the item.

(2) *Dollars-and-cents mark-ups.* If the item has been given a dollars-and-cents mark-up in Table B, instead of a percentage mark-up, do not use Table C or Table D to get your ceiling price. You will get your ceiling price for the item by adding the named dollar-and-cents mark-up in Table B to your "net cost." If your ceiling price so figured results in a fraction of a cent, you may, in making sales of the selling unit, charge the next higher cent.

(3) *Sales in other quantities.* You may sell an item in a quantity other than the "selling unit" given in Table B. If you sell an item in a quantity other than the selling unit given in Table B, you must reduce or increase your ceiling price proportionately. If figuring a price for a quantity different from the selling unit results in a fraction of a cent, you may charge the next higher cent. (For example, if your ceiling price for an item of white potatoes is 4½ cents for 1 pound, the "selling unit," and you make a sale of 7 pounds of these potatoes, multiply 4½ cents by 7, and the ceiling price for the 7 pounds is 32 cents).

[Paragraph (c) amended by Am. 15, 9 F.R. 4214, effective 4-27-44 and Am. 73, effective 6-15-46]

**SEC. 9. Price which you must post.** At all times, you must have your current selling price for each item of food covered by this regulation clearly shown on the item or at or near the place in your store where the item is offered for sale. Of course, this posted price must never exceed your ceiling price.

[Sec. 9 amended by Am. 17, 9 F.R. 5956, effective 5-25-44]

\* **SEC. 10. Indirect price increases prohibited.** You must not evade any of the provisions of this regulation or any order issued pursuant to it by any stratagem, scheme, or device. You must not, as a condition of selling any particular food, require a customer to buy anything else. Any such evasion is punishable as a violation of this regulation.

You may not use an unnecessarily high "net cost" in figuring a ceiling price under this regulation. If you make such a high cost purchase, you must find out what your net cost as used in section 4 or 8 would be and use that net cost to figure your ceiling price. You may never use the net cost of a purchase from another retailer to figure a ceiling price.

**SEC. 11. Sales slips and receipts.** If you have customarily given a purchaser a sales slip, receipt or similar evidence of purchase, you must continue to do so. Furthermore, regardless of your custom, you must give any customer who asks for it a receipt showing the date, your name and address, and quantity and name of each food item sold, and the price you charged for it.

[Sec. 11 amended by Am. 23, 9 F.R. 9719, effective 8-14-44]

**SEC. 12. Records.** After July 26, 1943, you must keep for one year after you receive them all your invoices, freight bills, and other records showing the price you paid and the date you received delivery of each item covered by this regulation.

You are required to show all your invoices on request of any OPA representative and to furnish on request of any OPA representative a written record of your ceiling price in effect at any particular time or times for any or all of the items covered by this regulation. You must also keep available for inspection by an OPA representative the records you used in deciding what group your store is in.

Stores under one ownership pricing from a central point must also keep available at all times in each store a list showing the current selling price, as set at the central point, of each item so priced. These price lists must be kept in each store for one year, or, in the alternative, must be kept in each store for 30 days and thereafter for a period of eleven months in the warehouse from which the food items are delivered to the store. On request, such price lists must be shown to any OPA representative.

[Above paragraph amended by Am. 6, 8 F.R. 15251, effective 11-9-43]

**SEC. 13. Licensing.** The provisions of Licensing Order No. 1,<sup>20</sup> licensing all persons who make sales under price con-

<sup>20</sup> 8 F.R. 13240.



trol, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Sec. 13 amended by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

**SEC. 14. Prohibitions.** On and after August 5, 1943, if you sell or deliver or offer to sell or deliver at a price higher than your ceiling price fixed by this regulation or any order issued pursuant to it, or if you otherwise violate any provisions of this regulation or any order issued pursuant to it, you 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. Also, any person, who, in the course of trade or business, buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that act.

**SEC. 15. Notice of dollars-and-cents ceiling prices.** From time to time the OPA may, by order issued pursuant to General Order No. 51, fix in your region or community dollars-and-cents ceiling prices for some or all of the "dry groceries" or "perishables" under this regulation. When these dollars-and-cents prices are fixed, you may not thereafter sell at higher prices, and those orders may provide that such prices take the place of the ceiling prices which you have under this regulation. If such orders do not provide that they replace your prices under this regulation you must continue to figure your prices under this regulation. If the OPA has, before the effective date of this regulation, established a ceiling price for you for an item pursuant to such an order, you shall use that as your ceiling price and shall not figure a ceiling price under this regulation for the item.

**SEC. 16. Further provisions supplementing or explaining this regulation.** From time to time, the Price Administrator may, by amendment, issue further provisions which will supplement the provisions of this regulation or explain the rights and duties of buyers and sellers under it. These further provisions will become part of this regulation and may be added as paragraphs to this section.

(a) Whenever an amendment adds any food product to the list of items covered in Table A, you must figure your ceiling price for that food product in accordance with sections 3, 4 and 5. However, in doing so, you shall substitute the effective date of such amendment for the date August 5, 1943, whenever it appears in sections 3, 4 and 5.

(b) Whenever an amendment changes either a commodity definition in Table A by transferring a food product from one commodity group to another or the mark-up for your group of retailers, you must, by the opening of business on the effective date of such amendment re-

figure your ceiling prices for the items affected by such amendment. However, in doing so, you must use as your "net cost" the same "net cost" you used in figuring the ceiling prices you had on the effective date of the amendment.

If you have customarily made most of your purchases of any item affected from a wholesaler who is pricing under Maximum Price Regulation 421,<sup>11</sup> and if you still customarily purchase such item from such a wholesaler, you must refigure your ceiling price in accordance with section 4, basing your "net cost" on the first delivery to you of such item after the effective date of the amendment.

[Paragraphs (a) and (b) added by Am. 6, 8 F.R. 15251, effective 11-9-43]

(c) You must refigure your "annual gross sales" on the basis of the year 1945 instead of the year 1944. If you find that your store is in a group different from the one it was in before, you must refigure all of your ceiling prices. Prices figured on the new basis will be your ceiling prices starting Thursday, January 31, 1946. For "dry grocery" items you must use as your "net cost" the same "net cost" you used in figuring your existing ceiling prices. For "perishable" items you must use as your "net cost" the same "net cost" you would have used in refiguring your ceiling prices on that Thursday under section 8 of this regulation (or under section 8 of Maximum Price Regulation No. 423 if you become a Group 1 or Group 2 store). If, under that section, you would not have been required to refigure your ceiling price for any "perishable" item on that Thursday, you must use as your "net cost" for that item the same "net cost" on which your existing ceiling price is based. Further, if any store becomes a Group 1 or Group 2 store, it is on and after January 31, 1946, subject to all other provisions of Maximum Price Regulation No. 423.

[Paragraph (c) added by Am. 17, 9 F.R. 5958, effective 5-25-44; amended by Am. 41, 10 F.R. 2297, effective 3-5-45; and Am. 63, 10 F.R. 15466, effective 1-2-46]

(d) If prior to August 14, 1944, your ceiling price for any item of "cookies, crackers, toast and crumbs" was based upon a delivery received from a "cookie and cracker wholesaler" as defined in Maximum Price Regulation No. 421, and you still purchase such item from such a wholesaler, you must refigure your ceiling price for any such item in accordance with the rules in sections 3 and 4, basing your "net cost", however, on the first delivery to you of the item from such a wholesaler on and after August 14, 1944.

[Paragraph (d) added by Am. 23, 9 F.R. 9719, effective 8-14-44]

(e) 1944 pack of "canned" and frozen fruits and vegetables. Each item of the 1944 pack of "canned" fruits and vegetables and frozen fruits and vegetables shall be considered a different item from the 1943 and earlier packs, and you shall figure a separate ceiling price for each item. You must figure your ceiling price for each such item in accordance with the provisions in sections 3, 4 and 5, bas-

<sup>11</sup> 11 F.R. 6081.

ing your "net cost" on the first delivery to you of the item.

However, if that first delivery is received by you from a person other than a wholesaler pricing the item under Maximum Price Regulation No. 421, before the date on which maximum prices are established by the OPA for sales of the item by processors, and another delivery is received by you after that date, you shall refigure your ceiling price for such item, basing your "net cost" on the first delivery of the item to you after that date.

That first delivery may be from a wholesaler (pricing under Maximum Price Regulation No. 421), whose ceiling price for the item is figured on the basis of a delivery received by him before the date on which maximum prices are established by the OPA for sales of the item by processors. In that event, and if you receive a later delivery of the item, you must refigure your ceiling price for such item; you must base your "net cost" upon the first delivery to you from your supplier after he has figured his ceiling price for the item on the basis of a delivery received by him after the date on which maximum prices are established by the OPA for sales by processors of the 1944 pack of the item.

The receipt of any of the above items of the 1944 pack, at a price to be adjusted after delivery in accordance with action to be taken by the OPA shall not be deemed a delivery, for the purpose of this section, until the receipt of an invoice or other written notice from your supplier showing the price after adjustment. Until the receipt of such an invoice or notice, you may not sell or deliver or offer to sell or deliver at a price higher than your ceiling price for the same item of the 1943 pack.

[Paragraph (e) added by Am. 28, 9 F.R. 11901, effective 9-27-44]

(f) Unless otherwise specifically provided, if your "net cost" of any item covered by this regulation is based upon a delivery from a person owned or controlled by (or owning or controlling) you, who is not subject to this regulation, and the item is not "manufactured or otherwise processed" by such person or by you, your "net cost" may not exceed the "net cost" which would result if such person had been subject to this regulation, plus transportation (not including local trucking or local unloading) to your usual receiving point. However, if such person performs, with respect to any item, any function described in section 20 of this regulation, you shall, for the purpose of figuring your "net cost" and ceiling price for that item under that section, consider that function as having been performed by you.

[Paragraph (f) added by Am. 31, 9 F.R. 12589, effective 10-16-44]

(g) On and after August 2, 1945, "health food stores" are made subject to this regulation for certain items in accordance with section 2 (a). If you are a "health food store," you must by the opening of business on August 2, 1945, have figured your ceiling price in accordance with sections 3 and 4 for each such item which you have in stock at that

time. For each such item which you do not have in stock at that time, you must figure your ceiling price in accordance with section 5. However, in doing so, you must substitute the date August 2, 1945 for the date August 5, 1943, whenever it appears in sections 3, 4 and 5.

[Paragraph (g) added by Am. 50, 10 F. R. 9272, effective 8-2-45]

(h) 1945 pack of "canned" fruits and vegetables, frozen fruits and vegetables and dried fruits. Each item of the 1945 pack of "canned" fruits and vegetables, frozen fruits and vegetables and dried fruits, shall be considered a different item from the 1944 and earlier packs and you shall figure a separate ceiling price for each item. You must figure your ceiling price for each such item in accordance with the provisions in sections 3, 4 and 5, basing your "net cost" on the first delivery to you of the item.

[Above paragraph amended by Am. 57, 10 F. R. 12992, effective 10-23-45 and Am. 65, 11 F. R. 842, effective 1-28-46]

However, if that first delivery is received by you from a person other than a wholesaler pricing the item under Maximum Price Regulation No. 421, before the date on which maximum prices are established by the Office of Price Administration for sales of the item by processors, and another delivery is received by you after that date, you shall refigure your ceiling price for such item, basing your "net cost" on the first delivery of the item to you after that date.

That first delivery may be from a wholesaler (pricing under maximum Price Regulation No. 421), whose ceiling price for the item is figured on the basis of a delivery received by him before the date on which maximum prices are established by the Office of Price Administration for sales of the item by processors. In that event, and if you receive a later delivery of the item, you must refigure your ceiling price for such item; you must base your "net cost" upon the first delivery to you from your supplier after he has figured his ceiling price for the item on the basis of a delivery received by him after the date on which maximum prices are established by the Office of Price Administration for sales by processors of the 1945 pack of the item.

[Paragraph (h) added by Am. 53, 10 F. R. 11303, effective 9-10-45]

(1) On and after October 25, 1945, "Great Lakes marine suppliers" are made subject to this regulation in accordance with section 2 (a). If you are a "Great Lakes marine supplier" who is covered by this regulation, you must, by the opening of business on Thursday, October 25, 1945, have figured your ceiling price in accordance with sections 3 and 4 for each item of "dry groceries" which you have in stock at that time. For each such item which you do not have in stock at that time, you must figure your ceiling price in accordance with section 5. You must figure your ceiling price in accordance with sections 7 and 8 for each item of "perishables." However, in doing so, you must substitute the date October 25,

1945 for the date August 5, 1943, whenever it appears in sections 3, 4, 5, 7 and 8.

[Paragraph (1) added by Am. 58, 10 F. R. 13073, effective 10-25-45]

(j) From time to time, an item you sell may go back under price control after a period of suspension or exemption. When that happens, you must not sell the item until you have figured your ceiling price. Your ceiling price, in such a case, must be figured in the following way (whichever is applicable):

(1) If the item is a "dry grocery" item for which you have previously figured a ceiling price under this regulation, your ceiling price shall be the same as it was when the item was removed from price control.

(2) If the item is a "dry grocery" item for which you have not previously been required to figure a ceiling price under this regulation, and which you have in stock on the day price control is resumed, you must figure your ceiling price in accordance with the rules in sections 3 and 4, basing your "net cost," however, on the last delivery of the item received by you before price control is resumed. However, your "net cost" in such case may not exceed what it would have been if that delivery had been subject to price control and the purchase had been made at your supplier's ceiling price.

(3) If the item is a "perishable" item, you must figure your ceiling price in accordance with the rules of section 8, basing your "net cost," however, on the largest delivery received by you during the 7-day period before price control is resumed. On each Thursday thereafter you must refigure your ceiling price in accordance with the rules in section 8. However, your "net cost" in such case may not exceed what it would have been if that delivery had been subject to price control and the purchase had been made at your supplier's ceiling price.

[Paragraph (j) amended by Am. 64, 11 F. R. 348, effective 1-4-46]

ARTICLE II—SPECIAL PRICING PROVISIONS

SEC. 17. Additions allowed for deliveries made by you to your customers. (a) If you deliver to your customers' homes or places of business any of the items covered by this regulation, you may add to the total value of the delivery, as a separate charge, whichever of the following amount applies:

Value of delivery:	Addition allowed
\$0.00-\$1.99	No addition
\$2.00-\$2.99	10¢
\$3.00-\$4.49	15¢
\$4.50-\$5.49	20¢
Over \$5.49	25¢

(b) If you make such deliveries and add such charges, you are required to keep for one month a copy of each sales slip, itemizing clearly your prices for the items delivered and the amount of the delivery charges permitted under the provisions of this section.

SEC. 18. Additions for packaging. (a) If you buy in bulk any item covered by this regulation (except shell eggs, spices, tea and gelatin) and then package and sell it in cardboard containers, cotton bags, transparent bags, interlined coffee

bags, or Kraft bags or similar type bags on which the name, weight and ingredients of the commodity, and your name are stamped or printed and which are packed and sealed at a place and time other than the point and time of sale, you may add to your "net cost" whichever of the following allowance applies:

(1) 1½ cents for every such bag or container with a net weight of less than 2 pounds.

(2) 2 cents for every such bag or container with a net weight of 2 pounds or more, but less than 5 pounds.

(3) ½ cent per pound for every such bag or container with a net weight of 5 pounds or more, but not to exceed a total of 3 cents.

[Paragraph (a) amended by Am. 43, 10 F. R. 5370, effective 5-17-45]

(b) If you buy shell eggs in bulk and then package and sell them in consumer cartons, you may add to your ceiling price whichever of the following allowance applies:

(1) 1 cent for each carton of a half-dozen eggs.

(2) 2 cents for each carton of a dozen eggs.

[Sec. 18 amended by Am. 1, 8 F. R. 10569, effective 7-27-43 and Am. 10, 8 F. R. 17370, effective 1-8-44]

SEC. 18a. Gift and holiday packages assembled by you. If you assemble into gift or holiday packages, any food item covered by this regulation, with or without any items not covered by this regulation, you must figure your ceiling price for such package under whichever of the following paragraphs applies:

(a) For packages assembled in cardboard, wooden, or other plain containers, your ceiling price will be the sum of the following, multiplied by 1.05:

(1) Your direct cost of each item included in the package multiplied by 1.40; plus

(2) Your direct cost of the packaging materials, including the container, used for the particular package.

(b) For packages assembled in permanent containers designed and constructed for re-use (including but not limited to trays, cedar boxes, hampers, teakwood chests, and fancy baskets), your ceiling price will be the sum of the following, multiplied by 1.15:

(1) Your direct cost of each item included in the package multiplied by 1.40; plus

(2) Your ceiling price for the container figured under the applicable maximum price regulation. (If you have no ceiling price for the container, you may multiply the direct cost of the container by 1.40); plus

(3) Your direct cost of the packaging materials used for the particular package.

"Direct cost" as used in the above subparagraphs, means your "net cost" for each item subject to this regulation. For items included in the package not otherwise subject to this regulation, it means the lawful amount you paid your supplier less all discounts except the discount for prompt payment, plus all transportation charges you paid.

[Sec. 18a added by Am. 26, 9 F. R. 11537, effective 9-16-44; amended by Am. 33, 9 F. R. 12746, effective 10-23-44; and Am. 56, 10 F. R. 12810, effective 10-18-45]



SEC. 18b. *Special allowance for forwarding gift package to a donee in a foreign country.* If you deliver a food package directly upon order of the purchaser to a donee (other than a member of the armed forces of the United States) in a foreign country outside of the North American continent, you may add to your ceiling price an amount not to exceed 50 cents for forwarding such package, plus the actual mailing and insurance charges.

This allowance may be applied only to the shipment and delivery of individual food gift packages and not of wholesale lots.

[Sec. 18b added by Am. 56, 10 F.R. 12810, effective 10-18-45]

SEC. 19. *Special limitations in figuring your "net cost" in certain cases—*(a) If you buy any of the following items of cheese f. o. b. manufacturer's plant, you may not, in figuring "net cost", include any freight costs above the lowest published carlot freight per pound of gross weight from the basing point for the item to your usual receiving point, multiplied by 1.15:

Item	Basing point
Cheddar cheese.....	Plymouth, Wisconsin
Brick cheese.....	Plymouth, Wisconsin
Munster cheese.....	Plymouth, Wisconsin
Limburger cheese.....	Monroe, Wisconsin
Swiss cheese.....	Monroe, Wisconsin

[Paragraph (a) amended by Am. 17, 9 F.R. 5956, effective 5-25-44]

(b) *Butter.* When purchased f. o. b. seller's shipping point. If you buy butter f. o. b. seller's shipping point, your "net cost" may not in any case exceed the ceiling price established under Revised Maximum Price Regulation No. 289.<sup>12</sup> (Dairy Products) for sales of that particular grade (or score) and form of butter delivered to your usual receiving point.

[Paragraph (b) amended by Am. 72, 11 F.R. 5929, effective 6-5-46]

(c) *Fresh fruits and vegetables.* Whenever there is an order in effect in your area or community fixing ceiling prices for sales of fresh fruits and vegetables by wholesalers, your net cost may not in any case exceed the highest ceiling price fixed for wholesalers in your area or community.

SEC. 20. *How you figure your "net cost" in certain cases—*(a) *Bananas bought from importers delivered at port of entry, or imported directly by retailers.* If you import bananas directly, or if you buy green bananas directly from an importer, figure your "net cost" by the following procedure:

First, to the importer's maximum price per hundredweight for sales of green bananas delivered at port of entry (as fixed by Revised Maximum Price Regulation No. 285)<sup>13</sup> add the "cost of transportation" (as defined in section 2 of Revised Maximum Price Regulation No. 285, but not including costs for local trucking or local unloading) to your usual receiving point. Increase the re-

<sup>12</sup> 10 F.R. 2352, 2658, 2928, 3554, 3948, 3950, 5772, 5792, 6232, 7340, 7852, 9084, 11809, 12651, 12957, 12989, 13216, 13592, 14735, 11 F.R. 175, 244, 840, 1670, 2088, 2043, 2516, 2826, 3396, 3596, 4585, 4918, 5597.

<sup>13</sup> 10 F.R. 7532, 8746, 8934, 11663, 14692.

sulting figure either by \$1.25 or by 29 percent, whichever is greater. Divide this total by 100 and you will get your net cost per "selling unit" (1 pound). This is the net cost you will use in figuring your ceiling prices and to which you add the mark-up in Table B for your group of stores.

If you import green bananas, all of the provisions in section 3 of Revised Maximum Price Regulation 285 with respect to the amount an importer may pay for green bananas, including payment for purchasing services, shall be applicable to you as if you were an importer under that regulation.

[Above paragraph added by Am. 55, 10 F.R. 12265, effective 10-4-45]

[Paragraph (a) amended by Am. 15, 9 F.R. 4214, effective 4-27-44; and Am. 44, 10 F.R. 5577, effective 5-24-45]

(b) *Bananas bought at auction.* If you buy green bananas at an auction market in New York, Philadelphia, or Baltimore, figure your cost the same way as in paragraph (a) of this section except that you can include freight costs only from the port of entry to the auction market. Costs for ferry service may not be included.

[Paragraph (b) amended by Am. 44, 10 F.R. 5577, effective 5-24-45]

(c) *Butter printed by you.* If you package and print butter, you shall figure a ceiling price per pound for each resulting type of print and package and score (or grade) of butter. In figuring your ceiling price for butter of any particular score (or grade), in a print or package you shall use as your "net cost" the lowest ceiling price established under Maximum Price Regulation No. 289 which would apply to sales of that particular score (or grade) of butter in such print or package directly by a creamery to a primary distributor delivered to the city, town, village or hamlet in which your usual receiving point is located, plus  $\frac{1}{2}\text{¢}$  per pound. When you perform the printing and packaging functions in a butter print division apart from your warehouse or store and then deliver the printed or packaged butter to your warehouse, the warehouse shall be considered your usual receiving point, and when it is delivered directly from the butter print division to your store, the store shall be considered your usual receiving point.

(d) *Eggs candled and graded by you.* If you purchase eggs in other than retail (consumer) grades and sizes (or weight classes) and then candle and grade them into the retail (consumer) grades and sizes (or weight classes) set forth in Revised Maximum Price Regulation No. 333,<sup>14</sup> you shall figure a ceiling price weekly for each resulting grade and size (or weight class), using as your "net cost" the lowest ceiling price, fixed by Revised Maximum Price Regulation No. 333, which would apply to sales to you of eggs of that particular grade and size (or weight class), by your customary type of supplier, delivered to your usual receiving point on the Monday of the week in which calculations are made: *Provided,*

<sup>14</sup> 9 F.R. 11514, 12216; 10 F.R. 1609, 2025, 3221, 5523, 7343, 8372, 9026.

however, That before eggs which you grade as extra large or large AA may be sold as such, they must be so certified by the United States Department of Agriculture.

[Paragraph (d) amended by Am. 39, 10 F.R. 1505, effective 2-8-45; and Am. 44, 10 F.R. 5577, effective 5-24-45]

(e) [Deleted]

[Paragraph (e) added by Am. 1, 8 F.R. 10569, effective 7-27-43; amended by Am. 39, 10 F.R. 1505, effective 2-8-45; Am. 44, 10 F.R. 5577, effective 5-24-45 and deleted by Am. 70, 11 F.R. 2449, effective 3-14-46]

(f) *Potatoes or onions bought ungraded and unsacked.* If you bought ungraded and unsacked white potatoes or dry onions at a country shipping point (as defined in Revised Maximum Price Regulation 271<sup>15</sup>) and you grade and sack those potatoes or onions, use as your "net cost" per "selling unit" the lowest ceiling price (per 100 pounds of potatoes or 50 pounds of onions) fixed by Revised Maximum Price Regulation 271 for sales of that item by a country shipper f. o. b. country shipping point during the month in which you receive delivery at your usual receiving point, plus all transportation charges you paid (except local trucking and local unloading) divided by 100 in the case of potatoes or 50 in the case of onions.

(g) *Head lettuce (other than Iceberg) bought untrimmed and sold trimmed.* If you buy head lettuce (other than Iceberg lettuce) untrimmed and sell it trimmed, you must multiply your "net cost" per "selling unit" by 1.28, rounding any resulting fraction to the nearest half-cent. To get your ceiling price, apply the mark-up for your group of retailer as set forth in section 8.

[Paragraphs (f) and (g) added by Am. 4, 8 F.R. 12610, effective 9-11-43 and amended by Am. 73, effective 6-15-46]

(h) *Citrus fruits purchased by you ungraded, unsized and unpacked.* If you purchase ungraded, unsized and unpacked citrus fruits and you grade, size and pack such citrus fruits, you shall figure on such purchases a separate ceiling price weekly for each variety, and size, and fruit from different areas, using as the basis of your "net cost" for each variety, and size, and fruit from different areas, the lowest ceiling price named in Maximum Price Regulation No. 426 for sales by growers or country shippers, f. o. b. shipping point of such variety, size, and fruit in the type of container in which each item is packed, in effect at the time when you receive delivery at your usual receiving point, plus all transportation charges you paid (except local trucking and local unloading) to your usual receiving point. To get your ceiling price, reduce the resulting figure to the "net cost" of the "selling unit", and apply the mark-up for your group of retailer as set forth in section 8.

[Paragraph (h) added by Am. 6, 8 F.R. 15251, effective 11-9-43 and amended by Am. 72, 11 F.R. 5929, effective 6-5-46]

<sup>15</sup> 11 F.R. 3864.



(i) *Poultry bought live or dressed and sold drawn.* If you buy poultry live or dressed, and you draw or eviscerate said poultry, you shall figure your ceiling price for such drawn or eviscerated poultry as though you had bought it drawn, using as your "net cost" the lowest ceiling price fixed by Second Revised Maximum Price Regulation 269<sup>16</sup> which would apply to sales to you by your customary type of supplier delivered to your usual receiving point of a similar item of drawn poultry during the week in which you are figuring your ceiling price for the item. To that "net cost" you shall apply the mark-up applicable to that kind of poultry bought drawn and sold drawn. The resulting figure will be your ceiling price per pound of drawn weight.

[Paragraph (i) added by Am. 10, 8 F.R. 17370, effective 1-8-44 and amended by Am. 72, 11 F.R. 5929, effective 6-5-46]

(j) *Poultry and turkey bought live, dressed or drawn and sold in parts—(1) "Cut-up poultry and cut-up turkey."* If you buy poultry or turkey live, dressed or drawn, and you sell such poultry or turkey in parts which are "cut-up poultry" or "cut-up turkey" as defined in Second Revised Maximum Price Regulation No. 269, you shall figure your ceiling price for each item of such "cut-up poultry" or "cut-up turkey" as though you had bought it "cut-up", using as your "net cost" per pound the lowest ceiling price fixed by Second Revised Maximum Price Regulation No. 269, which would apply to sales to you by your customary type of supplier delivered to your usual receiving point, of such "cut-up" poultry or turkey items during the week in which you are figuring your ceiling price for the item. To that "net cost," you shall apply the mark-up applicable to that kind of poultry or turkey bought cut-up and sold cut-up. The resulting figure will be your ceiling price per pound for that item of "cut-up poultry" or "cut-up turkey."

(2) *Poultry and turkey other than "cut-up poultry" or "cut-up turkey."* If you buy poultry or turkey live, dressed or drawn and you sell such poultry or turkey in parts (other than split, or in quarters) which are not "cut-up poultry" or "cut-up turkey" as defined in Second Revised Maximum Price Regulation No. 269, you shall figure a separate ceiling price for each of such parts. You must use as your "net cost" per pound for each of such parts the lowest ceiling price per pound fixed by Second Revised Maximum Price Regulation No. 269 which would apply to sales to you by your customary type of supplier delivered to your usual receiving point, of such part, during the week in which you are figuring your ceiling price for the item. To that "net cost", you shall apply the mark-up applicable to that kind of poultry or turkey bought cut-up and sold cut-up. The resulting figure will be your ceiling price per pound for such parts.

[Paragraph (j) added by Am. 12, 9 F.R. 3510, effective 4-6-44; amended by Am. 62, 10 F.R. 14447, effective 12-6-45]

(k) *Coconuts imported by you.* If you import coconuts, your "net cost" per

<sup>16</sup> 10 F.R. 7684, 14026, 14146; 11 F.R. 175.

No. 114—3

pound may not exceed the ceiling price per pound ex dock any United States port of entry duty paid, as fixed by Maximum Price Regulation No. 505<sup>17</sup> for sales by importers, plus transportation charges paid by you (except local trucking or local unloading) from the United States port of entry to your usual receiving point.

(l) *Pineapple which you import.* If you import any item of packed pineapple, or packed pineapple juice, (other than pineapple and pineapple juice packed in the Territory of Hawaii or Puerto Rico), your "net cost" for any such item may not in any case exceed the maximum price fixed in Revised Supplementary Regulation No. 14<sup>18</sup> to the General Maximum Price Regulation for the item ex dock, any United States port of entry, duty paid, or ex railroad car or other type of carrier, any point of entry on the United States-Mexico border, duty paid, plus any allowable charges actually incurred in putting the items in the warehouse at port or point of entry, plus actual transportation charges from the port or point of entry to your usual receiving point.

If, prior to May 25, 1944, you had figured a ceiling price under this regulation for any of the above items of packed pineapple or packed pineapple juice which you imported, you must refigure your ceiling price for that item in accordance with the provisions of sections 3 and 4, basing your "net cost", however, on the first delivery to you of the item on or after May 25, 1944.

This section shall not apply to sales by you under the following conditions:

(1) If, prior to April 29, 1944, you figured a ceiling price for canned Cuban pineapple or canned Cuban pineapple juice for sales to industrial, institutional or commercial users under § 1341.155 (a) of Maximum Price Regulation No. 197,<sup>19</sup> or under this regulation for other packed pineapple or pineapple juice (other than pineapple or pineapple juice packed in the Territory of Hawaii or in Puerto Rico); and

(2) If you have entered into contracts with a foreign seller prior to April 29, 1944, at prices not in excess of such ceiling price for the item; and

(3) If you file a copy of each such contract with the Distribution Branch, Food Price Division, OPA, Washington, D. C., on or before September 9, 1944, together with a statement showing your cost for each item under such contract and your cost and ceiling prices for each item under Maximum Price Regulation No. 197 or this regulation.

In such cases, if your contracts are approved, the OPA will send you written notice permitting you to carry out such contracts at the contract price and setting forth the method you must use in figuring your ceiling prices for items delivered to you under the above contracts.

<sup>17</sup> 9 F.R. 524, 1940.

<sup>18</sup> 2nd Revised: 10 F.R. 1154, 2026, 2161, 2432, 2618, 3551, 4107, 7855, 8620, 9276, 9929, 10200, 10025, 11934, 13121, 14738; 11 F.R. 678, 1039, 2833, 3299, 3540, 3879, 3602, 4339, 4340, 5314, 5601.

<sup>19</sup> 7 F.R. 5989, 7403, 7738, 8944, 8948; 8 F.R. 13342; 9 F.R. 5802.

[Paragraph (l) added by Am. 17, 9 F.R. 5656, effective 5-25-44; amended by Am. 24, 9 F.R. 10258, effective 8-26-44]

(m) *Frozen fruits, berries and vegetables.* After you have figured a ceiling price under this regulation for an item of frozen fruits, berries or vegetables which is covered by a supplement to Food Products Regulation 1, you must refigure your ceiling price for that item on the 15th day of each month. In refiguring your ceiling price, add to the "net cost" on which your existing ceiling price is based, the amount of  $\frac{1}{8}$  cent per pound.

[Paragraph (m) added by Am. 24, 9 F.R. 10258, effective 8-26-44; amended by Am. 37, 9 F.R. 15047, effective 1-2-45; Am. 47, 10 F.R. 7251, effective 6-20-45 and Am. 72, 11 F.R. 5929, effective 6-5-46]

(n) [Revoked.]

[Paragraph (n) added by Am. 24, 9 F.R. 10258, effective 8-26-44; and revoked by Am. 35, 9 F.R. 14600, effective 12-21-44]

(o) *Smoked fish which you process.* (1) If you buy smoked fish in the form of slabs (gutted, headed and halved) and sell it in slices, you shall multiply your "net cost" per pound for the item by 1.20. To get your ceiling price per pound for such slices, apply the mark-up for your group of retailer to the resulting figure.

(2) If, prior to offering for sale, you change the form of an item of smoked fish bought drawn (gutted) to dressed (headed, with fins off), and sell it whole, in chunks or in slices, you shall multiply your "net cost" per pound for the item by 1.10. To get your ceiling price per pound, apply the mark-up for your group of retailer to the resulting figure.

[Paragraph (o) added by Am. 24, 9 F.R. 10258, effective 8-26-44]

(p) *Fresh fruits or vegetables bought in carlot or trucklot quantities.* If you purchase any item of fresh fruits or vegetables listed in Table B, in "carlot" or "trucklot" quantities, from a "grower", "country shipper", "primary seller" or "grower-packer" (as those terms are defined in the applicable maximum price regulation covering the sale of the item except at retail), figure your ceiling price for that item in the following way: Start with the amount paid for the quantity of the item delivered, less all discounts except the discount for prompt payment. Add to that figure all transportation charges you paid to your usual receiving point, which may include costs for icing, refrigeration, and ventilation, but not costs for local trucking or local unloading. (If you perform, in connection with any item, any of the functions described in paragraphs (f), (g), (h), (q) or (r) of this section, start with the figure computed for that item under the applicable paragraph.) Increase that figure by  $1\frac{1}{2}$  percent. Reduce the resulting figure to the "net cost" per "selling unit" and apply the mark-ups for your group of retailer as set forth in section 8.

[Paragraph (p) added by Am. 32, 9 F.R. 12590, effective 10-16-44; amended by Am. 40, 10 F.R. 2024, effective 2-22-45]

(q) *Carrots purchased by you ungraded, unsized and unpacked.* If you

purchase ungraded, unsized and unpacked carrots, and you grade, size and pack such carrots, you shall figure a separate ceiling price weekly for each such item, using as the basis of your "net cost" per "selling unit" for such item the maximum delivered price fixed, at the time you receive delivery at your usual receiving point, in Column 6 of Table 1 of Appendix H to Maximum Price Regulation No. 426, treating your usual receiving point for such item as the wholesale receiving point. To get your ceiling price, reduce that figure to the "net cost" of the "selling unit," and apply the mark-up for your group of retailer as set forth in section 8.

(r) *Spinach purchased by you unwashed, ungraded and unpacked.* If you purchase unwashed, ungraded and unpacked spinach, and you wash, grade and pack such spinach, you shall figure a separate ceiling price weekly for each such item, using as the basis of your "net cost" per "selling unit" for such item the maximum delivered price fixed, at the time you receive delivery at your usual receiving point, in Column 6 of Table 2 of Appendix H to Maximum Price Regulation No. 426, treating your usual receiving point for such item as the wholesale receiving point. To get your ceiling price, reduce that figure to the "net cost" of the "selling unit," and apply the mark-up for your group of retailer as set forth in section 8.

[Paragraphs (q) and (r) added by Am. 40, 10 F.R. 2024, effective 2-22-45]

(s) *Region II retailers who purchase air-borne fresh fruits and vegetables in bulk and sell in consumer packages.* This provision shall be in effect until June 1, 1946 and shall only apply to retailers in Region II. If you purchase fresh fruits and vegetables which are transported in bulk or standard containers from the growing area principally by air and pack such fresh fruits and vegetables in consumer packages on your own premises for sale in your store, you shall figure a separate ceiling price weekly for each such item, adding to your "net cost" (as defined in this regulation) all transportation charges you paid (except local trucking and local unloading) to your usual receiving point. The amount of air transportation that shall be added must be the actual cost of transportation or the amount that transportation would have cost figured at 42¢ per ton mile, whichever is lower. Each item of fresh fruits and vegetables must be wrapped in a consumer package and identified as air-borne. Your name and address and the name and net weight of the item must appear on each package.

Before making any sales under the provisions of this paragraph you must notify in writing, the Regional Price Executive of the Office of Price Administration, Empire State Building, New York, New York, that you intend to pack and sell air-borne fruits and vegetables in accordance with section 20 (s) of Maximum Price Regulation 422. In addition you must each Monday, file with the Regional Price Executive, a report for the preceding week setting forth the following:

(1) The names and addresses of the suppliers who sold you air-borne produce.

(2) A description of the fresh fruits and vegetables sold, the minimum net weight of retail packages and the number of packages sold.

(3) The actual cost of the air transportation for the fresh fruits and vegetables sold and the place and time of delivery of the air-borne fresh fruits and vegetables you received in bulk or standard containers.

[Paragraph (s) added by Am. 71, 11 F.R. 2594, effective 3-11-46]

(t) *Fresh fruits and vegetables you receive in standard containers.* In figuring your "net cost" per pound of an item of fresh fruits or vegetables you received in a standard container listed below, you must use as the net weight of the container the amount provided for by this paragraph. In general, the number of pounds shown in this paragraph for each container must be used as its net weight. However, Regional Administrators of the Office of Price Administration have authority to change the prescribed weights by order for areas in which such containers are received with net weights substantially different from those prescribed. Regional Administrators may delegate that authority to District Directors.

Fresh fruits	Pounds
1. Apples—standard box or bushel—Golden Delicious, Jonathan, King David, McIntosh, Ortely, Gravenstein and summer apples.....	41
Red Delicious, Rome, Black Ben and Grimes.....	43
Winesap, Newton, Stayman, Arkansas Black, York, Black Twig, Baldwin, Northern Spy and Greening.....	45
All other varieties.....	42
2. Citrus fruits—Oranges (except temples):	
1½ bushel standard container (California and Arizona).....	70
1½ bushel standard container (Florida and Texas).....	82
Grapefruit:	
1½ bushel standard container (California and Arizona).....	61
1½ bushel standard container—Shipped from Florida or Isle of Pines. All others.....	72
Lemons—1½ bushel standard container.....	72
Tangerines (including clementines, king oranges, satsumas, tangelos and temples):	
1½ bushel standard container (California and Arizona).....	75
1½ bushel standard container (all others).....	80
3. Cranberries—	
¼ barrel box.....	25
¾ barrel box.....	37½
⅜ barrel box.....	44
4. Grapes, table—	
Those grown in Arizona or in Riverside or Imperial county or in the Borego Valley of San Diego county of California, per lug.....	24
All other table grapes produced in California, per lug.....	28
Imported table grapes, per lug.....	20
5. Melons (except watermelons):	
Cantaloup and honeyball:	
Jumbo crate.....	77
Standard crate.....	65
Pony crate.....	55

Fresh fruits	Pounds
Honeydew:	
Jumbo or standard honeydew crate.....	39
Jumbo cantaloup crate.....	58
Persian:	
Jumbo Persian crate.....	43
Standard Persian crate.....	37
Pony Persian crate.....	35
Casaba Jumbo or standard crate.....	42
Cranshaw Jumbo or standard crate.....	40
6. Peaches—	
Standard bushel basket.....	48
Fruit box (WPB L-232 No. 35).....	16
Fruit box (WPB L-232 No. 36).....	19
Sanger lug box (WPB L-232 No. 46).....	23
Standard ½ bushel basket.....	24
7. Pears—	
Standard Western pear box (WPB L-232 No. 54).....	46
One-way pear lug (WPB L-232 No. 56).....	46
Washington pear lug (WPB L-232 No. 36).....	19
Standard half pear box (WPB L-232 No. 55).....	23
Fresh vegetables—	
1. Beans, green and wax—bushel container.....	28
2. Iceberg Lettuce—L. A. or Salinas crate sold trimmed.....	52
Sold untrimmed.....	60
3. Onions, dry—50-pound bag.....	50
4. Peas, green—bushel container.....	28
5. Potatoes, sweet—bushel container:	
Uncured.....	50
Cured.....	45
6. Potatoes, white—100-pound bag.....	100
7. Spinach:	
Bushel container.....	18
½ crate (1¼ bushel).....	22½

[Paragraph (t) added by Am. 73, effective 6-15-46]

SEC. 21. *Additional charges allowed for slaughtering and plucking poultry.* You may add to your ceiling prices for poultry established by this regulation whichever of the following amounts apply.

(a) 10¢ for a bird killed in accordance with the Hebraic dietary laws, if such killing was done by your employee, or an agent or contractor engaged and paid by you.

(b) 10¢ for plucking a bird which you buy live and sell live, or buy kosher-killed and sell kosher-killed, if such plucking is done by your employee or an agent or contractor engaged and paid by you.

#### SEC. 21a. [Revoked.]

[Sec. 21a added by Am. 23, 9 F.R. 9719, effective 8-14-44 and revoked by Am. 35, 9 F.R. 14600, effective 12-21-44]

SEC. 22. *Additions for delivery from your warehouse to your store.* If your store is located at a distance of 125 miles or more from your warehouse which is your usual receiving point, you may, in determining your ceiling price for an item delivered from the warehouse to your store, use whichever of the following provisions applies:

(a) *In the case of percentage mark-ups.* Where a percentage mark-up is given for the item:

(1) If the store is located at a distance of 125 through 199 miles from such warehouse, you may add 1 to your mark-up figure. (Example: If your mark-up figure on sugar in Table A is 7 percent, you change it to 8 percent.)

(2) If the store is located at a distance of from 200 through 299 miles from such



warehouse, you may add 2 to your mark-up figure.

(3) If the store is located at a distance of from 300 through 399 miles from such warehouse, you may add 3 to your mark-up figure.

(4) If the store is located at a distance of 400 miles or more from such warehouse, you may add 4 to your mark-up figure.

(b) *In the case of dollars-and-cents mark-ups.* Where a dollars-and-cents mark-up is given for the item:

(1) If the store is located at a distance of from 125 through 199 miles from such warehouse, you may add 1 percent to the cost of the delivery or deliveries on which your net cost per "selling unit" is based. You must then figure the "net cost" on the basis of the "selling unit", in accordance with the rules in section 8. (Example: If you are figuring your ceiling price for green peas and your largest delivery during the preceding week was of 5 bushel baskets at \$3.00 per basket, you may add 1 percent, that is, \$0.15, to the \$15.00 cost, and then reduce the resulting figure to the "net cost" of one pound, the "selling unit" for green peas.)

(2) If the store is located at a distance of from 200 through 299 miles from such warehouse, you may add 2 percent and figure your ceiling price in accordance with (1) above.

(3) If the store is located at a distance of from 300 through 399 miles from such warehouse, you may add 3 percent and figure your ceiling price in accordance with (1) above.

(4) If the store is located at a distance of 400 miles or more from such warehouse, you may add 4 percent and figure your ceiling price in accordance with (1) above.

[Sec. 22 amended by Am. 15, 9 F.R. 4214, effective 4-27-44]

**Sec. 23. How you may figure your ceiling prices for "perishables" on a weighted average basis.** Section 7 of this regulation requires you to use in figuring your ceiling price for "perishables" the net cost of the largest delivery to you in the seven day period before the Thursday (or Tuesday for stores which price from a central point) for which you are figuring your price. If you desire to figure your ceiling prices for all items of "perishables" by using for each item, instead of the net cost of the largest delivery during this seven day period, the weighted average net cost of all deliveries of it to you during this seven day period, you may do so. However, you must apply in writing to the nearest district OPA office for permission. After receiving such permission, you may not use the net cost of the largest delivery during the seven day period to figure your ceiling price for any of the "perishables" listed in Table B. However, you shall continue to use all other provisions of section 8 in figuring your ceiling prices for these items.

**Sec. 24. How you figure your ceiling prices for "dry groceries" you purchase from wholesalers.** If you have customarily made most of your purchases of any item of "dry groceries" listed in

Table A from a wholesaler who is now pricing under Maximum Price Regulation No. 421, you may, if you still customarily purchase that item from such a wholesaler, figure your ceiling price for that item on the basis of the "net cost" of your first purchase after August 5, 1943, instead of your most recent purchase before August 5, 1943, as required by section 4. Such ceiling price shall not be changed except as required by section 6. Until you make such a purchase you shall keep your present ceiling price.

**Sec. 25. How you figure your ceiling prices for foods you "manufacture or otherwise process".** If you "manufacture or otherwise process" and sell at retail any item covered by this regulation, you will figure your "net cost" or ceiling price for such item under whichever of the following provisions applies:

(a) If the item is one for which the OPA has issued, or later issues, a regulation naming dollars-and-cents ceiling prices for sales by manufacturers, but the regulation makes no provision for manufacturers selling at retail the lowest ceiling price under that regulation for sales delivered to your usual receiving point shall be your "net cost".

(b) If the item is one for which the OPA has issued, or later issues, a regulation naming dollars-and-cents ceiling prices for sales by manufacturers and makes a provision for manufacturers selling at retail, you shall figure your ceiling price for such item as a manufacturer under that regulation. You will not attempt to figure a "net cost" and apply a mark-up under this regulation.

(c) If the item is one for which the OPA has not issued, or does not later issue, a regulation establishing dollars-and-cents ceiling prices for sales by manufacturers, you shall figure your ceiling price for such item as a manufacturer under the appropriate regulation covering the sales of such item by manufacturers. You will not attempt to figure a "net cost" and apply a mark-up under his regulation.

(d) If, after you have established a ceiling price for an item which you "manufacture or otherwise process", the manufacturer's regulation which you used in figuring your ceiling price under paragraph (a), (b), or (c) of this section is amended so that either (1) the manufacturer's regulation is no longer the type described in the applicable paragraph of this section or (2) the type of regulation is not changed but the prices set forth therein are changed; you must, within 5 days after the effective date of such amendment, refigure your ceiling price for the item under the applicable paragraph of this section based on the manufacturer's regulation as amended.

(e) For the purpose of this regulation you shall be considered a manufacturer of any item which you manufacture or otherwise process directly, or which is manufactured for you by a person to whom you supply the raw material.

**Sec. 25a. [Deleted]**

[Sec. 25a added by Am. 11, 9 F.R. 95, effective 12-21-43; amended by Am. 42, 10 F.R. 3814, effective 4-12-45 and deleted by Am. 72, 11 F.R. 5929, effective 6-5-46]

**Sec. 25b. Ceiling prices for sales of poultry to other retailers.** Your ceiling price for a sale of any item of poultry to another retailer covered by Maximum Price Regulations Nos. 422 or 423 shall be the applicable ceiling price fixed by Second Revised Maximum Price Regulation No. 289 for sales by wholesalers.

[Sec. 25b added by Am. 36, 9 F.R. 14493, effective 12-14-44 and amended by Am. 72, 11 F.R. 5929, effective 6-5-46]

**Sec. 25c. Special pricing provisions for manufacturers selling some commodities at retail.** Any person, the larger part of whose business is the manufacturing or processing of foods, but

(a) His entire business in connection with a particular commodity consists of the purchase and resale of such commodity without materially changing its form, and

(b) The larger part of his sales of such commodity are made to ultimate consumers other than commercial, industrial or institutional users,

(c) Shall figure his ceiling prices for sales of such commodity to ultimate consumers other than commercial, industrial or institutional users in accordance with the provisions of this regulation, and shall, for such purposes, be considered a retailer covered by this regulation. In figuring his ceiling prices he shall substitute the date February 8, 1945 for the date August 5, 1943, wherever it appears in sections 3, 4 and 5.

[Sec. 25c added by Am. 39, 10 F.R. 1505, effective 2-8-45]

**Sec. 25d. Ceiling prices for sales of butter if you own more than 1000 pounds on October 31, 1945.** Notwithstanding any other provisions of this regulation, if, at the close of business on October 31, 1945, you own more than 1000 pounds of butter, you must, on and after November 1, 1945 continue to sell each item of butter at no more than the ceiling price you had in effect for such item on October 31, 1945 until you file by registered mail with the Secretary of the Office of Price Administration, Washington, D. C., an affidavit setting forth the number of pounds you owned at the close of business on October 31, 1945. This affidavit must also set forth the calculation required herein, and must be accompanied by a check or money order payable to the Treasurer of the United States in an amount figured as follows:

(a) Take the number of pounds of butter you own at the opening of business on the date of filing; (b) subtract the number of pounds received by you between the opening of business on November 1, 1945 and the date of filing with a "net cost" based on a delivery at the five-cent increase in your supplier's ceiling price charged pursuant to Amendment No. 39 to Revised Maximum Price Regulation 289; (c) multiply the difference by five cents, and subtract \$50.00. Immediately upon the mailing of such affidavit with the amount due (if any), your ceiling price shall be figured in accordance with the other provisions of this regulation.

In the case of stores under one ownership, the number of pounds owned shall

<sup>20</sup> 10 F.R. 13592.

be the total of the number of pounds in each such store and wherever else located.

[Sec. 25d added by Am. 59, 10 F.R. 13593, effective 11-1-45]

**SEC. 25e. Ceiling prices for sales of cheddar cheese if you own more than 1,000 pounds on January 31, 1946.** (a) At the close of business on January 31, 1946, you must take inventory to determine the total number of pounds of cheddar cheese that you own then. In the case of stores under one ownership, the number of pounds owned shall be the total of the number of pounds in each store and wherever else located. The term "cheddar cheese" as used in this section means both "cheddar cheese" and "processed cheddar cheese" as defined in Second Revised Maximum Price Regulation 289.

[Paragraph (a) amended by Am. 68, 11 F.R. 1297, effective 2-1-46]

(b) If you have an inventory of 1,000 pounds or less, this section does not affect you.

(c) If you have an inventory of more than 1,000 pounds, you must decide whether you will pay the Government  $3\frac{3}{4}$  cents for each pound of cheddar cheese over 1,000 pounds in your inventory or whether you will sell at or below your ceiling price of January 31 until you have sold all but 1,000 pounds of that inventory.

(1) If you choose to make the payment to the Government, you must prepare an affidavit showing the number of pounds of cheddar cheese you owned at the close of business on January 31, 1946. You must file the affidavit with the Secretary of the Office of Price Administration, Washington, D. C., by registered mail, on or before February 15, 1946. With the affidavit you must send a check or money order payable to the Commodity Credit Corporation in the amount of  $3\frac{3}{4}$  cents per pound of cheddar cheese you owned in excess of 1,000 pounds on January 31, 1946. Notwithstanding other provisions of this regulation, you must not refigure your ceiling price between January 31, 1946, and the time you file your affidavit with your payment. On the date you file your affidavit with your payment you will figure your new ceiling price on cheddar cheese by using as your "net cost" the "net cost" on which your ceiling price of that date is based plus three and three-fourth cents per pound. On each Thursday after that, you must treat cheddar cheese items as you would any other item of perishables covered under this regulation.

(2) If you do not choose to make payment to the Government, notwithstanding other provisions of this regulation, you must not refigure your ceiling price after January 31, 1946, until you have sold all but 1,000 pounds of your cheddar cheese inventory of that date. After you have sold all but 1,000 pounds of that inventory, you must treat cheddar cheese items as you would any other item of perishables covered under this regulation.

[Sec. 25e added by Am. 66, 11 F.R. 841, effective 2-1-46; amended as otherwise noted]

**SEC. 25f. Ceiling prices for sales of "sugar" after February 9, 1946.** At the close of business on February 9, 1946, you must determine the number of pounds of each item of "sugar" that you own for resale at that time. You must make and keep a record of that inventory at your place of business. Do not include "sugar" which you obtained as an industrial user under Third Revised Ration Order 3 issued by the Office of Price Administration. In the case of stores under one ownership, the number of pounds owned shall be the total of the number of pounds in each such store and wherever else located. After that date you must continue to sell each item of "sugar" at no more than the ceiling price you had in effect on February 9, 1946, until you have sold an amount equal to your February 9, 1946 inventory of the item. When you have sold that amount, you shall refigure your ceiling price for the item in accordance with the rules in section 6. However, if you receive a notification from your supplier to refigure your ceiling price for an item of "sugar", do not refigure your ceiling price until you have sold an amount equal to your February 9, 1946 inventory at no more than the ceiling price you had in effect on February 9, 1946.

If, at the close of business on February 9, 1946, you have an inventory of more than 10,000 pounds of all items of "sugar", you must, on or before February 25, 1946, file with the Wholesale-Retail and Fruit and Vegetable Branch of the Office of Price Administration, Washington, D. C., by registered mail, an affidavit showing the number of pounds of each item of "sugar" you own for resale at that time. You must keep a copy of that affidavit at your place of business.

[Sec. 25f added by Am. 69, 11 F.R. 1468, effective 2-10-46]

**SEC. 26. Mail order sales.** When you make mail order sales, you may add to your ceiling prices determined under this regulation your actual express or mailing expense to the buyer's address.

#### ARTICLE III—ADJUSTMENT PROVISIONS

**SEC. 27. How you may, under certain conditions, apply to use Group 1 mark-ups.** (a) If your store meets the gross margin requirements specified in this section and does business in the manner outlined below, you may apply under paragraph (b) of this section to use the mark-ups provided in Maximum Price Regulation No. 423 for Group 1 stores:

(1) Most of your sales in your grocery department are made by sales clerks who assist customers in selecting, collecting and wrapping merchandise;

(2) Your store generally offers to all its customers the services of taking orders by telephone, carrying monthly charge accounts, and providing delivery service;

(3) The general level of your prices for grocery products was during September 1942 at least as high as the level maintained by Group 1 stores, and was generally higher than that maintained by

Group 3 and 4 stores, for such products in your community; and

(4) The total gross margin in your fiscal year 1941 was more than 25% on all sales in your food departments and also, if you are not an "independent" store, more than 25% on the combined sales of the food departments in all the stores in your organization. Do not count a restaurant as a food department. If not in business in 1941, use your most recent fiscal year (or fiscal period, if not in business a full fiscal year).

(b) Your application must be filed in duplicate with your nearest District OPA office on a form which you may get from that office. You may combine on one form the applications of more than one of your stores. If your application is finally approved, OPA will tell you when to begin using the Group 1 mark-ups, and from such time on you shall post a sign in your store designating it as a "Group 1" store, and it shall be considered a Group 1 store for all orders issued under Revised General Order No. 51 and for the purpose of all "special pricing provisions" contained in Maximum Price Regulation No. 423.

(c) If you filed an application under this section or under section 26 of Revised Maximum Price Regulation No. 238, or section 25 of Revised Maximum Price Regulation No. 268 and such application has been denied, you are not eligible for adjustment under this section. If your application has been allowed, you may use the mark-ups for a Group 1 store in Tables A and B of Maximum Price Regulation No. 423 and may consider your store a Group 1 store for the purpose of all "special pricing provisions" contained in that regulation and you must post a Group 1 sign, but you are subject to all other provisions of this regulation.

[Paragraphs (b) and (c), amended by Am. 17, 9 F.R. 5656, effective 5-25-44; and Am. 41, 10 F.R. 2297, effective 3-5-45]

**SEC. 28. How certain stores, where necessary to assure an adequate supply of food in a locality, may apply for mark-up adjustments.** If your store is necessary to provide an adequate supply of food products in a locality; and by reason of remote location, long-term credit, short selling season, or other such unusual operating conditions, you find it impossible to operate under the mark-ups fixed by this regulation you may apply for an adjustment of such mark-ups by filing with your nearest district OPA office two copies of a signed statement giving for your store: (1) its name and address; (2) its group under this regulation; (3) its type (for example, cash-and-carry; service, delicatessen); (4) the approximate number of its food customers; (5) the total number of stores selling food in its community; (6) its distance from the nearest store selling food and the name and address of that store; and (7) the reasons why you are unable to operate under the mark-ups fixed by this regulation.

If you have more than one store you may file one application for all your stores which meet the conditions stated



above. Your application must state separately for each store the specific information this section calls for.

**SEC. 29. Applications for adjustment.** Any Regional Office of the OPA, or such offices as may be authorized by order issued by the appropriate Regional Office, may act on all applications for adjustment under the provisions of this regulation, and may deny any application filed under section 27 or revoke any order granting adjustment under that section if denial of such application would not cause the applicant a substantial financial hardship. Applications for adjustment are governed by Revised Procedural Regulation No. 1.<sup>21</sup>

[Sec. 29 amended by Am. 6, 8 F.R. 15251, effective 11-9-43]

**SEC. 29a. Regional adjustment of poultry mark-ups.** Each Regional Administrator of the OPA is hereby authorized to reduce the mark-ups listed in Table B in section 39 (a) for retailers in any area or locality within his jurisdiction for sales of any poultry items in connection with adjustments made pursuant to section 2.3 of Second Revised Maximum Price Regulation No. 269, whenever such action is necessary to prevent an increase in the ceiling prices at which such poultry items may be sold by retailers.

[Sec. 29a added by Am. 1, 8 F.R. 10569, effective 7-27-43 and amended by Am. 72, 11 F.R. 5929, effective 6-5-46]

#### ARTICLE IV—MISCELLANEOUS PROVISIONS

**SEC. 30. How you find the "annual gross sales" of your store.** (a) To find your "annual gross sales," take your total sales for the calendar year 1945. Include all sales as shown on your books, except sales made by a restaurant operated in conjunction with your store. You can use your Federal Income Tax Return to get your gross sales for all or part of the calendar year 1945 which is covered by such return. If you own more than one store, figure the sales for each store separately, treating each as a separate retailer.

(b) If you were in business during only part of the year 1945, you must divide your total sales for 1945 by the number of weeks you were in business. This will give you your weekly average sales. Multiply this figure by 52 and the result is your "annual gross sales."

[Sec. 30 amended by Am. 17, 9 F.R. 5656, effective 5-25-44; Am. 41, 10 F.R. 2297, effective 3-5-45; and Am. 63, 10 F.R. 15466, effective 1-2-46]

**SEC. 31. How you determine your group in certain special cases—(a) Department stores.** If you operate a department store, that is, a store in which the greater volume of sales is general merchandise and not foods, and you sell foods in a separate department or departments, you must determine your group by using only the "annual gross sales" of your food department or departments.

<sup>21</sup> 9 F.R. 10476, 13715; 10 F.R. 11295.

(b) *Stores in which more than one retailer operates.* (1) If you sell food in a retail food store in which there are other food retailers, none of whom sells a complete line of the same general class of food, you must find your group by taking the combined "annual gross sales" of all the food retailers in that store. If you are unable to get the "annual gross sales" from the other food retailers in that store, you shall apply, in writing, to your nearest OPA District Office, for a determination of your group, stating your own "annual gross sales" figure for the applicable year. Each District Director is authorized to act on requests covering stores located within his district, and action taken shall be by order.

[Subparagraph (1) amended by Am. 55, 10 F.R. 12265, effective 10-4-45]

(2) If you sell foods in a retail store in which more than one retailer sells a complete line of the same general class of food, you will be considered as operating a separate retail store of your own, and you must determine your group by using only your own sales.

(c) *New stores.* If you open a retail store after January 1, 1946 you may consider yourself a Group 1 or Group 3 retailer, depending upon whether or not at that date your store is an "independent" store. You must figure your ceiling prices accordingly. (If you are a Group 1 store, you must figure your ceiling prices under Maximum Price Regulation No. 423). However, after you have been in business for three months you must determine again what group your store is in. To do this, take your total sales for the three-month period and multiply by four. Use the result as your "annual gross sales" in determining the group in which your store belongs.

[Above paragraph amended by Am. 17, 9 F.R. 5656, effective 5-25-44; Am. 41, 10 F.R. 2297, effective 3-5-45; and Am. 63, 10 F.R. 15466, effective 1-2-46]

If you find that your store should now be in another group, you may continue to use the Group 1 or 3 mark-ups until the second Thursday following the end of the 3-month period, by which time you must have refigured all your ceiling prices using the mark-ups for your new group. For "dry grocery" items use the same "net cost" which you used in figuring your ceiling prices in effect at the end of the 3-month period. For "perishable" items, you shall use as your "net cost" the same "net cost" which you would have used in refiguring your ceiling prices on that Thursday under section 8. If, under that section, you would not have been required to refigure your ceiling price for any item on that Thursday, you shall use as your "net cost" for that item the same "net cost" on which your existing ceiling price at that time is based.

(d) *Discontinuance of stores.* (1) If you are not an "independent" store and you close one or more of your stores so that you now have less than 4 stores under one ownership, you may find your group for each of the remaining stores by determining the "annual gross sales"

under section 30 (a), treating each store as an "independent" store.

(2) If you are not an "independent" store and you close one or more of your stores, but 4 or more stores continue under one ownership, you may refigure the combined "annual gross sales" under section 30 (a) for those remaining in operation. If the combined "annual gross sales" are not \$500,000 or more, you may then determine your group for each store, treating each as an "independent" store.

(3) If you find that any store is now in another group, you may refigure all of your ceiling prices for that store before the opening of business on any Thursday. For "dry grocery" items, you must use as your "net cost" the same "net cost" you used in figuring your existing ceiling prices. For "perishable" items, you must use as your "net cost" the same "net cost" which you would have used in refiguring your ceiling prices on that Thursday under section 8 of this regulation if a Group 4 store (or under section 8 of Maximum Price Regulation No. 423 if a Group 1 or Group 2 store). If, under that section, you would not have been required to refigure your ceiling price for any "perishable" item on that Thursday, you must use as your "net cost" for that item the same "net cost" on which your existing ceiling price is based. Further, if any store is now in Group 1 or Group 2, it is subject to all other provisions of Maximum Price Regulation No. 423.

[Paragraph (d) added by Am. 9, 8 F.R. 15607, effective 11-20-43]

**SEC. 32. Taxes.** You may collect, in addition to your ceiling price, any tax upon or incident to a sale at retail of food covered by this regulation if you state the tax separately, and if the statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

**SEC. 33. Transfer of business and stock in trade.** If, after August 5, 1943, you acquire in any way the business, assets, and stock in trade of any retail store covered by this regulation and you carry on the business, or continue to deal in the same type of food products in that same store, your ceiling prices shall be the same as those of the former owner if no transfer had taken place. You must keep all the records needed to verify your ceiling prices. The former owner must either preserve and make available to you, or give you, all the records of his transactions before you acquired the store which you need to comply with the record provisions of this regulation.

If the transfer changes the business from one group of retail stores to another, your ceiling prices shall be those for the group of retailer to which you belong under this regulation.

**SEC. 34. Export sales.** The ceiling prices at which a person may export any product covered by this regulation shall be determined in accordance with the

Second Revised Maximum Export Price Regulation<sup>22</sup> issued by the OPA.

**SEC. 35. Relation to other regulations.** The provisions of this Maximum Price Regulation No. 422, except as otherwise provided in this regulation, shall, on and after August 5, 1943, supersede the provisions of Revised Maximum Price Regulation No. 238, Maximum Price Regulation No. 250,<sup>23</sup> Revised Maximum Price Regulation No. 256,<sup>24</sup> Revised Maximum Price Regulation No. 268, the General Maximum Price Regulation, and any other applicable price regulation or order issued by the OPA except any order issued pursuant to General Order 51 with respect to sales and deliveries for which ceiling prices are established by this regulation.

**SEC. 36. Definitions—**(a) "Retail route seller." A "retail route seller" is a retailer who distributes food products to ultimate consumers who are not commercial, industrial or institutional users, either on a future delivery basis or otherwise, from an inventory stocked in trucks or other conveyances operated by driver-salesmen over regular routes. A retailer, most of whose business is the personal solicitation of orders by salesmen calling at the homes or places of business of ultimate consumers, who are not commercial, industrial or institutional users, shall also be considered a retail route seller. A retailer is a "retail route seller" only of the food products he sells in this way.

(b) *Health food stores.* A "health food store" or "health food department" is one whose sales to consumers consist principally of "specially prepared dietetic foods." For the purposes of this regulation a "health food department" is a separate and distinct department operated by separate and specially trained personnel and for which separate records and accounts are maintained.

"Specially prepared dietetic foods" are foods manufactured and sold for restricted diets and for special dietetic purposes, including but not limited to, specially prepared foods for diabetic or arthritic conditions, or high blood pressure; specially prepared weight building or tonic foods; and vitamin or mineral supplements.

[Paragraph (b) amended by Am. 50, 10 F.R. 9272, effective 8-2-45]

(c) *Delivery.* Delivery of an item covered by this regulation shall be considered to have occurred when the item has been received by you at your usual receiving point.

(d) *Usual receiving point.* Your usual receiving point will be either your retail store or your warehouse from which you supply your retail stores, depending

upon where you normally receive the particular item you are pricing under this regulation.

(e) *Item.* You must determine a separate ceiling price for each item; that is, for each kind, brand, size, variety, grade, container-type, and container-size, except for fresh fruits and vegetables. Separate fresh fruit and vegetable items shall be those defined as separate in the definitions accompanying Table B.

(f) *Manufacture or otherwise process.* "Manufacture or otherwise process" shall mean blending, freezing, canning, preserving, bottling, milling, crushing, straining, roasting, centrifuging, cooking, distilling, purifying with heat, and other similar operations, and packaging of spices, tea and gelatin in the manner described in section 18.

Packaging as used in section 18, ripening of bananas, printing of butter, candling and grading of eggs and killing and dressing of poultry shall not be considered manufacturing or processing under this regulation.

[Paragraph (f) amended by Am. 43, 10 F.R. 5370, effective 5-17-45]

(g) *Group 1 retailer.* A retailer is in Group 1 if he is an "independent" retailer with an "annual gross sales" of less than \$50,000.

(h) *Group 2 retailer.* A retailer is in Group 2 if he is an "independent" retailer with an "annual gross sales" of \$50,000 or more, but less than \$250,000.

(i) *Great Lakes marine supplier.* "Great Lakes marine supplier" means a person operating a selling establishment which buys and resells food products for the most part to "operators of a lake vessel or vessels," for consumption aboard such vessel or vessels, with delivery from shore locations by use of truck or launch facilities. "Operator of a lake vessel or vessels" means any person who owns or operates a lake vessel or vessels, other than passenger boats, engaged in shipping upon the Great Lakes, and who in operating such vessels purchases or receives food products covered by this regulation from a Great Lakes marine supplier for consumption aboard such vessels. Excluded from this definition are hotel supply houses as defined in Second Revised Maximum Price Regulation No. 269, hotel and restaurant supply houses as defined in Maximum Price Regulation No. 271, and purveyors as defined in Maximum Price Regulation No. 426.

[Paragraph (i) added by Am. 58, 10 F.R. 13073, effective 10-25-45]

**SEC. 37. Geographical applicability.** The provisions of this regulation shall apply to the 48 states of the United States and to the District of Columbia.

ARTICLE V—TABLES

**SEC. 38. Table of mark-ups for "dry groceries" (Table A).** (a) *Table A: Mark-ups over "net cost" allowed to Group 3 and Group 4 retailers for dry groceries covered by this regulation by commodities.*

TABLE A—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 3 AND GROUP 4 RETAILERS FOR DRY GROCERIES COVERED BY THIS REGULATION BY COMMODITIES

Food commodities	Allowed mark-ups over net cost	
	Group 3. Retailer other than independent, with annual volume under \$250,000	Group 4. Any retailer with annual volume of \$250,000 or more
1. Baby foods.....	21	19
2. Cereals, breakfast.....	13	11
3. Cocoa, chocolate, and cereal drink preparations.....	22	21
4. Coffee.....	12	11
5. Cookies, crackers, toast and crumbs.....	25	25
6. Corn meal and hominy.....	23	21
7. Dog and cat foods.....	21	19
8. Fish, processed.....	21	21
9. Flour and flour mixes.....	23	15
10. Fruits, berries and fruit juices (canned) except fruit cocktail, pineapple, peaches and pears.....	24	22
11. Fruit cocktail, pineapple, peaches and pears (canned) except juices.....	21	19
12. Fruits, dried and dehydrated.....	23	22
13. Frozen foods.....	27	27
14. Gelatin and pudding mixtures.....	21	13
15. Jams, jellies, preserves, honey and peanut butter.....	31	31
16. Lard, pure.....	13	10
17. Macaroni and spaghetti products.....	27	26
18. Mayonnaise and salad dressing.....	22	22
19. Meat, canned.....	15	14
20. Milk, canned.....	10	9
21. Oils, cooking and salad.....	24	16
22. Oleomargarine.....	14	14
23. Pickles and relishes.....	31	31
24. Rice.....	7	20
25. Shortening, hydrogenated.....	7	6
26. Shortening, other.....	13	9
27. Soups, canned.....	19	19
28. Soups, dehydrated.....	31	27
29. Spices.....	46	46
30. Sugar.....	7	6
31. Syrups.....	24	21
32. Tea.....	25	23
33. Vegetables and vegetable juices (canned) except corn, green and wax beans, peas, tomatoes and tomato juice.....	26	23
34. Corn, green and wax beans, peas, tomatoes and tomato juice (canned).....	21	19
35. Vegetables, dried and dehydrated.....	34	29
36. Vinegar.....	27	26
37. Miscellaneous foods.....	35	35

[Table amended by Am. 2, 8 F.R. 10987, effective 8-5-43; Am. 6, 8 F.R. 15251, effective 11-24-43; and Am. 14, 9 F.R. 4017, effective 5-1-44; and corrected, 9 F.R. 6951, effective as of 5-25-44]

(b) *Commodity definitions.* These definitions apply to both domestic and imported items.

(1) "Baby foods" means "baby" or "junior" soups, fruits, vegetables, meats and mixtures thereof packed in hermetically sealed containers. Excluded are dry baby cereals.

(2) "Cereals, breakfast" means bulk or packaged cereal items of any size commonly used as breakfast foods, both un-cooked and ready-to-eat types including, but not limited to, bran flakes, farina, popped rice, and rolled oats. Excluded are barley, corn meal, corn grits, hominy grits and flakes, rice, wheat bran flour, wheat germ and dry baby cereals. Also excluded are cereals mixed or coated with a confection, in the proportion of

<sup>22</sup> 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 5435, 5923, 7201, 9834, 11273, 12919, 14346; 10 F.R. 863, 923, 2432, 6590, 8746, 8611, 9586, 10029, 15348, 11 F.R. 1297.

<sup>23</sup> 7 F.R. 8705, 9898, 10014, 10994; 8 F.R. 2673, 10559.

<sup>24</sup> 7 F.R. 10473; 8 F.R. 1266, 2106, 2673, 3946, 5164, 7821.



two thirds or more confection to one third cereal by weight.

[Subparagraph (2) amended by Am. 17, 9 F.R. 5656, effective 5-25-44]

(3) "Cocoa, chocolate and cereal drink preparations" includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations containing less than 35 percent malted milk, chocolate syrup packed in consumer sizes, chocolate bits, cooking chocolate and packaged powdered skim milk (spray process). Excluded are chocolate confections, bittersweet bars, milk chocolate, chocolate syrup packed in No. 10 tins or larger or one gallon containers or larger, powdered whole milks, powdered skim milk packaged in tin in an inert gas, malted milk, and any preparation containing 35 percent or more malted milk.

[Subparagraph (3) amended by Am. 2, 8 F.R. 10987, effective 8-5-43; Am. 6, 8 F.R. 15251, effective 11-24-43, and Am. 39, 10 F.R. 1505, effective 2-8-45]

(4) "Coffee" means roasted coffee, whole or ground, decaffeinated coffee, coffee concentrates, and any mixtures of coffee with other products for beverage purposes.

(5) "Cookies, crackers, toast, and crumbs" includes, but is not limited to, biscuits, Christmas cookies, fig bars, graham crackers, pretzels, rye crackers, zwieback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal, and related matzo products. Excluded are bread, pies, cakes, doughnuts, coffee cakes, rolls, candies, Passover matzo, Passover matzo meal, related Passover matzo products, and any bakery products which you manufacture. Also excluded are any items which are bought by you in bulk and sold loose.

[Subparagraph (5) amended by Am. 2, 8 F.R. 10987, effective 8-5-43 and Am. 10, 8 F.R. 17370, effective 1-8-44]

(6) "Corn meal and hominy" means bulk or packaged (in any size) corn meal, corn grits, hominy, hominy grits, hominy flakes, and prepared hominy. Excluded is canned hominy which is in "Vegetables and vegetable juices canned".

(7) "Dog and cat food" shall not include any item prepared by you for pet food, or any frozen dog or cat food.

(8) "Fish, processed" includes, but is not limited to, canned fish, canned seafood, and salted, pickled, smoked, dried or otherwise processed fish, such as fish cakes, roe, clam juice, and oyster puree. Excluded are fresh or frozen fish, fresh or frozen seafood, frozen food products in which fish or seafood are combined with other ingredients, and caviar.

[Subparagraphs (7) and (8) amended by Am. 6, 8 F.R. 15251, effective 11-9-43]

(9) "Flour and flour mixes" means all bulk or packaged (in any size) flour and flour mixes milled from wheat, semolina, farina, buckwheat, corn, rice, and potatoes, including, but not limited to, prepared pancake, cake, biscuit, pie crust and gingerbread mix.

(10) "Fruits, berries and fruit juices, canned" includes, but is not limited to, apple sauce, apple cider, berry juices, concentrated fruit juices, citrus fruits

and juices, cranberry jelly and sauce, fountain fruits, maraschino cherries, fruit nectars, bulk apple cider and pineapple juice. "Canned" means processed and packed in any container, whether or not hermetically sealed. Excluded are apple butter, fruit butters, jams, jellies, fruit preserves, coconut, olives, baby foods, dried fruits, dehydrated fruits, fruit cocktail, pineapple (except pineapple juice), peaches, pears, and frozen fruits.

[Subparagraph (10) amended by Am. 17, 9 F.R. 5656, effective 5-25-44; and Am. 24, 9 F.R. 10258, effective 8-26-44]

(11) "Fruit cocktail, pineapple, peaches, and pears (canned) except juices" shall include fruit salad. Excluded are frozen fruits. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

[Subparagraph (11) amended by Am. 17, 9 F.R. 5656, effective 5-25-44]

(12) "Fruits, dried and dehydrated" (packaged or bulk) includes but is not limited to, stuffed dried fruits, dried dates and figs, pitted dates and macerated dates. Excluded are fruit confections, candied or glazed fruits and peels, fresh dates and date products.

NOTE: The 1943 pack of dried fruits shall be considered a different item from the 1942 pack of dried fruits, and you must figure separate ceiling prices for each item of the 1943 pack. The 1944 pack shall also be considered a different item from the 1943 and earlier packs, and you must figure separate ceiling prices for each item of the 1944 pack.

[Subparagraph (12) amended by Am. 9, 8 F.R. 15607, effective 11-20-43; Am. 13, 9 F.R. 3648, effective 4-8-44; corrected 9 F.R. 6951, effective as of 5-25-44; amended by Am. 28, 9 F.R. 11901, effective 9-27-44; and Am. 43, 10 F.R. 5370, effective 5-17-45]

(13) "Frozen foods" means packaged quick-frozen or cold-packed foods, sold from refrigerated cabinets or lockers, including but not limited to all fruits, berries, fruit or berry juices, and mixtures (except any of the foregoing in containers of a capacity of more than 50 pounds), vegetables, vegetable juices and mixtures, including mushrooms, dog and cat food not prepared by you for pet food, apple sauce, macaroni and spaghetti products, chop suey, gravies, pork-and-beans, soups, food products in which meat, chicken, turkey, fish or seafood are combined with other ingredients, meat stews, and corned beef hash. Excluded are frozen pies and pastries, frozen meat, poultry, fish and seafood, ice cream, sherbet and frozen confections.

NOTE: The 1943 pack of canned fruits and frozen fruits shall be considered different items from the 1942 pack of fruits and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (13) amended by Am. 6, 8 F.R. 15251, effective 11-24-43; corrected 8 F.R. 17369, effective 12-23-43; amended by Am. 24, 9 F.R. 10258, effective 8-26-44; Am. 27, 9 F.R. 11711, effective 9-21-44; and Am. 37, 9 F.R. 15047, effective 1-2-45]

(14) "Gelatin and pudding mixtures" includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, consumer ice cream mixes, and rennet.

(15) "Jams, jellies, preserves, honey and peanut butter" includes, but is not limited to, tomato preserves, marmalade, fruit preserves, fruit butters, smooth or crunch-type nut butters, honey butter, and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of 15 pounds or less. Excluded are cranberry jelly or sauce.

[Subparagraph (15) amended by Am. 13, 9 F.R. 3648, effective 4-8-44]

(16) "Lard, pure" (packaged or bulk) includes, but is not limited to, rendered pork fat. Excluded are lard compounds which are classed as "Shortenings, other".

(17) "Macaroni and spaghetti products" includes, but is not limited to, bows, egg alphabets, macaroni, spaghetti, vermicelli, "sea shells," noodles, macaroni dinners, and spaghetti dinners. Excluded are ravioli, tamales, dry noodle soup mixtures, spaghetti-and-meatballs, chicken-and-noodles, Chinese-style noodles, and frozen macaroni and spaghetti products.

[Subparagraph (17) amended by Am. 6, 8 F.R. 15251, effective 11-24-43]

(18) "Mayonnaise and salad dressing" includes, but is not limited to, tartar sauce, relish spreads, other mayonnaise spreads, and french dressing. Excluded are olive oil and meat spreads.

(19) "Meat, canned" includes, but is not limited to, canned or glazed chicken and turkey products, chicken-and-noodles, chili con carne, meat spreads, meat gravy, pickled meats, ravioli, spaghetti-and-meatballs, stews, tamales and tripe. Excluded are mincemeat, any canned meat which is removed from the can by the retailer and sold sliced in smaller amounts, frozen food products in which meat, chicken and turkey are combined with other ingredients, frozen meat gravies, and frozen meat stews.

[Subparagraph (19) amended by Am. 6, 8 F.R. 15251, effective 11-24-43]

(20) "Milk, canned" means evaporated or condensed cow milk, including, but not limited to, filled evaporated milk products. Excluded are fresh milk, cream, powdered milks, and goat milk.

(21) "Oils, cooking and salad" means all vegetable, fruit and leaf plant oils, cooking fats other than shortening, and pure olive oil packaged in containers of one-half gallon or more but not exceeding one gallon. Excluded are prepared dressings and pure olive oil packaged in containers of less than one-half gallon.

[Subparagraph (21) amended by Am. 39, 10 F.R. 1505, effective 2-8-45]

(22) "Oleomargarine" means any product labelled "oleomargarine".

(23) "Pickles and relishes" (packaged or bulk) includes, but is not limited to chow chow, pickled fruits, pickled onions, pickled peppers, pickled relishes, pickled rind, and pickled vegetables. Excluded are mayonnaise-relish spreads, and tartar sauce.

(24) "Rice" packaged or bulk, means all rice (including second heads) of the grades defined by the Department of Agriculture bulletin of Standards for Milled Rice (effective May 15, 1942). Ex-

cluded are rice flour, rice flakes, popped rice, wild rice, and screenings and brewers' rice graded as Class XIII and Class XIV, respectively, by the above mentioned bulletin.

[Subparagraph (24) amended by Am. 10, 8 F.R. 17370, effective 1-8-44; Am. 24, 9 F.R. 10258, effective 8-26-44; and Am. 43, 10 F.R. 5370, effective 5-17-45.]

(25) "Shortening, hydrogenated" means all fully hydrogenated shortenings.

(26) "Shortening, other" means shortenings other than fully hydrogenated shortening. Excluded are butter, lard, oleomargarine, and suet.

(27) "Soups, canned" includes all soups, broths and chowder. Excluded are meat stews, "baby" or "junior" soups, dehydrated soups, and frozen soups.

NOTE: The 1943 pack of canned vegetable soups shall be considered a different item from the 1942 pack of canned vegetable soups, and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (27) amended by Am. 1, 8 F.R. 10569, effective 7-27-43 and Am. 6, 8 F.R. 15251, effective 11-24-43. Corrected, 8 F.R. 17369, effective 12-23-43]

(28) "Soups, dehydrated" means dry mixtures sold for soup-making, including, but not limited to, bouillon concentrates, and dry noodle soup mixtures. Excluded are other macaroni or noodle products, lentils, and dried peas.

(29) "Spices" includes, but is not limited to, bayleaves, caraway seed, dried peppers, dry chili, celery seed, celery salt, celery flakes, chili powder, garlic, garlic salt, dry mustard, onion salt, onion flakes, poultry seasoning, poppy seed, seasoned salt, sesame seed, thyme, and cream of tartar. Excluded are table salt, spice oils, candied ginger, raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States, and wooden or other type trays designed as permanent kitchen furniture containing sets of assorted spices.

[Subparagraph (29) amended by Am. 24, 9 F.R. 10258, effective 8-26-44]

(30) "Sugar" means all bulk or packaged cane or beet sugar, including cinnamon sugar.

(31) "Syrups" means all malt, molasses, cane, maple, and table corn syrups and imitations and blends. Excluded are chocolate and ice cream sundae syrups, fruit syrups for making beverages, molasses sold for feed purposes, sorghum syrup and unmixed corn syrup.

[Subparagraph (31) amended by Am. 10, 8 F.R. 17370, effective 1-8-44; and Am. 23, 9 F.R. 9719, effective 8-14-44]

(32) "Tea" includes bulk or packaged tea, tea bags and matte. - Excluded are sales of tea in containers of the customary unit and weight in which they are imported into the United States.

[Subparagraph (32) amended by Am. 43, 10 F.R. 5370, effective 5-17-45.]

(33) "Vegetables and vegetable juices, canned" includes, but is not limited to, blackeye, crowder, cream and field peas, baked beans, sauerkraut, rhubarb, chili sauce, cocktail sauce, canned hominy, mushrooms, mushroom sauce, tomato

catsup, tomato paste, tomato puree, pimientos, and Chinese style foods including soy sauce and brown sauce. "Canned" means processed and packaged in any container, whether or not hermetically sealed. Excluded are vegetable soups, "baby" or "junior" foods, pickles, corn, green and wax beans, peas (except canned blackeye, crowder, cream and field peas), tomatoes, tomato juice and frozen vegetables.

[Subparagraph (33) amended by Am. 9, 8 F.R. 15607, effective 11-20-43; and Am. 24, 9 F.R. 10258, effective 8-26-44]

(34) "Corn, green and wax beans, peas, tomatoes, and tomato juice (canned)." Excluded are frozen vegetables and canned blackeye, crowder, cream and field peas. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

NOTE: The 1943 pack of canned vegetables and frozen vegetables shall be considered different items from the 1942 pack of vegetables and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (34) amended by Am. 9, 8 F.R. 15607, effective 11-20-43]

(35) "Vegetables, dried and dehydrated" (packaged or bulk) includes, but is not limited to, dried beans, blackeye peas, dried mushrooms, dried peas, and lentils. Excluded are dry soup mixes, hominy, garlic, celery flakes, onion flakes, dried chili, and dried peppers.

(36) "Vinegar" (bottled or bulk) includes, but is not limited to, pure cider vinegar, distilled vinegar, malt vinegar, wine vinegar, and tarragon vinegar.

(37) "Miscellaneous foods" shall include all other dry grocery items except those specifically excluded in paragraph (c) of this section. Among the items included under this heading are the following:

Baking powder.  
Baking soda.  
Barley (pearl)  
Caviar.  
Cocconut, shredded, desiccated, or moist.  
Cookies, crackers, toast and crumbs bought by you in bulk and sold loose.

Corn starch, edible or gloss, packaged in containers of ten pounds or less (excluded are powdered prepared laundry starching compounds).

Date products.  
Egg nog (non-alcoholic), bottled.  
Extracts.  
Flavorings.  
Food colorings.  
Fruit pectins.

Fruit syrups for making beverages. (Excluded are fruit syrups used by rectifiers, blenders, restaurants and bars for making alcoholic mixed drinks.)

Gift or holidays packages bought assembled, and containing one or more items covered by this regulation.

Glaced or candied fruits and peels.  
Ice cream sundae syrups, including chocolate syrup packed in No. 10 tins or larger or one-gallon containers or larger.

Meat flavorings.  
Meat sauces, except catsup, cocktail sauce, and chili sauce.

Mincemeat.  
Mustard, prepared.  
Olives.  
Olive oil, pure (packaged in containers of less than one-half gallon).

Pie filling.  
Popcorn, not popped.

Potatoes, Julienne, packed in hermetically sealed containers.

Potatoes, shoestring, packed in hermetically sealed containers.

Pudding, date.

Pudding, fig.

Pudding, plum.

Salt, table, packaged in cartons, bags or pockets containing 100 pounds or less, kosher salt in cartons, and salt packaged in containers of 10 pounds or less and labeled by the manufacturer as ice cream salt (excluded are onion, celery or garlic salt, and meat-curing or smoked salt).

Spice oils.

Tom and Jerry batter, bottled.

Yeast.

[Subparagraph (37) amended by Am. 1, 8 F.R. 10569, effective 7-27-43; Am. 2, 8 F.R. 10987, effective 8-5-43; Am. 6, 8 F.R. 15251, effective 11-24-43; Am. 10, 8 F.R. 17370, effective 1-8-44; Am. 13, 9 F.R. 3648, effective 4-8-44; Am. 17, 9 F.R. 5656, effective 5-25-44; Am. 23, 9 F.R. 9719, effective 8-14-44; Am. 26, 9 F.R. 11537, effective 9-16-44; Am. 39, 10 F.R. 1505, effective 2-8-45; and Am. 43, 10 F.R. 5370, effective 5-17-45.]

(c) *Commodities not included in this regulation.* Excluded from this regulation are:

Baked beans, prepared by the retailer.  
Baked goods, fresh (except cookies, crackers, toast and crumbs).

Beer.

Bird seed and gravel.

Bread.

Buttermilk, fresh.

Candied ginger.

Candy.

Cereals mixed or coated with a confection in the proportion of  $\frac{1}{2}$  or more confection to  $\frac{1}{2}$  cereal by weight.

Comb honey.

Corn starch, edible or gloss (packaged in containers of more than ten pounds).

Corn sugar.

Corn syrup, unmixed.

Cream.

Dry baby cereals.

Feed, animal or poultry (other than pet food).

Fresh fruits and vegetables (except as included in Table B).

Frozen fish and seafood.

Frozen fruits, berries, fruit or berry juices, and mixtures, in containers of a capacity of more than 50 pounds.

Fruit cake.

Fruit and vegetable powders for making beverages.

Goat's milk, canned.

Green coffee in containers of the customary unit and weight in which they are imported into the United States.

Ice cream cones.

Ice cream, sherbets, and frozen confections.

Laundry starching compounds, powdered prepared.

Liquors.

Malted milk and any preparation containing 35% or more malted milk.

Maple sugar.

Meat and fish (except "Fish, processed" and "Meat, canned").

Milk, fresh.

Whole milk, powdered, and powdered skim milk packaged in tin in an inert gas.

Mineral oil.

Molasses sold for feeding purposes.

Nuts.

Olive oil, pure (packaged in containers of a capacity of more than one gallon).  
Passover matzo, Passover matzo meal, and related Passover matzo products.

Peanuts.

Pet foods (except cat and dog foods or any frozen cat or dog foods).

Popcorn, popped.

Potato chips.



TABLE B—MARK-UPS OVER "NET COSTS" ALLOWED TO GROUP 3 AND GROUP 4 RETAILERS FOR PERISHABLES COVERED BY THIS REGULATION BY COMMODITIES—Continued

II. Food commodities	Allowed dollars-and-cents mark-ups per "selling unit"		"Selling unit" in which selling price must be calculated
	Group 3. Retailer other than independent with annual volume under \$250,000	Group 4. Any retailer with annual volume of \$250,000 or more	
(1) Dairy products:			
(2) Fresh fruits:			
Apples.....	2 1/2	2 1/2	1 pound.
Peaches.....	4 1/2	4 1/2	1 pound.
Cherries, sweet.....	8 1/2	8 1/2	1 pound.
Cocconuts.....	1 1/2	1 1/2	1 pound.
Cranberries.....	8	8	1 pound.
Melons, except watermelons.....	2 1/2	2 1/2	1 pound.
Peaches.....	3 1/2	3 1/2	1 pound.
Pears.....	4	4	1 pound.
Plums.....	4 1/2	4 1/2	1 pound.
Prunes, Italian.....	3	3	1 pound.
Watermelons.....	1	1	1 pound.
(3) Fresh vegetables:			
Beans, green and wax.....	4	4	1 pound.
Carrots, bunched.....	2 1/2	2 1/2	1 bunch.
Cucumbers, except hothouse cucumbers.....	2 1/2	2 1/2	1 pound.
Cucumbers, hothouse.....	6 1/2	6 1/2	1 pound.
Eggplant.....	3	3	1 pound.
Peas, green.....	5	5	1 pound.
Peppers, sweet.....	4 1/2	4 1/2	1 pound.
Spinach.....	3	3	1 pound.
(4) Poultry:			

The mark-ups for green and wax beans are suspended from July 1, 1945 to October 4, 1945, and shall be automatically reinstated on October 4, 1945.  
 The mark-ups for all cucumbers are suspended from August 1, 1945 to October 4, 1945, and shall be automatically reinstated on October 4, 1945.  
 The mark-ups for eggplant are suspended from July 23, 1945 to January 3, 1946, and shall be automatically reinstated on January 3, 1946.  
 The mark-ups for sweet peppers are suspended from July 23, 1945 to January 3, 1946, and shall be automatically reinstated on January 3, 1946.  
 [Table B amended by Am. 1, 8 F.R. 10569, effective 8-5-43; Am. 3, 8 F.R. 12443, effective 8-16-43; Am. 5, 8 F.R. 13294, effective 10-4-43; Am. 7, 8 F.R. 14953, effective 11-4-43; Am. 10, 8 F.R. 12370, effective 1-8-44; Am. 15, 9 F.R. 4214, effective 4-27-44; Am. 18, 9 F.R. 6828, effective 6-22-44; Am. 19, 9 F.R. 7399, effective 7-5-44; Am. 20, 9 F.R. 7520, effective 7-13-44; Am. 21, 9 F.R. 7937, effective 7-20-44; Am. 22, 9 F.R. 8384, effective 8-10-44; Am. 29, 9 F.R. 12343, effective 10-10-44; Am. 30, 9 F.R. 12593, effective 10-26-44; Am. 34, 9 F.R. 12972, effective 11-2-44; Am. 35, 9 F.R. 14600, effective 12-21-44; Am. 38, 10 F.R. 200, effective 1-11-45; Am. 44, 10 F.R. 5577, effective 5-24-45; Am. 45, 10 F.R. 6235, effective 5-31-45; Am. 46, 10 F.R. 6514, effective 6-6-45; Am. 48, 10 F.R. 8015, effective 7-5-45; Am. 49, 10 F.R. 8656, effective 7-1-45; Am. 51, 10 F.R. 9263, effective 7-23-45; and Am. 54, 10 F.R. 12264, effective 10-4-45; and Am. 61, 10 F.R. 14146, effective 11-15-45. \* Items amended by Am. 73, effective 6-15-46]

(b) Commodity definitions. These definitions apply to both domestic and imported items.  
 "Cheese" shall include all bulk or packaged cheese (natural or processed), cheese spreads and cheese foods.  
 [Above definition amended by Am. 43, 10 F.R. 5370, effective 5-17-45.]  
 "Eggs, shell" means chicken eggs sold for human consumption. Ceiling prices shall be figured for each grade and size (or weight class) of eggs, and the grade and size (or weight class) shall be posted separately with the selling price, except that "ungraded eggs" are to be designed as such.  
 [Above definition amended by Am. 13, 9 F.R. 3648, effective 4-8-44]

Wheat germ.  
 Wild rice and screenings and brewers' rice.  
 Wine.  
 Paragraph (c) amended by Am. 1, 8 F.R. 10569, effective 7-27-43; Am. 2, 8 F.R. 10987, effective 8-5-43; Am. 5, 8 F.R. 13294, effective 10-4-43; Am. 6, 8 F.R. 15251, effective 11-24-43; Am. 10, 8 F.R. 17370, effective 1-8-44; Am. 13, 9 F.R. 3648, effective 4-8-44; Am. 17, 9 F.R. 5656, effective 5-25-44; Am. 23, 9 F.R. 9719, effective 8-14-44; Am. 24, 9 F.R. 10258, effective 8-26-44; Am. 27, 9 F.R. 11711, effective 9-21-44; Am. 35, 9 F.R. 14600, effective 12-21-44; Am. 39, 10 F.R. 1505, effective 2-8-45; Am. 43, 10 F.R. 5370, effective 5-17-45; and Am. 72, 11 F.R. 5929, effective 6-5-46]

TABLE 39. Table of mark-ups for "perishables" (Table B)—(a) Table B: Mark-ups over "net cost" allowed to Group 3 and Group 4 retailers for "perishables" covered by this regulation by commodities.

I. Food commodities	Allowed mark-ups over net cost		"Selling unit" in which selling price must be calculated
	Group 3. Retailer other than independent with annual volume under \$250,000	Group 4. Any retailer with annual volume of \$250,000 or more	
(1) Dairy products:			
Butter.....	8	8	1 pound.
Cheese.....	24	22	1 pound or 1 package.
Eggs, shell.....	14	12	1 dozen.
(2) Fresh fruits:			
Bananas, bought on the stem.....	34	34	1 pound.
Bananas, bought in hands.....	25	23	1 pound.
Berries.....	34	34	1 quart, 1 pint or 1 pound.
Citrus fruits.....	36	36	* 1 pound or 1 dozen. (Grapefruit, 1 grapefruit or 1 pound.)
(3) Fresh vegetables:			
Grapes, juice.....	15	15	1 quart or 1 pound.
Grapes, table.....	40	40	1 quart or 1 pound.
Red sour cherries.....	34	34	1 quart or 1 pound.
Lettuce.....	40	40	1 pound.
Onions, dry.....	40	35	1 pound.
Potatoes, sweet.....	40	40	1 pound.
Potatoes, white.....	30	28	1 pound.
Tomatoes.....	40	40	1 pound or 1 package.
Vegetables in unbroken packages.....	40	40	1 package.
(4) Poultry:			
Poultry (except turkey) sold as purchased: Bought live and sold live, bought dressed and sold dressed, bought frozen and sold frozen, bought kosher-killed and sold kosher-killed, bought kosher dressed and plucked and sold kosher dressed and plucked, bought split or cut-up and sold split or cut-up (boxed and other pack). Poultry (including turkey) bought live and sold dressed weight basis. (Multiply live cost per pound by applicable figure in table. This establishes selling price per pound, dressed weight.) Turkey bought live and sold live.....	20	20	1 pound.
Turkey bought dressed and sold dressed, bought kosher-killed and sold kosher-killed, bought kosher dressed and sold kosher dressed and plucked, bought drawn and sold drawn, bought frozen and sold frozen, bought split and sold split, bought cut-up and sold cut-up (boxed and other pack).	36	36	1 pound.
Turkey bought dressed and sold dressed, bought kosher-killed and sold kosher-killed, bought kosher dressed and sold kosher dressed and plucked, bought drawn and sold drawn, bought frozen and sold frozen, bought split and sold split, bought cut-up and sold cut-up (boxed and other pack).	20	15	1 pound.

Wheat germ.  
 Wild rice and screenings and brewers' rice.  
 Wine.  
 Paragraph (c) amended by Am. 1, 8 F.R. 10569, effective 7-27-43; Am. 2, 8 F.R. 10987, effective 8-5-43; Am. 5, 8 F.R. 13294, effective 10-4-43; Am. 6, 8 F.R. 15251, effective 11-24-43; Am. 10, 8 F.R. 17370, effective 1-8-44; Am. 13, 9 F.R. 3648, effective 4-8-44; Am. 17, 9 F.R. 5656, effective 5-25-44; Am. 23, 9 F.R. 9719, effective 8-14-44; Am. 24, 9 F.R. 10258, effective 8-26-44; Am. 27, 9 F.R. 11711, effective 9-21-44; Am. 35, 9 F.R. 14600, effective 12-21-44; Am. 39, 10 F.R. 1505, effective 2-8-45; Am. 43, 10 F.R. 5370, effective 5-17-45; and Am. 72, 11 F.R. 5929, effective 6-5-46]

nated only as "ungraded eggs." Eggs shall be sold at retail only in the retail grades and sizes (or weight classes) specified in Maximum Price Regulation No. 333, or as "ungraded eggs" which may contain no inedible eggs.

[Above definition amended by Am. 1, 8 F.R. 10569, effective 8-5-43]

(2) *Fresh fruits.* "Fresh fruits" means all the fresh fruits listed, packed or in bulk, which have not been frozen, dried, canned, or otherwise processed. Wrapping, dipping, washing, or crating shall not be considered processing. Each item of fresh fruits which has been transported from the growing area principally by air and which has been individually identified at point of shipment by stamp or label as an air-borne fruit, or which has been wrapped at point of shipment in consumer packages so identified, shall be priced separately.

[Above definition amended by Am. 52, 10 F.R. 9430, effective 7-27-45]

"Apples" means all varieties of fresh apples including, but not limited to, Baldwin, Delicious, Grimes Golden, Winesap, Northern Spy, York Imperial, McIntosh and Rome Beauty. Each variety shall be considered a separate item and priced separately. Each variety of Northwestern grown and similar quality apples shall also be considered a separate item and priced separately.

[Above definition amended by Am. 39, 10 F.R. 1505, effective 2-8-45]

"Apricots" means all varieties of fresh apricots. All apricots shall be considered a single item and priced as such. Excluded are dried apricots.

[Above definition added by Am. 18, 9 F.R. 6828, effective 6-22-44]

"Bananas." Bananas, from different countries of origin such as, but not limited to, Costa Rica, Honduras, Guatemala, and Mexico, shall be considered different "kinds" of bananas, and must be priced separately. "Bananas, bought in hands", means those which have been sold after being cut away from the stem.

"Berries" means blackberries, boysenberries, gooseberries, loganberries, black raspberries, red raspberries, strawberries and youngberries. Each of these eight kinds of berries shall be treated as a separate item and priced separately. Whenever fresh berries are sold in quarts or pints, they must have a minimum net weight of 20 ounces per quart or 10 ounces per pint. If you purchase berries on the basis of a price per pound and sell them in pints or quarts, you must multiply your cost per pound by 20/16 to figure your "net cost" per quart, and by 10/16 to figure your "net cost" per pint.

[Above definition amended by Am. 16, 9 F.R. 4434, effective 4-27-44.]

"Cherries, sweet" means all fresh cherries except "red sour cherries" and "ground cherries." Separate ceiling prices shall be figured for each variety. Varieties shall be Tartarian, Bing, Royal Ann, Lambert, and all other varieties.

[Above definition added by Am. 18, 9 F.R. 6828, effective 6-22-44]

"Citrus fruits" means all fresh citrus fruits including, but not limited to, oranges, lemons, grapefruit and tangerines. Excluded are fresh limes. Separate ceiling prices shall be figured for each variety, each size, and for fruit from different areas. Separate ceiling prices shall also be figured for each container size of fruit purchased already packaged in consumer containers. Varieties shall be oranges, lemons, temple oranges, tangerines (including clementines, king oranges, satumas and tangelos), white seeded grapefruit, pink seeded grapefruit, white seedless grapefruit, pink seedless grapefruit, and ruby-red grapefruit. Different areas are California, Arizona, Texas, Isle of Pines, Indian River Citrus Area of Florida, and the rest of the State of Florida.

[Above definition amended by Am. 73, effective 6-15-46]

"Coconuts" means all fresh whole coconuts, imported and domestic. Coconuts in husks and coconuts in shells shall be considered separate items and priced separately. Coconuts in husks means the fruit of the coco palm enclosed in thick, fibrous outer coats commonly called husks. Coconuts in shells means the fruit of the coco palm with the outer husks removed.

"Cranberries" means all varieties of fresh cranberries including, but not limited to, Early Blacks, Searls Jumbos and Howes. All varieties shall be considered a single item and priced as such. Cranberries bought and sold in cellophane-wrapped packages weighing one pound shall be considered a separate item and priced separately.

[Above definition added by Am. 30, 9 F.R. 12593, effective 10-26-44]

"Grapes, table" means all varieties of California, Arizona and imported fresh table grapes including, but not limited to, Almeria, Emperor, Red Malaga, White Malaga, Ribier, Thompson Seedless and Tokay. Each variety of domestic table grapes and each variety of imported table grapes shall be considered a separate item and priced separately. "Grapes, juice" means the following varieties of grapes: Alicante, Barberone, Aramon, Burger, Burgundy, Carignane, Chianti, Cinsaut, Gregano, Grenache, Malvoisie, Mataro, Mission, Muscat, Petite Bouschet, Petite Sirah, Valdepena, and Zinfandel. All varieties of juice grapes shall be considered as a single item and priced as such.

[Above definition added by Am. 48, 10 F.R. 8015, effective 7-5-45; amended by Am. 61, 10 F.R. 14146, effective 11-15-45 and Am. 67, 11 F.R. 996, effective 1-31-46]

"Melons, except watermelons" means all melons except watermelons and citron-melon. Separate ceiling prices shall be figured for each variety. Varieties shall be cantaloupes and muskmelons, Honeyball, Honey Dew, Persian, Casaba, Cranshaw, and all other varieties.

[Above definition added by Am. 19, 9 F.R. 7339, effective 7-5-44]

"Peaches" means all varieties of fresh peaches including, but not limited to, Carmen, Early Rose, Triumph, Cumberland, Elberta, Eclipse, and Salway. Each variety shall be considered a separate item and priced separately.

[Above definition added by Am. 21, 9 F.R. 7937, effective 7-20-44]

"Pears" means all varieties of fresh pears, including, but not limited to, Bartlett, Hardy, Keiffer, Comice, Anjou, Bosc, and Winter Nelis. Excluded are Forelle and Seckel varieties. Each variety shall be considered a separate item and priced separately.

[Above definition added by Am. 22, 9 F.R. 9354, effective 8-10-44]

"Plums" means all fresh plums, including damsons, green-gages, and fresh prunes. Excluded are fresh Italian prunes. Varieties include but are not limited to Santa Rosa, Tragedy, Duarte, President, Beauty, Kelsey, Wickson and Burbank. Each variety shall be considered a separate item and priced separately.

"Prunes, Italian" means all grades of fresh Italian prunes. All fresh Italian prunes shall be considered a single item and priced as such.

[Above two definitions added by Am. 18, 9 F.R. 6828, effective 6-22-44]

"Red sour cherries." All red sour cherries shall be considered one item. When you sell red sour cherries by the quart, they must have a minimum net weight of 20 ounces per quart. When you purchase red sour cherries on the basis of a price per pound and sell them in quarts, you must multiply your cost per pound by 20/16 to figure your "net cost" per quart.

"Watermelons" means all grades, sizes, and varieties of watermelons. All grades, sizes, and varieties shall be considered a single item and priced as such. Excluded are citron-melons.

[Above definition added by Am. 20, 9 F.R. 7520, effective 7-13-44]

[Subparagraph (2) amended by Am. 1, 8 F.R. 10569, effective 8-5-43; Am. 3, 8 F.R. 12443, effective 9-16-43; Am. 8, 8 F.R. 15586, effective 11-19-43; and Am. 15, 9 F.R. 4214, effective 4-27-44 and as otherwise noted.]

(3) *Fresh vegetables.* "Fresh vegetables" means all the fresh vegetables listed, packed or in bulk, which have not been frozen, dried, canned or otherwise processed. Wrapping, dipping, washing, shelling, shall not be considered processing. Each item of fresh vegetables which has been transported from the growing area principally by air and which has been individually identified at point of shipment by stamp or label as an air-borne vegetable, or which has been wrapped at point of shipment in consumer packages so identified, shall be priced separately.

[Above definition amended by Am. 52, 10 F.R. 9430, effective 7-27-45]

"Beans, green and wax" means all varieties of green and wax beans, but shall not include limas and English, Fava, and Italian broad beans. Green beans and wax beans shall be considered separate items and priced separately.



["Cabbage" deleted by Am. 46, 10 F.R. 5314, effective 6-6-45]

"Carrots, bunched" means all fresh carrots with tops, bought and sold in bunches weighing not less than one pound. California and similar quality bunched carrots shall be considered as a separate item.

"Carrots, other than bunched" means clipped carrots (carrots with tops not more than 4 inches long), topped carrots (carrots without tops), and all other carrots including bunches weighing less than one pound. Separate ceiling prices shall be figured for each kind. Kinds of "carrots, other than bunched" shall be clipped carrots, topped carrots and all other carrots.

"Cucumbers" means all types and varieties of cucumbers. Field-grown cucumbers and gherkins shall be considered separate items and priced separately. Excluded are hothouse cucumbers.

[Above definition added by Am. 38, 10 F.R. 200, effective 1-11-45]

"Cucumbers, hothouse" means all hothouse cucumbers bought in containers labelled "hothouse", or cucumbers bought individually labelled "hothouse".

[Above definition added by Am. 19, 9 F.R. 7339, effective 7-5-44]

"Eggplants" means all varieties of eggplants. All eggplants shall be considered a single item and priced as such.

"Lettuce" means all head or leaf lettuce including, but not limited to Iceberg, Big Boston and Romaine. Excluded are escarole, chicory and endive. Head lettuce and leaf lettuce shall be considered separate items and priced separately. Each size of Iceberg shall be considered a separate item.

[Above definition amended by Am. 18, 9 F.R. 6828, effective 6-22-44; Am. 39, 10 F.R. 1505, effective 2-8-45; Am. 44, 10 F.R. 5577, effective 5-24-45 and Am. 73, effective 6-15-46]

"Onions, dry" means all dry onions used for human consumption. White onions shall be considered as a separate item and shall be priced as such. Separate ceiling prices shall also be figured for each grade and size and for onions from different growing areas described

in Revised Maximum Price Regulation No. 271. Separate ceiling prices shall also be figured for each container size of onions purchased already packaged in consumer containers.

[Above definition amended by Am. 73, effective 6-15-46]

"Peas, green" shall not include Chinese peas. California and similar quality peas shall be considered a separate item and shall be priced as such.

"Peppers, sweet" means all grades and varieties of sweet peppers. All sweet peppers shall be considered a single item and priced as such. Excluded are hot peppers and pimientos.

[Above definition added by Am. 19, 9 F.R. 7339, effective 7-5-44]

"Potatoes, sweet" means all varieties of sweet potatoes. All dry flesh sweet potatoes shall be considered one item, and moist flesh sweet potatoes shall be considered a separate item, and priced separately. Dry flesh sweet potatoes include varieties such as Big Stem Jersey, Little Stem Jersey, and Triumph. Moist flesh sweet potatoes (sometimes called yams) include varieties such as Porto Rico and Nancy Hall.

"Potatoes, white" means all white potatoes used for human consumption or for seed (except foundation stock, certified and war-approved seed potatoes). Separate ceiling prices shall be figured for each grade and size and for potatoes from different growing areas described in Revised Maximum Price Regulation No. 271. Separate ceiling prices shall also be figured for each container size of potatoes purchased already packaged in consumer containers.

[Above paragraph amended by Am. 73, effective 6-15-46]

"Spinach" means all flat and curly leaf spinach, excluding New Zealand, or other greens. Also excluded is spinach bought "washed and packaged" and sold "washed and packaged". All spinach shall be considered a single item and priced as such.

[Above definition amended by Am. 19, 9 F.R. 7339, effective 7-5-44]

"Tomatoes." Hothouse, field-run and packaged tomatoes shall be considered separate items and priced separately.

"Vegetables in unbroken packages" means the fresh vegetables listed in Table B, excluding tomatoes, which are purchased and sold in packages not exceeding one pound net weight (and not exceeding five pounds net weight in the case of spinach), and which have been trimmed, cleaned, washed or otherwise prepared for sale to the consumer ready for consumption without further preparation other than cooking. Each such listed vegetable in unbroken packages and each size package shall be considered separate items and priced separately.

[Above definition added by Am. 19, 9 F.R. 7339, effective 7-5-44]

[Subparagraph (3) added by Am. 15, 9 F.R. 4214, effective 4-27-44; amended by Am. 34, 9 F.R. 12972, effective 11-2-44. Former (3) and (4) redesignated (4) and (5)]

(4) *Poultry*. "Poultry" means all chickens, ducks, geese, and turkeys in any form, excluding "started" poultry sold for breeding purposes, canned poultry and cooked or smoked poultry. Poultry which is drawn by a retailer shall be priced in accordance with the provisions of section 20 (i). Poultry which is bought live, dressed or drawn and is sold by the retailer "cut-up" or in parts, shall be priced in accordance with the provisions of section 20 (j). The definition of "poultry" contained in section 3.5 (a) of Second Revised Maximum Price Regulation 269 (except the provisions of subparagraphs 1, 2, 3, 4, 20 and 21) shall apply to this regulation wherever applicable unless the context clearly requires otherwise. With respect to "frozen poultry" the first sentence of section 3.5 (a) (12) (ix) of Second Revised Maximum Price Regulation 269 shall not apply.

[Subparagraph (4), formerly (3), amended by Am. 7, 8 F.R. 14853, effective 11-4-43; Am. 10, 8 F.R. 17370, effective 1-8-44; Am. 12, 9 F.R. 3510, effective 4-6-44 and Am. 72, 11 F.R. 5929, effective 6-5-46]

(5) [Revoked]

[Subparagraph (5) amended by Am. 23, 9 F.R. 9719, effective 8-14-44 and revoked by Am. 35, 9 F.R. 14600, effective 12-21-44]

SEC. 40. Table of ceiling prices based on any given "net cost" and mark-up. (a) Table C: Retail ceiling prices, for items except fresh fruits and vegetables, obtained by applying any given percentage mark-up to any given net cost.

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST  
ITEMS WITH A "NET COST" OF FROM 1/2¢ TO 10¢ PER UNIT

Net cost (per unit).....	1/2¢	1¢	1 1/2¢	2¢	2 1/2¢	3¢	3 1/2¢	4¢	4 1/2¢	5¢	5 1/2¢	6¢	6 1/2¢	7¢	7 1/2¢	8¢	8 1/2¢	9¢	9 1/2¢	10¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
7.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
8.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
9.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
10.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
11.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
12.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
13.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
14.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
15.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
16.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
17.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
18.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
19.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
20.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
21.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
22.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
23.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
24.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
25.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
26.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
27.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
28.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
29.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
30.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
31.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
32.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
33.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
34.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
35.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
36.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
37.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
38.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
39.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
40.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
41.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
42.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
43.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
44.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
45.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
46.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
47.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
48.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
49.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
50.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11

ITEMS WITH A "NET COST" OF FROM 10 1/2¢ TO 18¢ PER UNIT

Net cost (per unit).....	10 1/2¢	11¢	11 1/2¢	12¢	12 1/2¢	13¢	13 1/2¢	14¢	14 1/2¢	15¢	15 1/2¢	16¢	16 1/2¢	17¢	17 1/2¢	18¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6.....	11	12	12	13	13	14	14	15	15	16	16	17	17	18	18	19
7.....	11	12	12	13	13	14	14	15	15	16	16	17	17	18	18	19
8.....	11	12	12	13	13	14	14	15	15	16	16	17	17	18	18	19
9.....	11	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20
10.....	12	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20
11.....	12	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20
12.....	12	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20
13.....	12	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20
14.....	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20	21
15.....	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20	21
16.....	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20	21
17.....	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20	21
18.....	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20	21
19.....	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20	21
20.....	13	13	14	14	15	15	16	16	17	17	18	18	19	20	21	22
21.....	13	13	14	14	15	15	16	16	17	17	18	18	19	20	21	22
22.....	13	13	14	14	15	15	16	16	17	17	18	18	19	20	21	22
23.....	13	14	14	15	15	16	16	17	17	18	18	19	20	21	22	23
24.....	13	14	14	15	15	16	16	17	17	18	18	19	20	21	22	23
25.....	13	14	14	15	15	16	16	17	17	18	18	19	20	21	22	23
26.....	13	14	14	15	15	16	16	17	17	18	18	19	20	21	22	23
27.....	13	14	15	15	16	16	17	17	18	18	19	20	21	22	23	24
28.....	14	14	15	15	16	16	17	17	18	18	19	20	21	22	23	24
29.....	14	14	15	15	16	16	17	17	18	18	19	20	21	22	23	24
30.....	14	14	15	15	16	16	17	17	18	18	19	20	21	22	23	24
31.....	14	14	15	15	16	16	17	17	18	18	19	20	21	22	23	24
32.....	14	15	15	16	16	17	17	18	18	19	20	21	22	23	24	25
33.....	14	15	15	16	16	17	17	18	18	19	20	21	22	23	24	25
34.....	14	15	15	16	16	17	17	18	18	19	20	21	22	23	24	25
35.....	14	15	15	16	16	17	17	18	18	19	20	21	22	23	24	25
36.....	14	15	15	16	16	17	17	18	18	19	20	21	22	23	24	25
37.....	14	15	15	16	16	17	17	18	18	19	20	21	22	23	24	25
38.....	14	15	15	16	16	17	17	18	18	19	20	21	22	23	24	25
39.....	15	15	16	16	17	17	18	18	19	20	21	22	23	24	25	26
40.....	15	15	16	16	17	17	18	18	19	20	21	22	23	24	25	26
41.....	15	15	16	16	17	17	18	18	19	20	21	22	23	24	25	26
42.....	15	15	16	16	17	17	18	18	19	20	21	22	23	24	25	26
43.....	15	15	16	16	17	17	18	18	19	20	21	22	23	24	25	26
44.....	15	15	16	16	17	17	18	18	19	20	21	22	23	24	25	26
45.....	15	15	16	16	17	17	18	18	19	20	21	22	23	24	25	26
46.....	15	15	16	16	17	17	18	18	19	20	21	22	23	24	25	26
47.....																



TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 18½¢ TO 26¢ PER UNIT

Net cost (per unit).....	18½¢	19¢	19½¢	20¢	20½¢	21¢	21½¢	22¢	22½¢	23¢	23½¢	24¢	24½¢	25¢	25½¢	26¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6.....	20	20	21	21	22	22	23	23	24	24	25	25	26	26	27	27
7.....	20	20	21	21	22	22	23	23	24	24	25	25	26	26	27	27
8.....	20	21	21	22	22	23	23	24	24	25	25	26	26	27	27	28
9.....	20	21	21	22	22	23	23	24	24	25	25	26	26	27	27	28
10.....	20	21	21	22	22	23	23	24	24	25	25	26	26	27	27	28
11.....	21	21	22	22	23	23	24	24	25	25	26	26	27	27	28	28
12.....	21	21	22	22	23	24	24	25	25	26	26	27	27	28	28	29
13.....	21	21	22	23	23	24	24	25	25	26	26	27	27	28	28	29
14.....	21	22	22	23	23	24	24	25	25	26	26	27	27	28	29	29
15.....	21	22	22	23	24	24	25	25	26	26	27	27	28	28	29	30
16.....	21	22	23	23	24	24	25	26	26	27	27	28	28	29	30	30
17.....	22	22	23	23	24	25	25	26	26	27	27	28	28	29	30	30
18.....	22	22	23	24	24	25	25	26	27	27	28	28	29	30	30	31
19.....	22	23	23	24	24	25	26	26	27	27	28	28	29	30	30	31
20.....	22	23	23	24	25	25	26	26	27	28	28	29	29	30	31	31
21.....	22	23	24	24	25	25	26	27	27	28	28	29	30	30	31	31
22.....	23	23	24	24	25	26	26	27	27	28	29	29	30	31	31	32
23.....	23	23	24	25	25	26	26	27	28	28	29	30	30	31	31	32
24.....	23	24	24	25	25	26	27	27	28	29	29	30	30	31	31	32
25.....	23	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33
26.....	23	24	25	25	26	26	27	28	28	29	30	30	31	32	32	33
27.....	23	24	25	25	26	26	27	28	29	29	30	30	31	31	32	33
28.....	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33	34
29.....	24	25	25	26	26	27	28	28	29	30	30	31	31	32	33	34
30.....	24	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34
31.....	24	25	26	26	27	28	28	29	30	30	31	31	32	33	33	34
32.....	24	25	26	26	27	28	29	29	30	31	31	32	32	33	33	34
33.....	25	25	26	27	27	28	29	29	30	31	31	32	32	33	33	34
34.....	25	25	26	27	27	28	29	29	30	31	31	32	32	33	34	35
35.....	25	26	26	27	28	28	29	30	30	31	32	32	33	33	34	35
36.....	25	26	27	27	28	29	29	30	31	31	32	32	33	34	34	35
37.....	25	26	27	27	28	29	29	30	31	31	32	32	33	34	34	35
38.....	26	26	27	28	28	29	30	30	31	31	32	32	33	34	34	35
39.....	26	26	27	28	28	29	30	31	31	32	32	33	33	34	34	35
40.....	26	27	27	28	29	29	30	31	31	32	32	33	33	34	34	35
41.....	26	27	27	28	29	30	30	31	31	32	32	33	33	34	34	35
42.....	26	27	28	28	29	30	31	31	32	32	33	33	34	34	35	36
43.....	26	27	28	29	29	30	31	31	32	32	33	34	34	35	35	36
44.....	27	27	28	29	30	30	31	31	32	32	33	34	34	35	35	36
45.....	27	28	28	29	30	30	31	31	32	32	33	34	34	35	35	36
46.....	27	28	28	29	30	31	31	32	32	33	34	34	35	35	36	37
47.....	27	28	29	29	30	31	31	32	32	33	34	35	35	36	36	37
48.....	27	28	29	30	30	31	32	32	33	33	34	35	35	36	36	37
49.....	28	28	29	30	31	31	32	32	33	34	34	35	35	36	36	37
50.....	28	29	29	30	31	31	32	32	33	34	34	35	35	36	36	37

ITEMS WITH A "NET COST" OF FROM 26½¢ TO 34¢ PER UNIT

Net cost (per unit).....	26½¢	27¢	27½¢	28¢	28½¢	29¢	29½¢	30¢	30½¢	31¢	31½¢	32¢	32½¢	33¢	33½¢	34¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6.....	28	29	29	30	30	31	31	32	32	33	33	34	34	35	35	36
7.....	28	29	29	30	30	31	31	32	32	33	33	34	34	35	35	36
8.....	29	29	30	30	31	31	32	32	33	33	34	34	35	35	36	36
9.....	29	29	30	31	31	32	32	33	33	34	34	35	35	36	36	37
10.....	29	30	30	31	31	32	32	33	33	34	34	35	35	36	36	37
11.....	29	30	31	31	32	32	33	33	34	34	35	35	36	36	37	37
12.....	30	30	31	31	32	32	33	33	34	34	35	35	36	36	37	38
13.....	30	31	31	32	32	33	33	34	34	35	35	36	36	37	37	38
14.....	30	31	31	32	32	33	33	34	34	35	35	36	36	37	38	38
15.....	30	31	32	32	33	33	34	34	35	35	36	36	37	37	38	39
16.....	31	31	32	32	33	33	34	34	35	35	36	36	37	37	38	39
17.....	31	32	32	33	33	34	34	35	35	36	36	37	37	38	38	39
18.....	31	32	32	33	33	34	34	35	35	36	36	37	37	38	38	39
19.....	32	32	33	33	34	34	35	35	36	36	37	37	38	38	39	40
20.....	32	32	33	34	34	35	35	36	36	37	37	38	38	39	40	40
21.....	32	33	33	34	34	35	35	36	36	37	37	38	38	39	40	41
22.....	32	33	34	34	35	35	36	36	37	37	38	38	39	40	40	41
23.....	33	33	34	34	35	35	36	36	37	37	38	38	39	40	41	41
24.....	33	33	34	35	35	36	36	37	37	38	38	39	40	40	41	42
25.....	33	34	34	35	35	36	36	37	37	38	38	39	40	40	41	42
26.....	33	34	35	35	36	36	37	37	38	38	39	40	40	41	41	42
27.....	34	34	35	36	36	37	37	38	38	39	39	40	40	41	41	42
28.....	34	35	35	36	36	37	37	38	38	39	40	40	41	41	42	43
29.....	34	35	35	36	36	37	37	38	38	39	39	40	40	41	41	42
30.....	34	35	36	36	37	37	38	38	39	40	40	41	41	42	42	43
31.....	35	35	36	37	37	38	38	39	39	40	40	41	41	42	42	43
32.....	35	36	36	37	37	38	38	39	40	40	41	41	42	42	43	43
33.....	35	36	37	37	38	38	39	39	40	40	41	41	42	42	43	43
34.....	36	36	37	37	38	38	39	40	40	41	41	42	42	43	43	44
35.....	36	36	37	38	38	39	39	40	40	41	41	42	42	43	43	44
36.....	36	37	37	38	38	39	39	40	40	41	41	42	42	43	43	44
37.....	37	37	38	38	39	39	40	40	41	41	42	42	43	43	44	44
38.....	37	38	38	39	39	40	40	41	41	42	42	43	43	44	44	45
39.....	37	38	39	39	40	40	41	41	42	42	43	43	44	44	45	45
40.....	37	38	39													

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 34½¢ TO 42¢ PER UNIT

Net cost (per unit)	34½¢	35¢	35½¢	36¢	36½¢	37¢	37½¢	38¢	38½¢	39¢	39½¢	40¢	40½¢	41¢	41½¢	42¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6.....	37	37	38	38	39	39	40	40	41	41	42	42	43	43	44	45
7.....	37	37	38	39	39	40	40	41	41	42	42	43	43	44	44	45
8.....	37	38	38	39	39	40	41	41	42	42	43	43	44	44	45	46
9.....	38	38	39	39	40	40	41	41	42	42	43	43	44	44	45	46
10.....	38	39	39	40	40	41	41	42	42	43	43	44	44	45	45	46
11.....	38	39	39	40	41	41	42	42	43	43	44	44	45	45	46	47
12.....	39	39	40	40	41	41	42	42	43	43	44	44	45	45	46	47
13.....	39	40	40	41	41	42	42	43	43	44	44	45	45	46	46	47
14.....	39	40	40	41	42	42	43	43	44	44	45	45	46	46	47	48
15.....	40	40	41	41	42	42	43	43	44	44	45	45	46	46	47	48
16.....	40	41	41	42	42	43	43	44	44	45	45	46	46	47	47	48
17.....	40	41	42	42	43	43	44	44	45	45	46	46	47	47	48	49
18.....	41	41	42	42	43	43	44	44	45	45	46	46	47	47	48	49
19.....	41	42	42	43	43	44	44	45	45	46	46	47	47	48	48	49
20.....	41	42	43	43	44	44	45	45	46	46	47	47	48	48	49	50
21.....	42	42	43	44	44	45	45	46	46	47	47	48	48	49	49	50
22.....	42	43	43	44	44	45	45	46	46	47	47	48	48	49	49	50
23.....	42	43	44	44	45	45	46	46	47	47	48	48	49	49	50	51
24.....	43	43	44	45	45	46	46	47	47	48	48	49	49	50	50	51
25.....	43	44	44	45	45	46	46	47	47	48	48	49	49	50	50	51
26.....	43	44	45	45	46	46	47	47	48	48	49	49	50	50	51	52
27.....	44	44	45	46	46	47	47	48	48	49	49	50	50	51	51	52
28.....	44	45	45	46	47	47	48	48	49	49	50	50	51	51	52	53
29.....	45	45	46	46	47	47	48	48	49	49	50	50	51	51	52	53
30.....	45	46	46	47	47	48	48	49	49	50	50	51	51	52	52	53
31.....	45	46	47	47	48	48	49	49	50	50	51	51	52	52	53	54
32.....	46	46	47	48	48	49	49	50	50	51	51	52	52	53	53	54
33.....	46	47	47	48	49	49	50	50	51	51	52	52	53	53	54	55
34.....	46	47	48	48	49	49	50	50	51	51	52	52	53	53	54	55
35.....	47	47	48	49	49	50	50	51	51	52	52	53	53	54	54	55
36.....	47	48	48	49	50	50	51	51	52	52	53	53	54	54	55	56
37.....	47	48	49	49	50	51	51	52	52	53	53	54	54	55	55	56
38.....	48	48	49	50	50	51	52	52	53	53	54	54	55	55	56	57
39.....	48	49	49	50	51	51	52	52	53	54	54	55	55	56	56	57
40.....	48	49	50	50	51	52	52	53	53	54	54	55	55	56	56	57
41.....	49	49	50	51	51	52	52	53	54	54	55	55	56	56	57	58
42.....	49	50	50	51	52	52	53	53	54	54	55	55	56	56	57	58
43.....	49	50	51	51	52	52	53	54	54	55	55	56	56	57	58	59
44.....	49	50	51	52	52	53	53	54	54	55	55	56	56	57	58	59
45.....	50	50	51	52	52	53	53	54	54	55	55	56	56	57	58	59
46.....	50	51	51	52	53	53	54	54	55	55	56	56	57	57	58	59
47.....	51	51	52	53	53	54	54	55	55	56	56	57	57	58	58	59
48.....	51	52	53	53	54	54	55	55	56	56	57	57	58	58	59	60
49.....	51	52	53	54	54	55	55	56	56	57	57	58	58	59	60	61
50.....	52	53	53	54	55	55	56	56	57	57	58	58	59	60	60	61

ITEMS WITH A "NET COST" OF FROM 42½¢ TO 50¢ PER UNIT

Net cost (per unit)	42½¢	43¢	43½¢	44¢	44½¢	45¢	45½¢	46¢	46½¢	47¢	47½¢	48¢	48½¢	49¢	49½¢	50¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6.....	45	46	46	47	47	48	48	49	49	50	50	51	51	52	52	53
7.....	45	46	47	47	48	48	49	49	50	50	51	51	52	52	53	54
8.....	46	46	47	48	48	49	49	50	50	51	51	52	52	53	53	54
9.....	46	47	47	48	49	49	50	50	51	51	52	52	53	53	54	55
10.....	47	47	48	48	49	49	50	50	51	51	52	52	53	53	54	55
11.....	47	48	48	49	49	50	50	51	51	52	52	53	53	54	54	55
12.....	48	48	49	49	50	50	51	51	52	52	53	53	54	54	55	56
13.....	48	49	49	50	50	51	51	52	52	53	53	54	54	55	55	56
14.....	48	49	50	50	51	51	52	52	53	53	54	54	55	55	56	57
15.....	49	49	50	51	51	52	52	53	53	54	54	55	55	56	56	57
16.....	49	50	50	51	51	52	52	53	53	54	54	55	55	56	56	57
17.....	50	50	51	51	52	52	53	53	54	54	55	55	56	56	57	58
18.....	50	51	51	52	52	53	53	54	54	55	55	56	56	57	57	58
19.....	51	51	52	52	53	53	54	54	55	55	56	56	57	57	58	59
20.....	51	52	52	53	53	54	54	55	55	56	56	57	57	58	58	59
21.....	51	52	53	53	54	54	55	55	56	56	57	57	58	58	59	60
22.....	52	52	53	54	54	55	55	56	56	57	57	58	58	59	59	60
23.....	52	53	54	54	55	55	56	56	57	57	58	58	59	59	60	61
24.....	53	53	54	55	55	56	56	57	57	58	58	59	59	60	60	61
25.....	53	54	54	55	55	56	56	57	57	58	58	59	59	60	60	61
26.....	54	54	55	55	56	56	57	57	58	58	59	59	60	60	61	62
27.....	54	55	55	56	56	57	57	58	58	59	59	60	60	61	61	62
28.....	54	55	56	56	57	57	58	58	59	59	60	60	61	61	62	63
29.....	55	55	56	57	57	58	58	59	59	60	60	61	61	62	62	63
30.....	55	56	56	57	57	58	58	59	59	60	60	61	61	62	62	63
31.....	56	56	57	57	58	58	59	59	60	60	61	61	62	62	63	64
32.....	56	57	57	58	58	59	59	60	60	61	61	62	62	63	63	64
33.....	57	57	58	58	59	59	60	60	61	61	62	62	63	63	64	65
34.....	57	58	58	59	59	60	60	61	61	62	62	63	63	64	64	65
35.....	57	58	59	59	60	60	61	61	62	62	63	63	64	64	65	66
36.....	58	58	59	60	60	61	61	62	62	63	63	64	64	65	65	66
37.....	58	59	60	60	61	61	62	62	63	63	64	64	65	65	66	67
38.....	59	59	60	61	61	62	62	63	63	64	64	65	65	66	66	67
39.....	59	60	60	61	61	62	62	63	63	64	64	65	65	66	66	67
40.....	60	60	61													



TABLE D—RETAIL CEILING PRICES FOR FRESH FRUITS AND VEGETABLES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

Item with a net cost of from 23¢ to 28¢ per unit

Percentage mark-up	23½	24	24½	25	25½	26	26½	27	27½	28	28½
25	29½	30	30½	31½	32	32½	33	34	34½	35	35½
26	30	30½	31	31½	32	32½	33	34	34½	35	35½
27	30½	31	31½	32	32½	33	34	34½	35	35½	36
28	31	31½	32	32½	33	33½	34	34½	35	35½	36
29	31½	32	32½	33	33½	34	34½	35	35½	36	36½
30	32	32½	33	33½	34	34½	35	35½	36	36½	37
31	32½	33	33½	34	34½	35	35½	36	36½	37	37½
32	33	33½	34	34½	35	35½	36	36½	37	37½	38
33	33½	34	34½	35	35½	36	36½	37	37½	38	38½
34	34	34½	35	35½	36	36½	37	37½	38	38½	39
35	34½	35	35½	36	36½	37	37½	38	38½	39	39½
36	35	35½	36	36½	37	37½	38	38½	39	39½	40
37	35½	36	36½	37	37½	38	38½	39	39½	40	40½
38	36	36½	37	37½	38	38½	39	39½	40	40½	41
39	36½	37	37½	38	38½	39	39½	40	40½	41	41½
40	37	37½	38	38½	39	39½	40	40½	41	41½	42
41	37½	38	38½	39	39½	40	40½	41	41½	42	42½
42	38	38½	39	39½	40	40½	41	41½	42	42½	43
43	38½	39	39½	40	40½	41	41½	42	42½	43	43½

Item with a net cost of from 29¢ to 34¢ per unit

Percentage mark-up	29	29½	30	30½	31	31½	32	32½	33	33½	34
25	37	37½	38	38½	39	39½	40	40½	41	41½	42
26	37½	38	38½	39	39½	40	40½	41	41½	42	42½
27	38	38½	39	39½	40	40½	41	41½	42	42½	43
28	38½	39	39½	40	40½	41	41½	42	42½	43	44
29	39	39½	40	40½	41	41½	42	42½	43	43½	44
30	39½	40	40½	41	41½	42	42½	43	43½	44	45
31	40	40½	41	41½	42	42½	43	43½	44	44½	45
32	40½	41	41½	42	42½	43	43½	44	44½	45	46
33	41	41½	42	42½	43	43½	44	44½	45	45½	46
34	41½	42	42½	43	43½	44	44½	45	45½	46	46½
35	42	42½	43	43½	44	44½	45	45½	46	46½	47
36	42½	43	43½	44	44½	45	45½	46	46½	47	47½
37	43	43½	44	44½	45	45½	46	46½	47	47½	48
38	43½	44	44½	45	45½	46	46½	47	47½	48	48½
39	44	44½	45	45½	46	46½	47	47½	48	48½	49
40	44½	45	45½	46	46½	47	47½	48	48½	49	49½
41	45	45½	46	46½	47	47½	48	48½	49	49½	50
42	45½	46	46½	47	47½	48	48½	49	49½	50	50½
43	46	46½	47	47½	48	48½	49	49½	50	50½	51

Item with a net cost of from 34½¢ to 39¢ per unit

Percentage mark-up	34½	35	35½	36	36½	37	37½	38	38½	39	39½
25	43	44	44½	45	45½	46	46½	47	47½	48	48½
26	43½	44	44½	45	45½	46	46½	47	47½	48	48½
27	44	44½	45	45½	46	46½	47	47½	48	48½	49
28	44½	45	45½	46	46½	47	47½	48	48½	49	49½
29	45	45½	46	46½	47	47½	48	48½	49	49½	50
30	45½	46	46½	47	47½	48	48½	49	49½	50	50½
31	46	46½	47	47½	48	48½	49	49½	50	50½	51
32	46½	47	47½	48	48½	49	49½	50	50½	51	51½
33	47	47½	48	48½	49	49½	50	50½	51	51½	52
34	47½	48	48½	49	49½	50	50½	51	51½	52	52½
35	48	48½	49	49½	50	50½	51	51½	52	52½	53
36	48½	49	49½	50	50½	51	51½	52	52½	53	53½
37	49	49½	50	50½	51	51½	52	52½	53	53½	54
38	49½	50	50½	51	51½	52	52½	53	53½	54	54½
39	50	50½	51	51½	52	52½	53	53½	54	54½	55
40	50½	51	51½	52	52½	53	53½	54	54½	55	55½
41	51	51½	52	52½	53	53½	54	54½	55	55½	56
42	51½	52	52½	53	53½	54	54½	55	55½	56	56½
43	52	52½	53	53½	54	54½	55	55½	56	56½	57

Item with a net cost of from 40¢ to 45¢ per unit

Percentage mark-up	40	40½	41	41½	42	42½	43	43½	44	44½	45
25	50	50½	51	51½	52	52½	53	53½	54	54½	55
26	50½	51	51½	52	52½	53	53½	54	54½	55	55½
27	51	51½	52	52½	53	53½	54	54½	55	55½	56
28	51½	52	52½	53	53½	54	54½	55	55½	56	56½
29	52	52½	53	53½	54	54½	55	55½	56	56½	57
30	52½	53	53½	54	54½	55	55½	56	56½	57	57½
31	53	53½	54	54½	55	55½	56	56½	57	57½	58
32	53½	54	54½	55	55½	56	56½	57	57½	58	58½
33	54	54½	55	55½	56	56½	57	57½	58	58½	59
34	54½	55	55½	56	56½	57	57½	58	58½	59	59½
35	55	55½	56	56½	57	57½	58	58½	59	59½	60
36	55½	56	56½	57	57½	58	58½	59	59½	60	60½
37	56	56½	57	57½	58	58½	59	59½	60	60½	61
38	56½	57	57½	58	58½	59	59½	60	60½	61	61½
39	57	57½	58	58½	59	59½	60	60½	61	61½	62
40	57½	58	58½	59	59½	60	60½	61	61½	62	62½
41	58	58½	59	59½	60	60½	61	61½	62	62½	63
42	58½	59	59½	60	60½	61	61½	62	62½	63	63½
43	59	59½	60	60½	61	61½	62	62½	63	63½	64

(b) Table D: Retail ceiling prices, for items of fresh fruits and vegetables, obtained by applying any given percentage mark-up to any given net cost.

TABLE D—RETAIL CEILING PRICES FOR FRESH FRUITS AND VEGETABLES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST

Item with a net cost of from 1¢ to 6¢ per unit

Percentage mark-up	½	1	1½	2	2½	3	3½	4	4½	5	5½	6
25	1	1½	2	2½	3	4	4½	5	5½	6	6½	7
26	1	1½	2	2½	3	4	4½	5	5½	6	6½	7½
27	1	1½	2	2½	3	4	4½	5	5½	6	6½	7
28	1	1½	2	2½	3	4	4½	5	5½	6	6½	7
29	1	1½	2	2½	3	4	4½	5	5½	6	6½	7
30	1	1½	2	2½	3	4	4½	5	5½	6	6½	7
31	1	1½	2	2½	3	4	4½	5	5½	6	6½	7
32	1	1½	2	2½	3	4	4½	5	5½	6	6½	7
33	1	1½	2	2½	3	4	4½	5	5½	6	6½	7
34	1	1½	2	2½	3	4	4½	5	5½	6	6½	7
35	1	1½	2	2½	3	4	4½	5	5½	6	6½	7
36	1	1½	2	2½	3	4	4½	5	5½	6	6½	7
37	1	1½	2	2½	3	4	4½	5	5½	6	6½	7
38	1	1½	2	2½	3	4	4½	5	5½	6	6½	7
39	1	1½	2	2½	3	4	4½	5	5½	6	6½	7
40	1	1½	2	2½	3	4	4½	5	5½	6	6½	7
41	1	1½	2	2½	3	4	4½	5	5½	6	6½	7
42	1	1½	2	2½	3	4	4½	5	5½	6	6½	7
43	1	1½	2	2½	3	4	4½	5	5½	6	6½	7

Item with a net cost of from 6½¢ to 12¢ per unit

Percentage mark-up	6½	7	7½	8	8½	9	9½	10	10½	11	11½	12
25	8	9	9½	10	10½	11	11½	12	12½	13	13½	14
26	8½	9½	10	10½	11	11½	12	12½	13	13½	14	14½
27	9	10	10½	11	11½	12	12½	13	13½	14	14½	15
28	9½	10½	11	11½	12	12½	13	13½	14	14½	15	15½
29	10	11	11½	12	12½	13	13½	14	14½	15	15½	16
30	10½	11½	12	12½	13	13½	14	14½	15	15½	16	16½
31	11	12	12½	13	13½	14	14½	15	15½	16	16½	17
32	11½	12½	13	13½	14	14½	15	15½	16	16½	17	17½
33	12	13	13½	14	14½	15	15½	16	16½	17	17½	18
34	12½	13½	14	14½	15	15½	16	16½	17	17½	18	18½
35	13	14	14½	15	15½	16	16½	17	17½	18	18½	19
36	13½	14½	15	15½	16	16½	17	17½	18	18½	19	19½
37	14	15	15½	16	16½	17	17½	18	18½	19	19½	20
38	14½	15½	16	16½	17	17½	18	18½	19	19½	20	20½
39	15	16	16½	17	17½	18	18½	19	19½	20	20½	21
40	15½	16½	17	17½	18	18½	19	19½	20	20½	21	21½
41	16	17	17½	18	18½	19	19½	20	20½	21	21½	22
42	16½	17½	18	18½	19	19½	20	20½	21	21½	22	22½
43	17	18	18½	19	19½	20	20½	21	21½	22	22½	23

Item with a net

TABLE D—RETAIL CEILING PRICES FOR FRESH FRUITS AND VEGETABLES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued  
Item with a net cost of from 45½¢ to 50¢ per unit

Percentage mark-up	45½	46	46½	47	47½	48	48½	49	49½	50
25.....	57	57½	58	59	59½	60	60½	61½	62	62½
28.....	58	59	59½	60	61	61½	62	62½	63½	64
30.....	59	60	60½	61	62	62½	63	63½	64½	65
33.....	60½	61	62	62½	63	64	64½	65	66	66½
34.....	61	61½	62½	63	63½	64½	65	65½	66½	67
35.....	61½	62	63	63½	64	65	65½	66	67	67½
36.....	62	62½	63	64	64½	65½	66	66½	67½	68
39.....	63	64	64½	65½	66	66½	67½	68	69	69½
40.....	63½	64½	65	66	66½	67	68	68½	69½	70
43.....	65	66	66½	67	68	68½	69½	70	71	71½

[Paragraph (b) amended by Am. 15, 9 F.R. 4214, effective 4-27-44 and Am. 73, effective 6-15-46]

(c) *Instructions for use of Table A, Table B, Table C and Table D.* Tables A and B contain the mark-ups for all commodities in this regulation. Note that some mark-ups are percentage mark-ups and some are dollars-and-cents mark-ups. Table C and Table D are included to assist you in determining ceiling prices without burdensome calculations, where the mark-up given is a percentage mark-up. Table C is to be used for all items except fresh fruits and vegetables; Table D is to be used only in connection with fresh fruits and vegetables.

Table A lists by commodity groups the "dry groceries" covered by this regulation and the mark-ups to be used by Group 3 and Group 4 retailers in figuring their ceiling prices. Table B gives the same information for "perishables". However, in addition, Table B also lists the selling units, on the basis of which retailers must figure their net costs and ceiling prices for "perishables." For a detailed list of the items in each commodity group, see "Commodity definitions of dry groceries" printed immediately after Table A, and "Commodity definitions of perishables" printed immediately after Table B. After you have determined your "net cost" for an item in accordance with the method set up in this regulation, find your proper mark-up in the commodity group which includes the item you are pricing. Commodity groups are listed at the left of Table A and Table B. Directly opposite each commodity group you will find either a percentage mark-up or a dollars-and-cents mark-up for your group of retailers.

If a percentage mark-up is shown, and the item being priced is not a fresh fruit or vegetable, you get your ceiling price for the item by turning to table C, which shows the ceiling price for all items (except fresh fruits and vegetables) with per unit net costs ranging from ½¢ to 50¢. Percentage mark-ups over net cost are listed in the column at the extreme left of Table C, and "net cost" across the top of the table. "Net cost per unit" means, in the case of dry groceries, the "net

cost" of a single unit (one can, one jar, etc). For perishables, it means the "net cost" of the selling unit listed in the last column of Table B.

To determine your ceiling price from Table C, find your net cost at the top of the table. Go down that column until you come to the figure (in that column) on the same line as your mark-up. The figure at that point is your ceiling price for the item.

If a percentage mark-up is shown for an item of fresh fruits or vegetables, you get your ceiling price for the item by turning to Table D, which shows the ceiling price for all items of fresh fruits and vegetables with per unit net costs ranging from ½¢ to 50¢. Percentage mark-ups are listed in the column at the extreme left of Table D, and "net cost" across the top of the table.

To determine your ceiling price from Table D, find your net cost at the top of the table. Go down that column until you come to the figure (in that column) on the same line as your mark-up. The figure at that point is your ceiling price for the item. If the ceiling price is stated in terms of a half-cent, you may charge the next higher cent in making a sale of the "selling unit."

If your net cost per unit is more than 50¢, you cannot use Table C or Table D to get your ceiling price. In those cases, you must (1) multiply your net cost by your percentage mark-up, (2) add the result to your net cost, and (3) round the sum to the nearest whole cent. For perishables, your net cost must be in terms of the selling unit specified in Table B.

If the mark-up specified for an item is a dollars-and-cents mark-up, you cannot use Table C or Table D to get your ceiling price. In those cases, you simply add the stated amount of mark-up to your "net cost." If your ceiling price so figured results in a fraction of a cent you may, in making sales of the "selling unit," charge the next higher cent.

*Example (1).* A Group 3 retailer wishes to figure a new ceiling price for "xx" Brand, No. 2 can tomatoes, 1942 pack, which he must put into effect by August 5, 1943, in accordance with section 3. His most recent purchase of a customary quantity of this item

from a customary type of supplier delivered to his usual receiving point was a carload purchased from a packer and delivered at a cost of \$2.00 a case (24 cans) on July 20, 1943. He must first figure, to the nearest half-cent, his "net cost" on a single unit basis (sec. 4 (a) (2)), that is, for a single can. He therefore divides the cost for the case, \$2.00, by the number of single units in the case, 24, and gets a result of \$0.0833, before rounding. Rounding to the nearest half-cent, this becomes \$0.085. (If the figure had been \$0.0821 before rounding, he would have rounded to \$0.080.) He then turns to Table A to find the mark-up to be applied to his net cost. Going down the column at the left of Table A he will find a listing of the commodity group which includes the item he is pricing. For canned tomatoes this group is "Corn, green and wax beans, peas, tomatoes, and tomato juice, canned." Going across the page on that line, he will find his mark-up for the item in the column for Group 3 retailers. In this case, his mark-up is 21 percent. Having his mark-up and net cost, Table C will give him his ceiling price without further computations. Checking across the top of Table C, he will find a column headed by his net cost, \$0.085. Going down this \$0.085 column until he comes to the figure on the same line as his percentage mark-up of 21 percent listed in the column at the extreme left of Table C he will find his ceiling price for the item to be 10 cents per can.

*Example (2).* A Group 3 retailer wishes to figure a ceiling price for California yellow globe dry onions, U. S. #1, which he must use during the period October 25 (Thursday) to October 31, (Wednesday), inclusive. He must first find the net cost of his selling unit based on his largest purchase during the seven days preceding Thursday, October 25. During the preceding week he made a purchase of 250 bags of 50 pounds each of California yellow globe dry onions, U. S. #1, at a delivered cost of \$2.98 per bag, a purchase of 150 bags of the same grade and from the same growing area at a delivered cost of \$3.02 a bag, and another purchase of the same item of 200 bags at a delivered cost of \$2.97 a bag. His largest purchase, therefore, was the purchase of the 250 bags. He must figure his net cost on the basis of the selling unit listed in Table B, which for onions is 1 pound. He divides his cost per 50-pound bag in his largest purchase, \$2.98, by 50 (the figure specified in section 20 of the regulation for onions), to get a result of \$0.0596. Since net cost is to be figured to the nearest half-cent, he would then round this figure to 6¢, which is his net cost per selling unit. He then turns to Table B to find his mark-up to be applied to net cost, which for onions is 40 percent. Having his mark-up and his net cost, Table D will give him his ceiling price without further computations. Checking across the top of Table D, he will find a column headed by his net cost, 6¢. Going down this 6¢ column until he comes to the figure on the same line as his percentage mark-up of 40 percent listed in the column at the extreme left of Table D, he will find his ceiling price for the item to be 8½¢. In selling one pound, he may charge 9 cents. However, if he sells 2 pounds,



he may charge no more than 17 cents (2 x 8½¢).

*Example (3).* A Group 3 retailer wishes to figure his ceiling price for California green peas for the period May 4th through May 10th. His largest purchase during the preceding week was a purchase of ten bushel baskets at \$4.05 per basket. His selling unit for green peas, given in Table B, is 1 pound. He therefore divides his cost per basket (\$4.05) in his largest purchase during the preceding week, by 28 (the weight of a bushel basket of green peas as specified in section 20 of the regulation). This results in \$0.144, which is rounded to 14½¢. He then looks in Table B for the mark-up for green peas, which is \$0.050. This mark-up, 5 cents added to the net cost per selling unit of 1 pound, 14½ cents, gives him 19½ cents. Therefore his ceiling price per pound of California green peas for the period May 4th through May 10th is 19½ cents. In selling 1 pound, he may charge 20 cents. However, if he sells 2 pounds, he may charge no more than 39 cents (2 x 19½¢).

[Paragraph (c) added and section heading amended by Am. 73, effective 6-15-46]

*Effective date.* This regulation shall become effective on the 26th day of July 1943. [MPR 422 originally issued July 8, 1943]

[NOTE: Effective dates of amendments are shown in notes following the parts affected.]

[NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.]

Issued this 10th day of June 1946.

PAUL A. PORTER,  
Administrator.

[Am. 73 approved by N. E. Dodd, Under Secretary of Agriculture, on May 20, 1946]

[F. R. Doc. 46-9881; Filed, June 11, 1946; 11:28 a. m.]

PART 1346—BUILDING MATERIALS

[RMPR 206, Amdt. 20]

VITRIFIED CLAY SEWER PIPE AND ALLIED 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.

Revised Maximum Price Regulation No. 206 is amended in the following respects:

1. Section 4.1 (a) (2) is amended to delete all references to the South Central Area, and section 9.1.
2. Section 4.1 (a) (2) (ii) is amended to delete all references to section 9.4.
3. Section 4.1 (a) (7) is redesignated section 4.1 (a) (8) and is amended to read as follows:

(8) Maximum prices for sales f. o. b. factory on a "pick-up basis" except within the St. Louis Metropolitan Area, and for "less-than-carload shipments by rail," of sewer pipe products not specifically covered by subparagraphs (1), (2), (3), (4), (5), (6) or (7) above, shall be a price not in excess of the highest price

charged for delivery on a "pick-up basis" and for "less-than-carload shipments by rail" during the month of March 1942 for the same quality, kind, and quantity of sewer pipe products delivered to purchasers of the same class.

4. A new section 4.1 (a) (7) is added to read as follows:

(7) In the case of sales of sewer pipe products sold f. o. b. factory on a "pick-up basis" or for "less-than-carload shipments by rail" within the South Central Area, as defined in section 9.1, any manufacturer may increase his price in accordance with either of the following alternative pricing methods.

(i) By adding an amount not in excess of 16.7 percent to the highest prices charged by the manufacturer during the month of March 1942 for the same quality, kind and quantity of sewer pipe products delivered to purchasers of the same class.

(ii) By adding amounts not in excess of such amounts as may be required to maintain discount differentials between prices established under this paragraph and those established by section 9.4, at least as favorable as those existing during the month of March 1942 for the same quality, kind and quantity of sewer pipe products delivered to purchasers of the same class.

5. The table in section 9.3 is amended to read as follows:

Discount No.	Texas	Louisiana (west of the Mississippi River)
1.....	53	53
2.....	47	47
3.....	42	42
4.....	59	54
5.....	30	30
6.....	44	44

6. Chart I of section 9.4 is amended to read as follows:

Large sewer pipe ASTM specification C13-44T (inside diameter, inches)	Invoice weights (pounds) per foot	Texas	Louisiana (west of the Mississippi River)
27" #1 per foot.....	245	\$3.00	\$3.00
30" #1 per foot.....	300	3.65	3.65
33" #1 per foot.....	355	4.35	4.35
36" #1 per foot.....	395	4.90	4.90
27" #2 per foot.....	245	2.45	2.45
30" #2 per foot.....	300	2.95	2.95
33" #2 per foot.....	355	3.50	3.50
36" #2 per foot.....	395	4.15	4.15

7. Section 9.5 is amended to read as follows:

Sec. 9.5. *Maximum prices for resellers of sewer pipe products.* (a) Any person purchasing sewer pipe for resale in the same form may add to his maximum resale price an amount not exceeding the actual dollars-and-cents increased cost to him resulting from the increase in maximum prices permitted manufacturers of sewer pipe products by sections 4.1, 9.3 and 9.4, as amended, of this regulation.

(b) Notwithstanding the provisions of (a) above, in any area where specific

maximum prices are fixed by an area pricing order, such specific maximum prices shall apply in that area.

This amendment shall become effective June 10, 1946.

Issued this 10th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9833; Filed, June 10, 1946; 4:39 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[RMPR 136, Amdt. 42]

MACHINES, PARTS AND INDUSTRIAL EQUIPMENT

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.

Revised Maximum Price Regulation 136 is amended in the following respects:

1. Section 19 (a) is amended to read as follows:

(a) *Lead acid storage batteries, cells and plates; procedure where OPA establishes industry-wide increases in the price of lead.* (1) Manufacturers of lead acid storage batteries, cells or plates therefor, may, after June 3, 1946, the effective date of an amendment to Revised Price Schedule 69 raising the maximum price of lead, for each one cent per pound increase in the price of lead granted by that amendment, increase their maximum net prices which would be in effect for such products in the absence of this paragraph (a) by an amount equal to 1.25 cents multiplied by the number of pounds of lead in such battery, cell or plate. Should the increase in the price of lead be more or less than one cent per pound, the increase in the maximum net price for the above-mentioned products is to be adjusted proportionately. Manufacturers who were not engaged in the manufacture of these products on May 31, 1946, and who seek to establish maximum prices for those products, shall utilize the applicable portions of sections 9 and 10 of this regulation.

(2) Resellers, other than retailers, of the products described in the preceding subparagraph may increase their maximum net prices which would be in effect for such products in the absence of this paragraph (a) by the dollars-and-cents amounts by which their net invoiced costs have been increased as a result of this paragraph (a). If such resellers were not engaged in the business of reselling those products on May 31, 1946, and seek to establish maximum prices for those products, they shall utilize the applicable portions of Section 11 of this regulation.

(3) Increases in maximum net prices, obtained as a result of the provisions of this paragraph (a), shall be separately stated on the invoice furnished in transactions affected thereby.

This amendment shall become effective June 11, 1946.

Issued this 11th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9879; Filed, June 11, 1946;  
11:28 a. m.]

#### PART 1351—FOOD AND FOOD PRODUCTS

[MPR 423,<sup>1</sup> Incl. Amdts. 1-69]

##### CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN INDEPENDENT STORES DOING AN ANNUAL BUSINESS OF LESS THAN \$250,000 (GROUP 1 AND GROUP 2 STORES)

This compilation of Maximum Price Regulation 423 includes Amendment 69, effective June 15, 1946. Additions, amendments and deletions by Amendment 69 are indicated by underscoring or notes.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 423 has been issued simultaneously herewith and filed with the Division of the Federal Register.<sup>2</sup>

So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation. In the judgment of the Price Administrator, the ceiling prices established by this maximum price regulation are and will be generally fair and equitable and comply with the requirements of the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, and Executive Order No. 9328, and will effectuate the purposes of said act and Executive orders.

§ 1351.362 *Ceiling prices of certain foods sold at retail in independent stores doing an annual business of less than \$250,000 (Group 1 and Group 2 stores).* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, and Executive Order No. 9328, Maximum Price Regulation No. 423, which is annexed hereto and made a part hereof, is hereby issued.

#### ARTICLE I—GENERAL PROVISIONS

Sec.

1. What this regulation does.
2. How you find out whether your store is covered by this regulation and what group it is in.
3. How and when you figure your ceiling prices for "dry groceries."
4. Directions for applying the rule for "dry-groceries."
5. How you figure your ceiling prices for items of "dry groceries" not kept in stock.
6. When you may change a ceiling price.
- 6a. Dry groceries which you import.
7. How and when you figure your ceiling prices for "perishables."
8. Directions for applying the rule for "perishables."
9. Price which you must post.

<sup>1</sup> 10 F.R. 1523.

<sup>2</sup> Statements of consideration are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

Sec.

10. Additions allowed for deliveries made by you to your customers.
11. Indirect price increases prohibited.
12. Sales slips and receipts.
13. Records.
14. Licensing.
15. Prohibitions.
16. Notice of dollars-and-cents ceiling prices.
17. Further provisions supplementing or explaining this regulation.

#### ARTICLE II—SPECIAL PRICING PROVISIONS

18. Sections in Maximum Price Regulation No. 423 which you must use if they apply to your method of doing business.
- 18a. How you figure ceiling prices for items if you are also a wholesaler and receive such items from a warehouse owned or controlled by you.
- 18b. Gift and holiday packages assembled by you.
- 18c. Special pricing provisions for manufacturers selling some commodities at retail.
- 18d. Special allowance for forwarding gift package to a donee in a foreign country.
- 18e. How you figure your ceiling price for head lettuce (other than Iceberg) bought untrimmed and sold trimmed.
- 18f. How you figure your net cost for fresh fruits and vegetables you receive in standard containers.

#### ARTICLE III—MISCELLANEOUS PROVISIONS

19. How certain stores, where necessary to assure an adequate supply of food in a locality, may apply for mark-up adjustments.
- 19a. Regional adjustment of poultry mark-ups.
20. How you find the "annual gross sales" of your store.
21. How you determine your group in certain special cases.
22. Taxes.
23. Transfer of business and stock in trade.
24. Relation to other regulations.
25. Definitions.
26. Geographical applicability.

#### ARTICLE IV—TABLES

27. Table of mark-ups for "dry groceries". (Table A)
28. Table of mark-ups for "perishables". (Table B)
29. Tables of ceiling prices based on any given "net cost" and mark-up. (Table C and D.)

AUTHORITY: § 1351.362 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9599, 10 F.R. 10155; E.O. 9651, 10 F.R. 13487; E.O. 9697, 11 F.R. 1691.

#### ARTICLE I—GENERAL PROVISIONS

**SECTION 1. What this regulation does.** This regulation fixes new ceiling prices for the "dry groceries" listed in Table A and the "perishables" listed in Table B for all "independent" retail stores doing an annual business of under \$250,000. These new ceiling prices are to be used instead of the ceiling prices figured under any other price regulation or order issued by the Office of Price Administration (hereinafter called OPA), except as otherwise provided in any order fixing dollars-and-cents ceiling prices which has been or which may be issued by the OPA pursuant to General Order No. 51.<sup>3</sup> All other retail stores (Group 3 and

<sup>3</sup> Revised: 9 F.R. 408, 11982; 10 F.R. 9299.

Group 4 stores) selling these food products are covered by Maximum Price Regulation No. 422.

**SEC. 2. How you find out whether your store is covered by this regulation and what group it is in—(a) What stores are covered.** Your store is covered by this regulation if it is a Group 1 or 2 store as defined below and if you are a retailer who buys and resells food products, generally without materially changing their form, for the most part to ultimate consumers who are not commercial, industrial or institutional users. For the purposes of this regulation, "Great Lakes marine suppliers" shall be considered as retailers. The provisions of this regulation apply to "retail route sellers" only with respect to fresh fruits and vegetables. This regulation does not apply, however, to automatic vending machines, farmers selling produce grown on their own farms, or to sales of "specially prepared dietetic foods" by "health food stores" or "health food departments."

[Paragraph (a) amended by Am. 16, 9 F.R. 4217, effective 4-27-44; Am. 48, 10 F.R. 9272, effective 8-2-45; and Am. 56, 10 F.R. 13074, effective 10-25-45]

(b) *What are Group 1 and 2 stores.* For the purpose of this regulation, Group 1 and 2 stores are defined as follows:

(1) *Group 1.* Your store is in Group 1 if it is an "independent" store with "annual gross sales" of less than \$50,000. Your store is an "independent" store if it is not one of 4 or more stores under one ownership whose combined "annual gross sales" are \$500,000 or more.

(2) *Group 2.* Your store is in Group 2 if it is an "independent" store with "annual gross sales" of \$50,000 or more, but less than \$250,000.

(If you are not sure what group your store is in, use the directions in section 20 for figuring the "annual gross sales" of your store. See section 25 for definitions of Group 3 and Group 4 retailers.)

(c) *How to post a sign of the group your store is in.* At all times, you must have the group your store is in under this regulation posted on a sign reading "OPA-1" or "OPA-2" whichever it is or on a sign which the OPA may furnish to you. The sign must be posted so that it can be clearly seen by your customers. (The word "Group" as used in this regulation means the same thing as the word "Class" meant in Revised Maximum Price Regulation No. 238,<sup>4</sup> and in Revised Maximum Price Regulation No. 268.<sup>5</sup>)

(d) *When you may choose to treat your store as a Group 3 or 4 store.* You may choose to treat your store as either a Group 3 or Group 4 store under Maximum Price Regulation 422 and post a sign in your store as a member of such other group if you:

(1) Figure your ceiling prices for all the items listed in Tables A and B of this regulation as a member of the group you choose;

<sup>4</sup> Revoked: 9 F.R. 12468.

<sup>5</sup> Revised: 8 F.R. 6129, 7116, 7661, 7592, 8682, 9365, 9299, 9460, 10568; 9 F.R. 14676; 10 F.R. 3554, 6514, 8656.



(2) Use the ceiling prices fixed for that group in Maximum Price Regulation No. 390<sup>9</sup> for all the household soaps and household cleansers it covers;

(3) Use the ceiling prices for "Group 3 and 4" stores fixed in Maximum Price Regulation Nos. 336<sup>9</sup> and 355<sup>9</sup> for all the meat items they cover;

(4) Use all the dollars-and-cents ceiling prices fixed under the OPA community price orders issued for stores in the group you choose; and

(5) Notify your nearest OPA District Office of these facts.

#### Dry Groceries

**SEC. 3. How and when you figure your ceiling prices for "dry groceries"—(a) General rule.** Your ceiling price for each item (that is for each kind, brand, grade, variety, container-type and container-size) of "dry groceries" listed in Table A shall be the total of (1) the "net cost" you have to pay for the first delivery to you of the item on or after August 5, 1943, plus (2) the mark-up given you for it in Table A.

(b) *When you must figure your ceiling prices for "dry groceries."* You must figure and put into effect a new ceiling price for each item of "dry groceries" listed in Table A not later than 5 days after receiving the first delivery of the item on or after August 5, 1943. Until then keep your present ceiling prices. Figure your new ceiling price by following the directions in section 4.

**SEC. 4. Directions for applying the rule for "dry groceries"—(a) Old prices.** Keep your old ceiling price until you put into effect your new ceiling price based on the first delivery of the item to you on or after August 5, 1943. Treat as a separate item each kind, brand, grade, variety, container-size and container-type of "dry groceries".

(b) *Net cost.* To figure your new ceiling price, first find the "net cost" of the item based on its first delivery to you on or after August 5, 1943. Your net cost will be the amount you pay your supplier less all discounts except the discount for prompt payment plus all transportation charges you pay except local trucking and local unloading.

(1) Your net cost must be figured on purchases of a customary quantity from a customary type of supplier delivered to your "usual receiving point" by a customary means of delivery. If the first delivery of an item to you on or after August 5, 1943, is not one of this type, you shall not use the net cost of that purchase as the basis for figuring your ceiling price. Instead, in that case, you must find out what your net cost would have been if that purchase had been of a customary quantity from your customary type of supplier delivered to your usual

receiving point by a customary means of delivery, and use that figure as your net cost in figuring your ceiling price for the item. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on a single unit basis (that is, per can, per pound, per package, per jar, etc.) to the nearest half-cent. Your invoice cost may be the cost of a carton, case or barrel for instance, and not the cost of the package, can, or other unit you sell. Find the net cost of the single unit you sell by dividing the cost for the carton, case or barrel by the number of units in the carton, case or barrel.

(c) *Mark-up.* Turn to Table A to find the mark-up for the item given your group of stores. Table A lists all the "dry groceries" covered by this regulation by commodity groups.

(d) *Ceiling prices.* Next turn to Table C. Using the directions given there, you will get your ceiling price for the item. You must not change this ceiling price unless OPA authorizes you to do so. (Section 6 tells you when you can change it.)

(e) *Invoices.* You must write your "net cost" per unit either on your invoice or other record of the price you paid for the item or on a separate slip of paper and attached to that invoice or other record. You must keep separate, or mark or tag plainly, all invoices or records showing the net cost per unit which you used in figuring your ceiling prices. These invoices and records you used in figuring your ceiling prices are your means of proving that your ceiling prices are right.

**SEC. 5. How you figure your ceiling prices for items of "dry groceries" not kept in stock.** If you have already figured a ceiling price under this regulation for an item of "dry groceries" which you have not had in stock for 60 days, you may, if you wish, figure a new ceiling price when next you purchase it. Do this by following directions in section 4, using, however, the "net cost" you had to pay for your new purchase.

**SEC. 6. When you may change a ceiling price—(a) Official notification.** If OPA changes a supplier's ceiling price for an item covered by this regulation, it may direct retailers to refigure their ceiling prices for the item. You may not refigure your ceiling price under this paragraph until you receive written notice requiring you to do so. Ordinarily a written notice telling you to refigure your ceiling price will come to you directly from your supplier or the manufacturer. You will find it inside or attached to the carton, case or barrel containing the item, or it will be sent to you with the invoice. After actually receiving the item for the first time with such a notice, you must, before selling the item, refigure your new ceiling price by following the directions in section 4, figuring your "net cost", however, on that first delivery. You must write this new ceiling price on the invoice covering that delivery. Be sure to keep this notice attached to your invoice or other record showing the price you paid for the item.

Even though you received later shipments with the same notice you must not change your ceiling price again.

(b) *Special deals.* If your ceiling price for an item was based on a delivery to you at a "special deal" price, you may refigure your ceiling price when you receive your first delivery of that item after the termination of the "special deal". In refiguring your ceiling price you must follow the directions in section 4, figuring your "net cost", however, on the first delivery to you of the item after the termination of the "special deal".

A "special deal" price means a reduced price, in effect for an announced period of not more than 90 days, to all purchasers of the same class, which price was made for the purpose of introducing a new commodity not theretofore on the market, or resulting from offers of free goods or combination sales. No price resulting from a discount for quantity purchases shall be considered a "special deal" price.

[Sec. 6 amended by Am. 11, 8 F.R. 17371, effective 1-8-44, except that paragraph (b) shall be effective 12-29-43]

**SEC. 6a. Dry groceries which you import.** On and after September 11, 1944, this regulation shall not apply to you for sales of any dry grocery item purchased by you directly from a foreign seller or his agent (except as provided in section 18 (c) for certain items of packed pineapple and packed pineapple juice) for importation into the continental United States. Your ceiling price for such items shall be determined by you in accordance with Order No. 38 under the Maximum Import Price Regulation,<sup>9</sup> or the General Maximum Price Regulation<sup>9</sup> or any other applicable maximum price regulation covering the sale of the item by importers. If you have an existing ceiling price for any such item, you must, by the opening of business on September 11, 1944, refigure that ceiling price in accordance with the applicable maximum price regulation or order covering the sale of the item by importers.

[Sec. 6a added by Am. 26, 9 F.R. 10982, effective 9-11-44]

#### Perishables

**SEC. 7. How and when you figure your ceiling prices for "perishables"—(a) General rule.** Your ceiling price for each item (that is, for each kind, brand, variety, and grade) of "perishables" listed in Table B shall be the total of (1) the "net cost" of the largest delivery of the item to you during the week before, plus (2) the mark-up given you for it in Table B.

(b) *When you must figure your ceiling prices.* By the opening of business on August 5, 1943, you must have figured your ceiling price for each item of "perishables" listed in Table B which you have in stock at that time. These ceiling prices must be checked each week after August 5, 1943, and changed on Thursday of each week for any item if your "net cost" of that item has changed in the preceding seven days. Never

<sup>9</sup> 9 F.R. 10938, 14318; 10 F.R. 1985, 4554.

<sup>9</sup> 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.

<sup>9</sup> 9 F.R. 7061; 10 F.R. 2311, 7578, 12923; 11 F.R. 245.

<sup>9</sup> 9 F.R. 2212, 3709, 4356, 5589, 8334, 9834, 12210; 10 F.R. 844, 2018, 2298, 2659, 4980, 7193, 7043, 11895, 12653, 13129, 14784, 15415, 11404; 11 F.R. 801, 3360, 3748, 4237.

<sup>9</sup> 9 F.R. 5504, 8794, 10585, 12126, 13636; 10 F.R. 846, 2017, 2400, 2659, 4981, 7195, 7044, 11935, 12653, 13129, 15378, 15466; 11 F.R. 801, 3397, 3679, 3667, 4237, 5541.

change your ceiling price on any day but Thursday.<sup>11</sup>

For items which you receive for the first time, or which you have not had in stock for 7 days, you must figure and use a ceiling price at once using the net cost of that first delivery. On each Thursday after that, you must treat the item as you would any other item of perishables covered by this regulation.

[Above paragraph amended by Am. 69, effective 6-15-46]

**SEC. 8. Directions for applying the rule for "perishables"—(a) "Net cost".** To figure your ceiling price, first find the "net cost" of the largest delivery to you of the item during the seven day period before the Thursday for which you are figuring your price. If you have received more than one delivery of the same largest quantity, use the most recent of these deliveries. Your net cost will be the amount you paid your supplier less all discounts except the discount for prompt payment, plus all transportation charges you paid, which may include costs for icing, refrigeration, and ventilation, but which may not include costs for local trucking and local unloading. Of course, you must never figure your net cost on a purchase made at price higher than your supplier's ceiling.

[Above paragraph amended by Am. 7, 8 F.R. 15252, effective 11-9-43]

(1) Your net cost must be based on purchases delivered to your usual receiving point.

(2) Figure the net cost on the basis of the "selling unit" (for example, 1 pound, 1 dozen, etc.,) listed in Table B for the commodity group which includes the item you are pricing. If you are pricing fresh fruits or vegetables that you bought in a standard container listed in section 18f, you must figure your net cost as though the weight prescribed in that section were the actual net weight of the container. Always figure net cost to the nearest half-cent.

[Subparagraph (2) amended and (3) deleted by Am. 69, effective 6-15-46]

(3) [Deleted.]

(b) **Mark-up.** Turn to Table B to find the mark-up for the item given for your group of store. Table B lists all the "perishables" covered by this regulation by commodity groups. Note that some mark-ups are percentage mark-ups, while others are dollars-and-cents additions per "selling unit" which you make to your net cost.

[Paragraph (b) amended by Am. 16, 9 F.R. 4217, effective 4-27-44]

(c) **Ceiling price—(1) Percentage mark-ups—(1) Perishable items other than fresh fruits and vegetables.** If the

<sup>11</sup> However, for each item of butter, you may on or after November 1, 1945 figure a new ceiling price immediately upon receipt of a delivery at a "net cost" different from the "net cost" on which your existing ceiling price is based. On each Thursday thereafter, you must refigure your ceiling price in accordance with the rules in section 8.

[Footnote added by Am. 58, 10 F.R. 13504, effective 11-1-45]

item has been given a percentage mark-up in Table B, turn to Table C. Using the directions given there, you will get your ceiling price for the item.

(i) **Fresh fruits and vegetables.** If the item has been given a percentage mark-up in Table B, turn to Table D. Using the directions given there, you will get your ceiling price for the item.

(2) **Dollars and cents mark-ups.** If the item has been given a dollars-and-cents mark-up in Table B, instead of a percentage mark-up, do not use Table C or Table D to get your ceiling price. You will get your ceiling price for the item by adding the named dollars-and-cents mark-up in Table B to your "net cost." If your ceiling price so figured results in a fraction of a cent, you may, in making sales of the selling unit, charge the next higher cent.

(3) **Sales in other quantities.** You may sell an item in a quantity other than the "selling unit" given in Table B. If you sell an item in a quantity other than the selling unit given in Table B, you must reduce or increase your ceiling price proportionately. If figuring a price for a quantity different from the selling unit results in a fraction of a cent, you may charge the next higher cent. (For example, if your ceiling price for an item of white potatoes is 4½ cents for 1 pound, the "selling unit", and you make a sale of 7 pounds of these potatoes, multiply 4½ cents by 7, and the ceiling price for the 7 pounds is 32 cents.)

[Paragraph (c) amended by Am. 16, 9 F.R. 4217, effective 4-27-44 and Am. 69, effective 6-15-46]

**SEC. 9. Price which you must post.** At all times you must have your current selling price for each item of food covered by this regulation clearly shown on the item or at or near the place in your store where the item is offered for sale. Of course, this posted price must never exceed your ceiling price.

[Sec. 9 amended by Am. 18, 9 F. R. 5671, effective 5-25-44]

**SEC. 10. Additions allowed for deliveries made by you to your customers.**

(a) If you deliver to your customers' homes or places of business any of the items covered by this regulation, you may add to the total value of the delivery, as a separate charge, whichever of the following amounts applies:

Value of delivery:	Addition allowed
\$0.00-\$1.99	No addition
\$2.00-\$2.99	10¢
\$3.00-\$4.49	15¢
\$4.50-\$5.49	20¢
Over \$5.49	25¢

(b) If you make such deliveries and add such charges, you are required to keep for one month a copy of each sales slip or invoice, itemizing clearly your prices for the items delivered and the amount of the delivery charges permitted under the provisions of this section.

**SEC. 11. Indirect price increases prohibited.** You must not evade any of the

provisions of this regulation or any order issued pursuant to it by any stratagem, scheme, or device. You must not, as a condition of selling any particular food, require a customer to buy anything else. Any such evasion is punishable as a violation of this regulation.

You must not use an unnecessarily high "net cost" in figuring a ceiling price under this regulation. If you make such a high cost purchase, you must find out what your net cost as used in section 4 or 8 would be and use that net cost to figure your ceiling price. You may never use the "net cost" of a purchase from another retailer to figure a ceiling price.

**SEC. 12. Sales slips and receipts.** If you have customarily given a purchaser a sales slip, receipt or similar evidence of purchase, you must continue to do so. Furthermore, regardless of your custom you must give any customer who asks for it a receipt showing the date, your name and address, the quantity and name of each food item sold and the price you charged for it.

[Sec. 12 amended by Am. 24, 9 F.R. 9720, effective 8-14-44]

**SEC. 13. Records.** After August 5, 1943, you must keep for one year after you receive them all your invoices, freight bills, and other records showing the price you paid and the date you received delivery of each item covered by this regulation.

You are required to show all your invoices on request of any OPA representative and to furnish on request of any OPA representative a written record of your ceiling price in effect at any particular time or times for any or all of the items covered by this regulation. You must also keep available for inspection by an OPA representative the records you use in deciding what group your store is in.

**SEC. 14. Licensing.** The provisions of Licensing Order No. 1,<sup>12</sup> licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Sec. 14 amended by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

**SEC. 15. Prohibitions.** On and after August 5, 1943, if you sell or deliver or offer to sell or deliver at a price higher than your ceiling price fixed by this regulation or any order issued pursuant to it, or if you otherwise violate any provisions of this regulation or any order issued pursuant to it, you 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. Also, any person, who, in the course of trade or business, buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that act.

<sup>12</sup> 8 F.R. 13240.



**SEC. 16. Notice of dollars-and-cents ceiling prices.** From time to time the OPA may, by order issued pursuant to General Order No. 51, fix in your region or community dollars-and-cents ceiling prices for some or all of the dry groceries or perishables under this regulation. When these dollars-and-cents prices are fixed, you may not thereafter sell at higher prices, and these orders may also provide that such prices take the place of the ceiling prices which you have under this regulation. If such orders do not provide that they replace your prices under this regulation, you must continue to figure your prices under this regulation. If the OPA has, before the effective date of this regulation, established a ceiling price for you for an item pursuant to such an order, you shall use that as your ceiling price and shall not figure a ceiling price under this regulation for the item.

**SEC. 17. Further provisions supplementing or explaining this regulation.** From time to time, the Price Administrator may, by amendment, issue further provisions which will supplement the provisions of this regulation or explain the rights and duties of buyers and sellers under it. These further provisions will become part of this regulation and may be added as paragraphs to this section.

(a) Whenever an amendment adds any food product to the list of items covered in Table A, you must figure your ceiling price for that food product in accordance with sections 3, 4 and 5. However, in doing so, you shall substitute the effective date of such amendment for the date August 5, 1943, whenever it appears in sections 3, 4 and 5.

(b) Whenever an amendment changes either a commodity definition in Table A by transferring a food product from one commodity group to another or the mark-up for your group of retailers, you must refigure your ceiling prices for the items affected by such amendment in accordance with section 4, basing your "net cost" on the first delivery to you of such items after the effective date of the amendment.

[Paragraph (a) and (b) added by Am. 7, 8 F.R. 15252, effective 11-9-43]

(c) You must refigure your "annual gross sales" on the basis of the year 1945 instead of the year 1944. If you find that your store is in a group different from the one it was in before, you must refigure all of your ceiling prices. Prices figured on the new basis will be your ceiling prices starting Thursday, January 31, 1946. For "dry grocery" items you must use as your "net cost" the same "net cost" you used in figuring your existing ceiling prices. For "perishable" items you must use as your "net cost" the same "net cost" you would have used in refiguring your ceiling prices on that Thursday under section 8 of this regulation (or under section 8 of Maximum Price Regulation No. 422 if you become a Group 3 or Group 4 store). If, under that section, you would not have been required to refigure your ceiling price for any "perishable" item on that Thursday, you must use as your "net cost" for that item the same "net cost" on which your existing ceiling price is based. Further, if any store becomes a Group 3

or Group 4 store, it is on and after January 31, 1946, subject to all other provisions of Maximum Price Regulation No. 422.

[Paragraph (c) added by Am. 18, 9 F.R. 5671, effective 5-25-44; amended by Am. 40, 10 F.R. 2298, effective 3-5-45, and Am. 61, 10 F.R. 15466, effective 1-2-46]

(d) If prior to August 14, 1944, your ceiling price for any item of "cookies, crackers, toast and crumbs", was based upon a delivery received from a "cookie and cracker wholesaler" as defined in Maximum Price Regulation No. 421,<sup>11</sup> and you still purchase such item from such a wholesaler, you must refigure your ceiling price for any such item in accordance with the rules in sections 3 and 4, basing your "net cost", however, on the first delivery to you of the item from such a wholesaler on and after August 14, 1944.

[Paragraph (d) added by Am. 24, 9 F.R. 9720, effective 8-14-44]

(e) 1944 pack of "canned" and frozen fruits and vegetables. Each item of the 1944 pack of "canned" fruits and vegetables and frozen fruits and vegetables shall be considered a different item from the 1943 and earlier packs, and you shall figure a separate ceiling price for each item. You must figure your ceiling price for each such item in accordance with the provisions in sections 3, 4 and 5, basing your "net cost" on the first delivery to you of the item.

However, if that first delivery is received by you from a person other than a wholesaler pricing the item under Maximum Price Regulation No. 421, before the date on which maximum prices are established by the OPA for sales of the item by processors, and another delivery is received by you after that date, you shall refigure your ceiling price for such item, basing your "net cost" on the first delivery of the item to you after that date.

That first delivery may be from a wholesaler (pricing under Maximum Price Regulation No. 421), whose ceiling price for the item is figured on the basis of a delivery received by him before the date on which maximum prices are established by the OPA for sales of the item by processors. In that event, and if you receive a later delivery of the item, you must refigure your ceiling price for such item; you must base your "net cost" upon the first delivery to you from your supplier after he has figured his ceiling price for the item on the basis of a delivery received by him after the date on which maximum prices are established by the OPA for sales by processors of the 1944 pack of the item.

The receipt of any of the above items of the 1944 pack, at a price to be adjusted after delivery in accordance with action to be taken by the OPA shall not be deemed a delivery, for the purpose of this section, until the receipt of an invoice or other written notice from your supplier showing the price after adjustment. Until the receipt of such an invoice or notice, you may not sell or deliver or offer to sell or deliver at a price higher than your ceiling price for the same item of the 1944 pack.

<sup>11</sup> 11 F.R. 6081.

[Paragraph (e) added by Am. 29, 9 F.R. 11902, effective 9-27-44]

(f) On and after August 2, 1945, "health food stores" are made subject to this regulation for certain items in accordance with section 2 (a). If you are a "health food store," you must figure your ceiling price for each such item in accordance with sections 3 and 4, substituting the date August 2, 1945, for the date August 5, 1943, whenever it appears in sections 3 and 4.

[Paragraph (f) added by Am. 48, 10 F.R. 9272, effective 8-2-45]

(g) 1945 pack of "canned" fruits and vegetables, frozen fruits and vegetables and dried fruits. Each item of the 1945 pack of "canned" fruits and vegetables, frozen fruits and vegetables and dried fruits, shall be considered a different item from the 1944 and earlier packs, and you shall figure a separate ceiling price for each item. You must figure your ceiling price for each such item in accordance with the provisions in sections 3, 4 and 5, basing your "net cost" on the first delivery to you of the item.

[Above paragraph amended by Am. 55, 10 F.R. 12992, effective 10-23-45 and Am. 63, 11 F.R. 842, effective 1-28-46]

However, if that first delivery is received by you from a person other than a wholesaler pricing the item under Maximum Price Regulation No. 421, before the date on which maximum prices are established by the Office of Price Administration for sales of the item by processors, and another delivery is received by you after that date, you shall refigure your ceiling price for such item, basing your "net cost" on the first delivery of the item to you after that date.

That first delivery may be from a wholesaler (pricing under Maximum Price Regulation No. 421), whose ceiling price for the item is figured on the basis of a delivery received by him before the date on which maximum prices are established by the Office of Price Administration for sales of the item by processors. In that event, and if you receive a later delivery of the item, you must refigure your ceiling price for such item; you must base your "net cost" upon the first delivery to you from your supplier after he has figured his ceiling price for the item on the basis of a delivery received by him after the date on which maximum prices are established by the Office of Price Administration for sales by processors of the 1945 pack of the item.

[Paragraph (g) added by Am. 51, 10 F.R. 11303, effective 9-10-45]

(h) On and after October 25, 1945, "Great Lakes marine suppliers" are made subject to this regulation in accordance with section 2 (a). If you are a "Great Lakes marine supplier" who is covered by this regulation, you must figure your ceiling price for each item of "dry groceries" in accordance with sections 3 and 4, and for each item of "perishables" in accordance with sections 7 and 8, substituting the date October 25, 1945, for the date August 5, 1943, whenever it appears in sections 3, 4, 7 and 8.

[Paragraph (h) added by Am. 56, 10 F.R. 13074, effective 10-25-45]

(i) From time to time, an item you sell may go back under price control after a period of suspension or exemption. When that happens, you must not sell the item until you have figured your ceiling price. Your ceiling price, in such a case, must be figured in the following way (whichever is applicable):

(1) If the item is a "dry grocery" item for which you have previously figured a ceiling price under this regulation, your ceiling price shall be the same as it was when the item was removed from price control.

(2) If the item is a "dry grocery" item for which you have not previously been required to figure a ceiling price under this regulation, and which you have in stock on the day price control is resumed, you must figure your ceiling price in accordance with the rules in sections 3 and 4, basing your "net cost," however, on the last delivery of the item received by you before price control is resumed. However, your "net cost" in such case may not exceed what it would have been if that delivery had been subject to price control and the purchase had been made at your supplier's ceiling price.

(3) If the item is a "perishable" item, you must figure your ceiling price in accordance with the rules of section 8, basing your "net cost," however, on the largest delivery received by you during the 7-day period before price control is resumed. On each Thursday thereafter you must refigure your ceiling price in accordance with the rules in section 8. However, your "net cost" in such case may not exceed what it would have been if that delivery had been subject to price control and the purchase had been made at your supplier's ceiling price.

[Paragraph (i) added by Am. 62, 11 F.R. 349, effective 1-4-46]

#### ARTICLE II—SPECIAL PRICING PROVISIONS

SEC. 18. Sections in Maximum Price Regulation No. 422 which you must use if they apply to your method of doing business. Maximum Price Regulation No. 422, which covers the same food items as this regulation, but for Group 3 and 4 stores, contains a number of special pricing provisions which you are required to follow if you perform the operations they cover. (You may obtain a copy of Maximum Price Regulation No. 422 from your nearest OPA District Office.) The sections of that regulation which you must follow if they apply to you are as follows:

(a) Section 18. *Additions for packaging.* (Applies to you if you package any item under this regulation (except spices, tea and gelatin) in cardboard containers, cotton bags, transparent bags, interlined coffee bags, or certain Kraft bags or similar type bags, or if you carton eggs.)

[Paragraph (a) amended by Am. 11, 8 F.R. 17371, effective 1-8-44; and Am. 42, 10 F.R. 5370, effective 5-17-45]

(b) Section 19. *Special limitations in figuring your "net cost" in certain cases.* (Applies to you if you purchase butter or cheese f. o. b. shipping point and not on a delivered basis, and if you buy fresh fruits and vegetables from others than wholesalers.)

(c) Section 20. *How you figure your "net cost" in certain cases.* (Applies to you if you import bananas or purchase green bananas from importers delivered at port of entry or at auction; if you package and print butter; if you candle and grade eggs; if you purchase white potatoes or dry onions ungraded and unsacked; if you purchase ungraded, unsized and unpacked citrus fruits and you grade, size and pack such citrus fruits; if you buy poultry live or dressed, and you sell it drawn; if you buy poultry or turkey live, dressed or drawn and sell it "cut-up" or in parts; if you import coconuts; if you import packed pineapple, or packed pineapple juice, other than pineapple and pineapple juice packed in the Territory of Hawaii or in Puerto Rico; if you buy frozen fruits, berries or vegetables from a seller pricing such items under the applicable supplement to Food Products Regulation No. 1; if you process smoked fish prior to offering it for sale; if you purchase carrots ungraded, unsized and unpacked, and you grade, size and pack such carrots; or if you purchase spinach unwashed, ungraded and unpacked, and you wash, grade and pack such spinach.)

[Paragraph (c) amended by Am. 1, 8 F.R. 10570, effective 8-5-43; Am. 4, 8 F.R. 12611, effective 9-11-43; Am. 7, 8 F.R. 15252, effective 11-9-43; Am. 11, 8 F.R. 17371, effective 1-8-44; Am. 13, 9 F.R. 3510, effective 4-6-44; Am. 16, 9 F.R. 4217, effective 4-27-44; Am. 18, 9 F.R. 5671, effective 5-25-44; Am. 25, 9 F.R. 10259, effective 8-26-44; Am. 34, 9 F.R. 14600, effective 12-21-44; Am. 39, 10 F.R. 2025, effective 2-22-45; and Am. 43, 10 F.R. 5578, effective 5-24-45; Am. 60, 10 F.R. 14447, effective 12-6-45; Am. 67, 11 F.R. 2449, effective 3-14-46 and Am. 68, 11 F.R. 5950, effective 6-5-46]

(d) Section 21. *Additional charges allowed for slaughtering and plucking poultry.* (Applies to you if you slaughter or pluck poultry for your customers.)

(e) Section 22. *Additions for delivery from your warehouse to your store.* (Applies to you if your usual receiving point is a warehouse over 125 miles from your store.)

(f) Section 23. *How you figure your ceiling prices for perishables on a weighted average basis.* (Allows you to apply to use a weekly weighted average as a basis for figuring net cost of perishables instead of the largest single delivery.)

(g) Section 25. *How you figure your ceiling prices for foods you "manufacture or otherwise process."* (Applies to you if you manufacture or process any of the foods covered by this regulation.)

(h) Section 26. *Mail order sales.* (Applies to you if you make mail order sales.)

(i) Section 34. *Export sales.* (Applies to you if you make export sales.)

(j) [Deleted.]

[Paragraph (j) added by Am. 12, 9 F.R. 95, effective 12-31-43; amended by Am. 41, 10 F.R. 3814, effective 4-12-45 and deleted by Am. 68, 11 F.R. 5950, effective 6-5-46]

(k) [Revoked]

[Paragraph (k) added by Am. 24, 9 F.R. 9720, effective 8-14-44 and revoked by Am. 34, 9 F.R. 14600, effective 12-21-44]

(1) Section 25b. *Ceiling prices for sales of poultry to other retailers.* (Ap-

plies to you if you sell any item of poultry to another retailer covered by Maximum Price Regulation Nos. 422 or 423.)

[Paragraph (l) added by Am. 35, 9 F.R. 14630, effective 12-21-44]

(m) Section 25d. *Ceiling prices for sales of butter if you own more than 1000 pounds on October 31, 1945.* (Applies to you if at the close of business on October 31, 1945 you own more than 1000 pounds of butter.)

[Paragraph (m) added by Am. 57, 10 F.R. 13594, effective 11-1-45]

(n) Section 25e. *Ceiling prices for sales of cheddar cheese if you own more than 1,000 pounds on January 31, 1946.* (Applies to you if at the close of business on January 31, 1946, you own more than 1,000 pounds of natural or processed cheddar cheese.)

[Paragraph (n) added by Am. 64, 11 F.R. 842, effective 2-1-46]

(o) *Ceiling prices for sales of "sugar" after February 9, 1946.* At the close of business on February 9, 1946, you must determine the number of pounds of each item of "sugar" that you own for resale at that time. You must make and keep a record of that inventory at your place of business. Do not include "sugar" which you obtained as an industrial user under Third Revised Ration Order 3" issued by the Office of Price Administration. In the case of stores under one ownership, the number of pounds owned shall be the total of the number of pounds in each such store and wherever else located. After that date you must continue to sell each item of "sugar" at no more than the ceiling price you had in effect, on February 9, 1946 until you have sold an amount equal to your February 9, 1946 inventory of the item. When you have sold that amount, you shall refigure your ceiling price for the item in accordance with the rules in Section 6. However, if you receive a notification from your supplier to refigure your ceiling price for an item of "sugar," do not refigure your ceiling price until you have sold an amount equal to your February 9, 1946 inventory at no more than the ceiling price you had in effect on February 9, 1946.

If, at the close of business on February 9, 1946, you have an inventory of more than 10,000 pounds of all items of "sugar," you must, on or before February 25, 1946, file with the Wholesale-Retail and Fruit and Vegetable Branch of the Office of Price Administration, Washington, D. C., by registered mail, an affidavit showing the number of pounds of each item of "sugar" you own for resale at that time. You must keep a copy of this affidavit at your place of business.

[Paragraph (o) added by Am. 66, 11 F.R. 1468, 1593, effective 2-10-46]

SEC. 18a. *How you figure ceiling prices for items if you are also a wholesaler and receive such items from a warehouse owned or controlled by you.* (a) If, prior to March 1942, you owned or controlled a warehouse physically separate and apart from your retail store, and

" 11 F.R. 531, 532, 1298, 1469, 1212, 1734, 2276, 2512, 2824, 3065, 5166, 5206.



you acted as a wholesaler distributing from such warehouse, food products to independent retail stores not owned or controlled by you, and you still own or control such a warehouse, you may, in figuring your ceiling price for each item customarily obtained by you from such warehouse and sold by you from your retail store to the ultimate consumer other than commercial, industrial or institutional users, use as the basis of your "net costs", the net cost you used in figuring your ceiling prices for your wholesale sales under Maximum Price Regulation No. 421, plus the mark-up allowed in that regulation for a Class 1 (retailer-owned cooperative) wholesaler. To get your ceiling prices, reduce the resulting figure to the "net cost" of a single unit and apply the mark-up for your group of retailer as set forth in section 4.

"Direct cost" as used in the above subparagraphs, means your "net cost" for each item subject to this regulation. For items included in the package not otherwise subject to this regulation, it means the lawful amount you paid your supplier less all discounts except the discount for prompt payment, plus all transportation charges you paid.

[Sec. 18b added by Am. 27, 9 F.R. 11537, effective 9-16-44; amended by Am. 32, 9 F.R. 12746, effective 10-23-44; and Am. 54, 10 F.R. 12810, effective 10-18-45]

SEC. 18c. *Special pricing provisions for manufacturers selling some commodities at retail.* Any person, the larger part of whose business is the manufacturing or processing of foods, but

(a) His entire business in connection with a particular commodity consists of the purchase and resale of such commodity without materially changing its form, and

(b) The larger part of his sales of such commodity are made to ultimate consumers other than commercial, industrial or institutional users,

(c) Shall figure his ceiling prices for sales of such commodity to ultimate consumers other than commercial, industrial or institutional users in accordance with the provisions of this regulation, and shall, for such purposes, be considered a retailer covered by this regulation. In figuring his ceiling prices he shall substitute the date February 8, 1945, for the date August 5, 1943, wherever it appears in sections 3, 4 and 5.

[Sec. 18c added by Am. 38, 10 F.R. 1523, effective 2-8-45]

SEC. 18d. *Special allowance for forwarding gift package to a donee in a foreign country.* If you deliver a food package directly upon order of the purchaser to a donee (other than a member of the armed forces of the United States) in a foreign country outside of the North American continent, you may add to your ceiling price an amount not to exceed 50 cents for forwarding such package, plus the actual mailing and insurance charges.

This allowance may be applied only to the shipment and delivery of individual food gift packages and not of wholesale lots.

[Sec. 18d added by Am. 54, 10 F.R. 12810, effective 10-18-45]

SEC. 18e. *How you figure your ceiling price for head lettuce (other than Iceberg) bought untrimmed and sold trimmed.* If you buy head lettuce (other than Iceberg lettuce) untrimmed and sell it trimmed, you must multiply your "net cost" per "selling unit" by 1.28, rounding any resulting fraction to the nearest half-cent. To get your ceiling price, apply the mark-up for your group of retailer as set forth in section 8.

SEC. 18f. *How you figure your net cost for fresh fruits and vegetables you receive in standard containers.* In figuring your "net cost" per pound of an item of fresh fruits or vegetables you received in a standard container listed below, you must use as the net weight of the container the amount provided

for by this paragraph. In general, the number of pounds shown in this paragraph for each container must be used as its net weight. However, Regional Administrators of the Office of Price Administration have authority to change the prescribed weights by order for areas in which such containers are received with net weights substantially different from those prescribed. Regional Administrators may delegate that authority to District Directors.

Fresh fruits	Pounds
1. Apples—Standard box or bushel	
Golden Delicious, Jonathan, King David, McIntosh, Ortely, Gravenstein and summer apples.....	41
Red Delicious, Rome, Black Ben and Grimes.....	43
Winesap, Newton, Stayman, Arkansas Black, York, Black Twig, Baldwin, Northern Spy and Greening.....	45
All other varieties.....	42
2. Citrus fruits—	
Oranges (except temples):	
1 1/2 bushel standard container (California and Arizona).....	70
1 3/4 bushel standard container (Florida and Texas).....	82
Grapefruit:	
1 1/2 bushel standard container (California and Arizona).....	61
1 3/4 bushel standard container—Shipped from Florida or Isle of Pines.....	70
All others.....	72
Lemons—1 1/2 bushel standard container.....	72
Tangerines (including clementines, king oranges, satsumas, tangalos, and temples):	
1 1/2 bushel standard container (California and Arizona).....	75
1 3/4 bushel standard container (all others).....	80
3. Cranberries—	
1/4 barrel box.....	25
3/8 barrel box.....	37 1/2
1/2 barrel box.....	44
4. Grapes, table—	
Those grown in Arizona or in Riverside or Imperial County or in the Borego Valley of San Diego County of California, per lug.....	24
All other table grapes produced in California, per lug.....	28
Imported table grapes, per lug.....	20
5. Melons (except watermelons)—	
Cantaloup and honeyball:	
Jumbo crate.....	77
Standard crate.....	65
Pony crate.....	55
Honeydew:	
Jumbo or standard honeydew crate.....	39
Jumbo cantaloup crate.....	58
Persian:	
Jumbo Persian crate.....	43
Standard Persian crate.....	37
Pony Persian crate.....	35
Casaba jumbo or standard crate.....	42
Cranshaw Jumbo or standard crate.....	40
6. Peaches—	
Standard bushel basket.....	48
Fruit box (WPB L-232 No. 35)....	16
Fruit box (WPB L-232 No. 36)....	19
Sanger lug box (WPB L-232 No. 46) ..	23
Standard 1/2 bushel basket.....	24
7. Pears—	
Standard Western pear box (WPB L-232 No. 54).....	46
One-way pear lug (WPB L-232 No. 56).....	46
Washington pear lug (WPB L-232 No. 36).....	19
Standard half pear box (WPB L-232 No. 35).....	23

SEC. 18b. *Gift and holiday packages assembled by you.* If you assemble into gift or holiday packages, any food items covered by this regulation, with or without any items not covered by this regulation, you must figure your ceiling price for such package under whichever of the following paragraphs applies:

(a) For packages assembled in cardboard, wooden, or other plain containers, your ceiling price will be the sum of the following, multiplied by 1.05:

(1) Your direct cost of each item included in the package multiplied by 1.40; plus

(2) Your direct cost of the packaging materials, including the container, used for the particular package.

(b) For packages assembled in permanent containers designed and constructed for re-use (including but not limited to trays, cedar boxes, hampers, teakwood chests, and fancy baskets), your ceiling price will be the sum of the following, multiplied by 1.15:

(1) Your direct cost of each item included in the package multiplied by 1.40; plus

(2) Your ceiling price for the container figured under the applicable maximum price regulation. (If you have no ceiling price for the container, you may multiply the direct cost of the container by 1.40); plus

(3) Your direct cost of the packaging materials used for the particular package.

Fresh vegetables—	Pounds
1. Beans, green and wax—bushel container.....	28
2. Iceberg Lettuce—L. A. or Salinas crate:	
Sold trimmed.....	52
Sold untrimmed.....	60
3. Onions, dry—50-pound bag....	50
4. Peas, green—bushel container....	28
5. Potatoes, sweet — bushel container:	
Uncured.....	50
Cured.....	45
6. Potatoes, white—100-pound bag..	100
7. Spinach:	
Bushel container.....	18
½ crate (1¼ bushel).....	22½

[Sections 18e and 18f added by Am. 69, effective 6-15-46]

#### ARTICLE III—MISCELLANEOUS PROVISIONS

**SEC. 19. How certain stores, where necessary to assure an adequate supply of food in a locality, may apply for mark-up adjustments.** (a) If your store is necessary to provide an adequate supply of food products in a locality; and by reason of remote location, long-term credit, short selling season, or other such unusual operating conditions, you find it impossible to operate under the mark-ups fixed by this regulation you may apply for an adjustment of such mark-ups by filing with your nearest District OPA office two copies of a signed statement giving for your store: (1) its name and address; (2) its group under this regulation; (3) its type (for example, cash-and-carry, service, delicatessen); (4) the approximate number of its food customers; (5) the total number of stores selling food in its community; (6) its distance from the nearest store selling food and the name and address of that store; and (7) the reasons why you are unable to operate under the mark-ups fixed by this regulation.

If you have more than one store you may file one application for all your stores which meet the conditions stated above. Your application must state separately for each store the specific information this section calls for.

(b) Any Regional Office of the OPA, or such offices as may be authorized by order issued by the appropriate Regional Office, may act on all applications for adjustment under the provisions of this regulation. Applications for adjustment are governed by Revised Procedural Regulation No. 1.<sup>15</sup>

**Sec. 19a. Regional adjustment of poultry mark-ups.** Each Regional Administrator of the OPA is hereby authorized to reduce the mark-ups listed in Table B in section 28 (a) for retailers in any area or locality within his jurisdiction for sales of any poultry items in connection with adjustments made pursuant to section 2.3 of Second Revised Maximum Price Regulation No. 269,<sup>16</sup> whenever such action is necessary to prevent an increase in the ceiling prices at which such poultry items may be sold by retailers.

<sup>15</sup> 9 F.R. 10476, 13715; 10 F.R. 11295.

<sup>16</sup> 10 F.R. 7684, 14026, 14146; 11 F.R. 175.

[Sec. 19a added by Am. 1, 8 F.R. 10570, effective 8-5-43, and amended by Am. 68, 11 F.R. 5950, effective 6-5-46]

**SEC. 20. How you find the "annual gross sales" of your store.** (a) To find your "annual gross sales," take your total sales for the calendar year 1945. Include all sales as shown on your books, except sales made by a restaurant operated in conjunction with your store. You can use your Federal Income Tax Return to get your gross sales for all or part of the calendar year 1945 which is covered by such return. If you own more than one store, figure the sales for each store separately, treating each as a separate retailer.

(b) If you were in business during only part of the year 1945, you must divide your total sales for 1945 by the number of weeks you were in business. This will give you your weekly average sales. Multiply this figure by 52 and the result is your "annual gross sales."

[Sec. 20 amended by Am. 18, 9 F.R. 5671, effective 5-25-44; Am. 40, 10 F.R. 2298, effective 3-5-45; and Am. 61, 10 F.R. 15466, effective 1-2-46]

**SEC. 21. How you determine your group in certain special cases—(a) Department stores.** If you operate a department store, that is, a store in which the greater volume of sales is general merchandise and not foods, and you sell foods in a separate department or departments, you must determine your group by using only the "annual gross sales" of your food department or departments.

(b) *Stores in which more than one retailer operates.* (1) If you sell food in a retail food store in which there are other food retailers, none of whom sells a complete line of the same general class of food, you must find your group by taking the combined "annual gross sales" of all the food retailers in that store. If you are unable to get the "annual gross sales" from the other food retailers in that store, you shall apply, in writing, to your nearest OPA District Office, for a determination of your group, stating your own "annual gross sales" figure for the applicable year. Each District Director is authorized to act on requests covering stores located within his district, and action taken shall be by order.

[Subparagraph (1) amended by Am. 53, 10 F.R. 12265, effective 10-4-45]

(2) If you sell foods in a retail store in which more than one retailer sells a complete line of the same general class of food, you will be considered as operating a separate retail store of your own, and you must determine your group by using only your own sales.

(c) *New stores.* If you open a retail store after January 1, 1946, you may consider yourself a Group 1 or Group 3 retailer, depending upon whether or not at that date your store is an "independent" store. You must figure your ceiling prices accordingly. (If you are a Group 3 store, you must figure your ceiling prices under Maximum Price Regulation No. 422.) However, after you have been

in business for 3 months, you must determine again what group your store is in. To do this, take your total sales for the 3-month period and multiply by 4. Use the result as your "annual gross sales" in determining the group in which your store belongs.

[Above paragraph amended by Am. 40, 10 F.R. 2298, effective 3-5-45; and Am. 61, 10 F.R. 15466, effective 1-2-46]

Furthermore, if by reason of the new store you now are one of 4 or more stores under one ownership, you must at the end of the 3-month period refigure the combined "annual gross sales" for all your stores. If the combined "annual gross sales" are \$500,000 or more, all of your stores must then be considered as Group 3 or Group 4 stores. You may continue to use the existing ceiling prices in each store until the second Thursday following the end of the 3-month period, by which time you must have refigured all of your ceiling prices in each store, using the mark-ups for its proper group.

If you find that only the new store should now be in another group, you may continue to use the Group 1 mark-ups until the second Thursday following the end of the 3-month period, by which time you must have refigured all your ceiling prices using the mark-ups for the new group in which this store falls.

In refiguring your ceiling prices as required above, for "dry grocery" items you must use as your "net cost" the same "net cost" you used in figuring your existing ceiling prices. For "perishable items", you must use as your "net cost" the same "net cost" which you would have used in refiguring your ceiling prices on that Thursday under section 8 of this regulation if a Group 1 store (or under section 8 of Maximum Price Regulation No. 422 if a Group 3 store). If, under that section, you would not have been required to refigure your ceiling price for any item on that Thursday, you shall use as your "net cost" for that item the same "net cost" on which your existing ceiling price at that time is based.

[Paragraph (c) amended by Am. 10, 8 F.R. 15608, effective 11-20-43; and Am. 18, 9 F.R. 5671, effective 5-25-44]

**SEC. 22. Taxes.** You may collect, in addition to your ceiling price, any tax upon or incident to a sale at retail of food covered by this regulation, if you state the tax separately, and if the tax statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

**SEC. 23. Transfer of business and stock in trade.** If, after August 5, 1943, you acquire in any way the business, assets, and stock in trade of any retail store covered by this regulation and you carry on the business, or continue to deal in the same type of food products in that same store, your ceiling prices shall be the same as those of the former owner if no transfer had taken place. You must keep all the records needed to verify your ceiling prices. The former owner must either preserve and make available to you, or give you, all the records of his transactions before you ac-



quired the store which you need to comply with the record provisions of this regulation.

If the transfer changes the business from one group of retail store to another, your ceiling prices shall be those for the group of retailers to which you belong under this regulation.

**SEC. 24. Relation to other regulations.** The provisions of this Maximum Price Regulation No. 423, except as otherwise provided in this regulation, shall, on and after August 5, 1943, supersede the provisions of Revised Maximum Price Regulation No. 238, Maximum Price Regulation No. 250,<sup>17</sup> Revised Maximum Price Regulation No. 256,<sup>18</sup> Revised Maximum Price Regulation No. 268, the General Maximum Price Regulation, and any other applicable price regulation or order issued by the OPA except any order issued pursuant to General Order 51, with respect to sales and deliveries for which ceiling prices are established by this regulation.

**SEC. 25. Definitions—(a) Retail route seller.** A "retail route seller" is a retailer who distributes food products to ultimate consumers other than commercial, industrial or institutional users, either on a future delivery basis or otherwise, from an inventory stocked in trucks or other conveyances operated by driver-salesmen over regular routes. A retailer, most of whose business is the personal solicitation of orders by salesmen calling at the homes or places of business of ultimate consumers, who are not commercial, industrial or institutional users, shall also be considered a retail route seller. A retailer is a "retail route seller" only of the food products he sells in this way.

**(b) Health food stores.** A "health food store" or "health food department" is one whose sales to consumers consist principally of "specially prepared dietetic foods." For the purposes of this regulation a "health food department" is a separate and distinct department operated by separate and specially trained personnel and for which separate records and accounts are maintained.

"Specially prepared dietetic foods" are foods manufactured and sold for restricted diets and for special dietetic purposes, including but not limited to, specially prepared foods for diabetic or arthritic conditions, or high blood pressure; specially prepared weight building or tonic foods; and vitamin or mineral supplements.

[Paragraph (b) amended by Am. 48, 10 F.R. 9272, effective 8-2-45]

**(c) Delivery.** Delivery of an item covered by this regulation shall be considered to have occurred when the item has been received by you at your usual receiving point.

**(d) Usual receiving point.** Your usual receiving point will be either your retail store or your warehouse from which you supply your retail stores, depending upon

<sup>17</sup> 7 F.R. 8705, 9898, 10014, 10994; 8 F.R. 2673, 10559.

<sup>18</sup> 7 F.R. 10473; 8 F.R. 1266, 2106, 2673, 3946, 5164, 7821.

where you normally receive the particular item you are pricing under this regulation.

**(e) Item.** You must determine a separate ceiling price for each item; that is, for each kind, brand, size, variety, grade, container-type, and container-size, except for fresh fruits and vegetables. Separate fresh fruit and vegetable items shall be those defined as separate in the definitions accompanying Table B.

**(f) Manufacture or otherwise process.** "Manufacture or otherwise process" shall mean blending, freezing, canning, preserving, bottling, milling, crushing, straining, roasting, centrifuging, cooking, distilling, purifying with heat, and other similar operations, and packaging of spices, tea and gelatin in the manner described in section 18.

Packaging as used in section 18, ripening of bananas, printing of butter, candling and grading of eggs and killing and dressing of poultry shall not be considered manufacturing or processing under this regulation.

[Paragraph (f) amended by Am. 42, 10 F.R. 5370, effective 5-17-45]

**(g) Group 3 retailer.** A retailer is in Group 3 if he has an "annual gross sales" of less than \$250,000 and he is not an "independent" retailer.

**(h) Group 4 retailer.** A retailer is in Group 4, whether "independent" or not, if he has an "annual gross sales" of \$250,000 or more.

**(i) Great Lakes marine supplier.** "Great Lakes marine supplier" means a person operating a selling establishment which buys and resells food products for the most part to "operators of a lake vessel or vessels," for consumption aboard such vessel or vessels, with delivery from shore locations by use of truck or launch facilities. "Operator of a lake vessel or vessels" means any person who owns or operates a lake vessel or vessels, other than passenger boats, engaged in shipping upon the Great Lakes, and who in operating such vessels purchases or receives food products covered by this regulation from a Great Lakes marine supplier for consumption aboard such vessels. Excluded from this definition are hotel-supply houses as defined in Second Revised Maximum Price Regulation No. 269, hotel and restaurant supply houses as defined in Maximum Price Regulation No. 271,<sup>19</sup> and purveyors as defined in Maximum Price Regulation No. 426.

[Paragraph (i) added by Am. 56, 10 F.R. 13074, effective 10-25-45]

**SEC. 26. Geographical applicability.** The provisions of this regulation shall apply to the 48 states of the United States and to the District of Columbia.

ARTICLE IV—TABLES

**SEC. 27. Table of mark-ups for "dry groceries" (Table A)—(a) Table A: Mark-ups over "net cost" allowed to Group 1 & Group 2 retailers for dry groceries covered by this regulation by commodities.**

<sup>19</sup> 11 F.R. 3864.

Food commodities	Allowed mark-ups over "net cost"	
	Independent retailers with annual volumes	
	Group 1—under \$50,000	Group 2—\$50,000 but less than \$250,000
	Percent	Percent
1. Baby foods.....	25	23
2. Cereals, breakfast.....	22	20
3. Cocoa, chocolate, and cereal drink preparations.....	29	29
4. Coffee.....	17	17
5. Cookies, crackers, toast and crumbs.....	25	25
6. Corn meal and hominy.....	29	29
7. Dog and cat foods.....	27	27
8. Fish, processed.....	27	27
9. Flour and flour mixes.....	27	27
10. Fruits, berries and fruit juices (canned) except fruit cocktail, pineapple, peaches and pears.....	26	26
11* Fruit cocktail, pineapple, peaches and pears (canned) except juices.....	25	23
12. Fruits, dried and dehydrated.....	27	25
13. Frozen Foods.....	27	27
14. Gelatin and pudding mixtures.....	28	25
15. Jams, jellies, preserves, honey and peanut butter.....	32	32
16. Lard, pure.....	20	18
17. Macaroni and spaghetti products.....	32	32
18. Mayonnaise and salad dressing.....	24	24
19. Meat, canned.....	21	21
20. Milk, canned.....	20	20
21. Oils, cooking and salad.....	28	28
22. Oleomargarine.....	17	15
23. Pickles and relishes.....	32	32
24. Rice.....	28	28
25. Shortening, hydrogenated.....	9	9
26. Shortening, other.....	18	18
27. Soups, canned.....	27	26
28. Soups, dehydrated.....	34	34
29. Spices.....	46	40
30. Sugar.....	17	12
31. Syrups.....	28	28
32. Tea.....	26	26
33. Vegetables and vegetable juices (canned) except corn, green and wax beans, peas, tomatoes and tomato juice.....	31	31
34. Corn, green and wax beans, peas, tomatoes and tomato juice (canned).....	25	23
35. Vegetables, dried and dehydrated.....	36	36
36. Vinegar.....	39	34
37. Miscellaneous foods.....	40	40

[Table amended by Am. 2, 8 F.R. 10988, effective 8-5-43; Am. 7, 8 F.R. 15252, effective 11-24-43; and Am. 15, 9 F.R. 4017, effective 5-1-44.]

**(b) Commodity definitions.** These definitions apply to both domestic and imported items.

(1) "Baby foods" means "baby" or "junior" soups, fruits, vegetables, meats and mixtures thereof packed in hermetically sealed containers. Excluded are dry baby cereals.

(2) "Cereals, breakfast" means bulk or packaged cereal items of any size commonly used as breakfast foods, both un-cooked and ready-to-eat types including, but not limited to, bran flakes, farina, popped rice, and rolled oats. Excluded are barley, corn meal, corn grits, hominy grits and flakes, rice, wheat bran flour, wheat germ, and dry baby cereals. Also excluded are cereals mixed or coated with a confection, in the proportion of two thirds or more confection to one third cereal by weight.

[Subparagraph (2) amended by Am. 18, 9 F.R. 5671, effective 5-25-44]

(3) "Cocoa, chocolate and cereal drink preparations" includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations containing less than 35 percent malted milk, chocolate syrup packed in consumer sizes, chocolate bits, cooking chocolate and packaged powdered skim milk (spray process). Excluded are chocolate confections, bittersweet bars, milk chocolate, chocolate syrup packed in No. 10 tins or larger or one gallon containers or larger, powdered whole milks, powdered skim milk packaged in tin in an inert gas, malted milk, and any preparation containing 35 percent or more malted milk.

[Subparagraph (3) amended by Am. 2, 8 F.R. 10988, effective 8-5-43; Am. 7, 8 F.R. 15252, effective 11-24-43; and Am. 38, 10 F.R. 1523, effective 2-8-45]

(4) "Coffee" means roasted coffee, whole or ground, decaffeinated coffee, coffee concentrates, and any mixtures of coffee with other products for beverage purposes.

(5) "Cookies, crackers, toast, and crumbs" includes, but is not limited to, biscuits, Christmas cookies, fig bars, graham crackers, pretzels, rye crackers, zwieback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal, and related matzo products. Excluded are bread, pies, cakes, doughnuts, coffee cakes, rolls, candies, Passover matzo, Passover matzo meal, related Passover matzo products, and any bakery products which you manufacture. Also excluded are any items which are bought by you in bulk and sold loose.

[Subparagraph (5) amended by Am. 2, 8 F.R. 10988, effective 8-5-43; and Am. 11, 8 F.R. 17371, effective 1-8-44]

(6) "Corn meal and hominy" means bulk or packaged (in any size) corn meal, corn grits, hominy, hominy grits, hominy flakes, and prepared hominy. Excluded is canned hominy which is in "Vegetables and vegetable juices, canned".

(7) "Dog and cat food" shall not include any item prepared by you for pet food, or any frozen dog or cat food.

(8) "Fish, processed" includes, but is not limited to, canned fish, canned sea food, and salted, pickled, smoked, dried or otherwise processed fish, such as fish cakes, roe, clam juice, and oyster puree. Excluded are fresh or frozen fish, fresh or frozen seafood, frozen food products in which fish or seafood are combined with other ingredients, and caviar.

[Subparagraphs (7) and (8) amended by Am. 7, 8 F.R. 15252, effective 11-24-43]

(9) "Flour and flour mixes" means all bulk or packaged (in any size) flour and flour mixes milled from wheat, semolina, farina, corn, rice, buckwheat, and potatoes, including, but not limited to, prepared pancake, cake, biscuit, pie crust and gingerbread mix.

(10) "Fruits, berries and fruit juices, canned" includes, but is not limited to, apple sauce, apple cider, berry juices, concentrated fruit juices, citrus fruits and juices, cranberry jelly and sauce, fountain fruits, maraschino cherries, fruit nectars, bulk apple cider and pineapple juice. "Canned" means processed

and packed in any container, whether or not hermetically sealed. Excluded are apple butter, fruit butters, jams, jellies, fruit preserves, coconut, olives, baby foods, dried fruits, dehydrated fruits, fruit cocktail, pineapple (except pineapple juice), peaches, pears, and frozen fruits.

[Subparagraph (10) amended by Am. 18, 9 F.R. 5671, effective 5-25-44; and Am. 25, 9 F.R. 10259, effective 8-26-44]

(11) "Fruit cocktail, pineapple, peaches, and pears (canned) except juices" shall include fruit salad. Excluded are frozen fruits. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

[Subparagraph (11) amended by Am. 18, 9 F.R. 5671, effective 5-25-44]

(12) "Fruits, dried and dehydrated" (packaged or bulk) includes but is not limited to, stuffed dried fruits, dried dates and figs, pitted dates and macerated dates. Excluded are fruit confections, candied or glazed fruits and peels, fresh dates and date products.

NOTE: The 1943 pack of dried fruits shall be considered a different item from the 1942 pack of dried fruits, and you must figure separate ceiling prices for each item of the 1943 pack. The 1944 pack shall also be considered a different item from the 1943 and earlier packs, and you must figure separate ceiling prices for each item of the 1944 pack.

[Subparagraph (12) amended by Am. 10, 8 F.R. 15608, effective 11-20-43; Am. 14, 9 F.R. 3648, effective 4-8-44; Am. 29, 9 F.R. 11902, effective 9-27-44 and Am. 42, 10 F.R. 5370, effective 5-17-45]

(13) "Frozen foods" means packaged quick-frozen or cold-packed foods, sold from refrigerated cabinets or lockers, including but not limited to all fruits, berries, fruit or berry juices and mixtures (except any of the foregoing in containers of a capacity of more than 50 pounds), vegetables, vegetable juices and mixtures, including mushrooms, dog and cat food not prepared by you for pet food, apple sauce, macaroni and spaghetti products, chop suey, gravies, pork-and-beans, soups, food products in which meat, chicken, turkey, fish or seafood are combined with other ingredients, meat stews, and corned beef hash. Excluded are frozen pies and pastries, frozen meat, poultry, fish and seafood, ice cream, sherbet and frozen confections.

NOTE: The 1943 pack of canned fruits and frozen fruits shall be considered different items from the 1942 pack of fruits and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (13) amended by Am. 7, 8 F.R. 15252, effective 11-24-43; corrected 8 F.R. 17371, effective 12-23-43; amended by Am. 25, 9 F.R. 10259, effective 8-26-44; Am. 28, 9 F.R. 11711, effective 9-21-44, and Am. 36, 9 F.R. 15048, effective 1-2-45]

(14) "Gelatin and pudding mixtures" includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, consumer ice cream mixes, and rennet.

(15) "Jams, jellies, preserves, honey and peanut butter" includes, but is not limited to, tomato preserves, marmalade, fruit preserves, fruit butters, smooth or

crunch-type nut butters, honey butter, and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of 15 pounds or less. Excluded are cranberry jelly or sauce.

[Subparagraph (15) amended by Am. 14, 9 F.R. 3648, effective 4-8-44]

(16) "Lard, pure" (packaged or bulk) includes, but is not limited to, rendered pork fat. Excluded are lard compounds which are classed as "Shortenings, other".

(17) "Macaroni and spaghetti products" includes, but is not limited to, bows, egg alphabets, macaroni, spaghetti, vermicelli, "sea shells", noodles, macaroni dinners, and spaghetti dinners. Excluded are ravioli, tamales, dry noodle soup mixtures, spaghetti-and-meatballs, chicken-and-noodles, Chinese-style noodles, and frozen macaroni and spaghetti products.

[Subparagraph (17) amended by Am. 7, 8 F.R. 15252, effective 11-24-43]

(18) "Mayonnaise and salad dressing" includes, but is not limited to, tartar sauce, relish spreads, other mayonnaise spreads, and french dressing. Excluded are olive oil and meat spreads.

(19) "Meat, canned" includes, but is not limited to, canned or glassed chicken and turkey products, chicken-and-noodles, chili con carne, meat spreads, meat gravy, pickled meats, ravioli, spaghetti-and-meatballs, stews, tamales and tripe. Excluded are mincemeat, any canned meat which is removed from the can by the retailer and sold sliced in smaller amounts, frozen food products in which meat, chicken and turkey are combined with other ingredients, frozen meat gravies, and frozen meat stews.

[Subparagraph (19) amended by Am. 7, 8 F.R. 15252, effective 11-24-43]

(20) "Milk, canned" means evaporated or condensed cow milk, including, but not limited to, filled evaporated milk products. Excluded are fresh milk, cream, powdered milks, and goat milk.

(21) "Oils, cooking and salad" means all vegetable, fruit and leaf plant oils, cooking fats other than shortening, and pure olive oil packaged in containers of one-half gallon or more but not exceeding one gallon. Excluded are prepared dressings and pure olive oil packaged in containers of less than one-half gallon.

[Subparagraph (21) amended by Am. 38, 10 F.R. 1523, effective 2-8-45]

(22) "Oleomargarine" means any product labelled "oleomargarine."

(23) "Pickles and relishes" (packaged or bulk) includes, but is not limited to chow chow, pickled fruits, pickled onions, pickled peppers, pickled relishes, pickled rind, and pickled vegetables. Excluded are mayonnaise-relish spreads, and tartar sauce.

(24) "Rice" packaged or bulk, means all rice (including second heads) of the grades defined by the Department of Agriculture bulletin of Standards for Milled Rice (effective May 15, 1942). Excluded are rice flour, rice flakes, popped rice, wild rice, and screenings and brewers rice graded as Class XIII



and Class XIV, respectively, by the above mentioned bulletin.

[Subparagraph (24) amended by Am. 11, 8 F.R. 17371, effective 1-8-44; Am. 25, 9 F.R. 10259, effective 8-26-44 and Am. 42, 10 F.R. 5370, effective 5-17-45]

(25) "Shortening, hydrogenated" means all fully hydrogenated shortenings.

(26) "Shortening, other" means shortenings other than fully hydrogenated shortening. Excluded are butter, lard, oleomargarine, and suet.

(27) "Soups, canned" includes all soups, broths and chowder. Excluded are meat stews, "baby" or "junior" soups, dehydrated soups, and frozen soups.

Note: The 1943 pack of canned vegetable soups shall be considered a different item from the 1942 pack of canned vegetable soups, and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (27) amended by Am. 1, 8 F.R. 10570, effective 8-5-43; and Am. 7, 8 F.R. 15252, effective 11-24-43. Corrected, 8 F.R. 17371, effective 12-23-43]

(28) "Soups, dehydrated" means dry mixtures sold for soup-making, including, but not limited to, bouillon concentrates, and dry noodle soup mixtures. Excluded are other macaroni or noodle products, lentils, and dried peas.

(29) "Spices" includes, but is not limited to, bayleaves, caraway seed, dried peppers, dry chili, celery seed, celery salt, celery flakes, chili powder, garlic, garlic salt, dry mustard, onion salt, onion flakes, poultry seasoning, poppy seed, seasoned salt, sesame seed, thyme, and cream of tartar. Excluded are table salt, spice oils, candied ginger, raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States, and wooden or other type trays designed as permanent kitchen furniture containing sets of assorted spices.

[Subparagraph (29) amended by Am. 25, 9 F.R. 10259, effective 8-26-44]

(30) "Sugar" means all bulk or packaged cane or beet sugar, including cinnamon sugar.

(31) "Syrups" means all malt, molasses, cane, maple, and table corn syrups and imitations and blends. Excluded are chocolate and ice cream sundae syrups, fruit syrups for making beverages, molasses sold for feed purposes, sorghum syrup and unmixed corn syrup.

[Subparagraph (31) amended by Am. 11, 8 F.R. 17371, effective 1-8-44; and Am. 24, 9 F.R. 9720, effective 8-14-44]

(32) "Tea" includes bulk or packaged tea, tea bags and matte. Excluded are sales of tea in containers of the customary unit and weight in which they are imported into the United States.

[Subparagraph (32) amended by Am. 42, 10 F.R. 5370, effective 5-17-45]

(33) "Vegetables and vegetable juices, canned" includes, but is not limited to, blackeye, crowder, cream and field peas, baked beans, sauerkraut, rhubarb, chili sauce, cocktail sauce, canned hominy, mushrooms, mushroom sauce, tomato

catsup, tomato paste, tomato puree, pimientos, and Chinese-style foods including soy sauce and brown sauce. "Canned" means processed and packaged in any container, whether or not hermetically sealed. Excluded are vegetable soups, "baby" or "junior" foods, pickles, corn, green and wax beans, peas (except canned blackeye, crowder, cream and field peas), tomatoes, tomato juice, and frozen vegetables.

[Subparagraph (33) amended by Am. 10, 8 F.R. 15608, effective 11-20-43; and Am. 25, 9 F.R. 10259, effective 8-26-44]

(34) "Corn, green and wax beans, peas, tomatoes, and tomato juice (canned)." Excluded are frozen vegetables and canned blackeye, crowder, cream and field peas. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

Note: The 1943 pack of canned vegetables and frozen vegetables shall be considered different items from the 1942 pack of vegetables and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (34) amended by Am. 10, 8 F.R. 15608, effective 11-20-43]

(35) "Vegetables, dried and dehydrated" (packaged or bulk) includes, but is not limited to, dried beans, blackeye peas, dried mushrooms, dried peas, and lentils. Excluded are dry soup mixes, hominy, garlic, celery flakes, onion flakes, dried chili, and dried peppers.

(36) "Vinegar" (bottled or bulk) includes, but is not limited to, pure cider vinegar, distilled vinegar, malt vinegar, wine vinegar, and tarragon vinegar.

(37) "Miscellaneous foods" shall include all other dry grocery items except those specifically excluded in paragraph (c) of this section. Among the items included under this heading are the following:

Baking powder  
Baking soda  
Barley (pearl)  
Caviar  
Cocoanut, shredded, desiccated, or moist.  
Cookies, crackers, toast, and crumbs bought by you in bulk and sold loose.  
Corn starch, edible or gloss, packaged in containers of ten pounds or less (excluded are powdered prepared laundry starching compounds).  
Date products  
Egg nog (non-alcoholic), bottled  
Extracts  
Flavorings  
Food colorings  
Fruit pectins  
Fruit syrups for making beverages. (Excluded are fruit syrups used by rectifiers, blenders, restaurants and bars for making alcoholic mixed drinks.)  
Gift or holiday packages bought assembled, and containing one or more items covered by this regulation.  
Glaced or candied fruits and peels  
Ice cream sundae syrups, including chocolate syrup packed in No. 10 tins or larger or one gallon containers or larger.  
Meat flavorings  
Meat sauces, except catsup, cocktail sauce, and chili sauce.  
Mincemeat  
Mustard, prepared

Olives  
Olive oil, pure (packaged in containers of less than one-half gallon).

Pie filling  
Popcorn, not popped.  
Potatoes, Julienne, packed in hermetically sealed containers.

Potatoes, shoestring, packed in hermetically sealed containers.

Pudding, date

Pudding, fig

Pudding, plum

Salt, table, packaged in cartons, bags or pockets containing 100 pounds or less, Kosher salt in cartons, and salt packaged in containers of 10 pounds or less and labeled by the manufacturer as ice cream salt (excluded are onion, celery or garlic salt, and meat-curing or smoked salt)

Spice oils.

Tom and Jerry batter, bottled.

Yeast.

[Subparagraph (37) amended by Am. 1, 8 F.R. 10570, effective 8-5-43; Am. 2, 8 F.R. 10988, effective 8-5-43; Am. 7, 8 F.R. 15252, effective 11-24-43; Am. 11, 8 F.R. 17371, effective 1-8-44; Am. 14, 9 F.R. 3648, effective 4-8-44; Am. 18, 9 F.R. 5671, effective 5-25-44; Am. 24, 9 F.R. 9720, effective 8-14-44; Am. 27, 9 F.R. 11537, effective 9-16-44; Am. 38, 10 F.R. 1523, effective 2-8-45; and Am. 42, 10 F.R. 5370, effective 5-17-45]

(c) *Commodities not included in this regulation.* Excluded from this regulation are:

Baked beans, prepared by the retailer.  
Baked goods, fresh (except cookies, crackers, toast and crumbs).  
Beer.  
Bird seed and gravel.  
Bread.  
Buttermilk, fresh.  
Candied ginger.  
Candy.  
Cereals mixed or coated with a confection in the proportion of  $\frac{2}{3}$  or more confection to  $\frac{1}{3}$  cereal by weight.  
Comb honey.  
Corn starch, edible or gloss (packaged in containers of more than ten pounds).  
Corn sugar.  
Corn syrup, unmixed.  
Cream.  
Dry baby cereals.  
Feed, animal or poultry (other than pet food).  
Fresh fruits and vegetables (except as included in Table B).  
Frozen fish and seafood.  
Frozen fruits, berries, fruit or berry juices, and mixtures, in containers of a capacity of more than 50 pounds.  
Fruit cake.  
Fruit and vegetable powders for making beverages.  
Goat's milk, canned.  
Green coffee in containers of the customary unit and weight in which they are imported into the United States.  
Ice cream cones.  
Ice cream, sherbets, and frozen confections.  
Laundry starching compounds, powdered prepared.  
Liquors.  
Malted milk and any preparation containing 35% or more malted milk.  
Maple sugar.  
Meat and fish (except "Fish, processed", and "Meat, canned").  
Milk, fresh.  
Whole milk, powdered, and powdered skim milk packaged in tin in an inert gas.  
Mineral oil.  
Molasses sold for feeding purposes.

Nuts.  
 Olive oil, pure (packaged in containers of a capacity of more than one gallon).  
 Passover matzo, Passover matzo meal, and related Passover matzo products.  
 Peanuts.  
 Pet foods (except cat and dog foods or any frozen cat and dog foods).  
 Popcorn, popped.  
 Potato chips.  
 Powdered skim milk, bulk.  
 Raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States.  
 Salads and relishes prepared by the retailer.  
 Salt not covered by section 27 (b) (37).  
 Soft drinks.  
 Sorghum syrup.  
 Spices in assorted sets contained in wooden or other type trays designed as permanent kitchen furniture.  
 Tamales, bulk.  
 Tea in containers of the customary unit and weight in which they are imported into the United States.  
 Tortillas.

Vitamin concentrates.  
 Wheat germ.  
 Wild rice and screenings and brewers rice.  
 Wine.

[Paragraph (c) amended by Am. 1, 8 F.R. 10570, effective 8-5-43; Am. 2, 8 F.R. 10988, effective 8-5-43; Am. 6, 8 F.R. 13294, effective 10-4-43; Am. 7, 8 F.R. 15252, effective 11-24-43; Am. 11, 8 F.R. 17371, effective 1-8-44; Am. 18, 9 F.R. 5671, effective 5-25-44; Am. 24, 9 F.R. 9720, effective 8-14-44; Am. 25, 9 F.R. 10259, effective 8-26-44; Am. 28, 9 F.R. 11711, effective 9-21-44; Am. 34, 9 F.R. 14600, effective 12-21-44; Am. 38, 10 F.R. 1523, effective 2-8-45; Am. 42, 10 F.R. 5370, effective 5-17-45; and Am. 68, 11 F.R. 5950, effective 6-5-46]

SEC. 28. Table of mark-ups for "perishables" (Table B)—(a) Table B: Mark-ups over "net cost" allowed to Group 1 and Group 2 retailers for perishables covered by this regulation by commodities.

TABLE B—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 1 AND GROUP 2 RETAILERS FOR PERISHABLES COVERED BY THIS REGULATION BY COMMODITIES

I. Food commodities	Allowed mark-ups over net cost		"Selling unit" in which ceiling price must be calculated
	Independent retailers with annual volumes		
	Group 1. Under \$50,000	Group 2. \$50,000 but less than \$250,000	
(1) Dairy products:	Percent	Percent	
Butter.....	10	10	1 pound.
Cheese.....	27	27	1 pound or 1 package.
Eggs, shell.....	17	15	1 dozen.
(2) Fresh fruits:			
Bananas, bought on the stem.....	43	43	1 pound.
Bananas, bought in hands.....	34	34	1 pound.
Berries.....	34	34	1 quart, 1 pint or 1 pound.
Citrus fruits.....	39	39	*1 pound or 1 dozen (grapefruit, 1 grapefruit or 1 pound).
Grapes, juice.....	15	15	1 lug or pound
Grapes, table.....	40	40	1 pound.
Red sour cherries.....	34	34	1 quart or 1 pound.
(3) Fresh vegetables:			
Lettuce.....	40	40	*1 pound.
Onions, dry.....	40	40	*1 pound.
Potatoes, sweet.....	40	40	*1 pound.
Potatoes, white.....	33	30	*1 pound.
Tomatoes.....	40	40	1 pound or 1 package.
Vegetables in unbroken packages.....	40	40	1 package.
(4) Poultry:			
Poultry (except turkey) sold as purchased: Bought live and sold live, bought dressed and sold dressed, bought drawn and sold drawn, bought frozen and sold frozen, bought kosher-killed and sold kosher-killed, bought kosher dressed and plucked and sold kosher dressed and plucked, bought split or cut-up and sold split or cut-up (boxed and other pack).	21	21	1 pound.
Poultry (including turkey) bought live and sold dressed weight basis. (Multiply live cost per pound by applicable figure in table. This establishes selling price per pound, dressed weight.)	38	38	1 pound.
Turkey bought live and sold live.....	21	21	1 pound.
Turkey bought dressed and sold dressed, bought kosher-killed and sold kosher-killed, bought kosher dressed and plucked and sold kosher dressed and plucked, bought drawn and sold drawn, bought frozen and sold frozen, bought split and sold split, bought cut-up and sold cut-up (boxed and other pack).	17	17	1 pound.

TABLE B—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 1 AND GROUP 2 RETAILERS FOR PERISHABLES COVERED BY THIS REGULATION BY COMMODITIES—Continued.

II. Food commodities	Allowed dollars-and-cents mark-ups per "selling unit"		"Selling unit" in which ceiling price must be calculated
	Independent retailers with annual volumes		
	Group 1. Under \$50,000	Group 2. \$50,000 but less than \$250,000	
(1) Dairy products:			
(2) Fresh fruits:	Cents	Cents	
Apples.....	3	3	1 pound.
Apricots.....	5	5	1 pound.
Cherries, sweet.....	9	9	1 pound.
Coconuts.....	2	2	1 pound.
Cranberries.....	8½	8½	1 pound.
Melons, except watermelons.....	2½	2½	1 pound.
Peaches.....	4	4	1 pound.
Pears.....	4½	4½	1 pound.
Plums.....	5	5	1 pound.
Prunes, Italian.....	3½	3½	1 pound.
Watermelons.....	1½	1½	1 pound.
(3) Fresh vegetables:			
Beans, green and wax. <sup>1</sup>	4½	4½	1 pound.
Carrots, bunched.....	2½	2½	1 bunch.
Carrots, other than bunched.	2	2	1 pound.
Cucumbers, except hothouse cucumbers. <sup>2</sup>	2½	2½	1 pound.
Cucumbers, hothouse. <sup>2</sup>	7	7	1 pound.
Eggplant. <sup>3</sup>	3½	3½	1 pound.
Peas, green.....	5½	5½	1 pound.
Peppers, sweet. <sup>4</sup>	5	5	1 pound.
Spinach.....	3½	3½	1 pound.
(4) Poultry:			

<sup>1</sup> The mark-ups for green and wax beans are suspended from July 1, 1945 to October 4, 1945, and shall be automatically reinstated on October 4, 1945.

<sup>2</sup> The mark-ups for all cucumbers are suspended from August 1, 1945 to October 4, 1945, and shall be automatically reinstated on October 4, 1945.

<sup>3</sup> The mark-ups for eggplant are suspended from July 23, 1945 to January 3, 1946 and shall be automatically reinstated on January 3, 1946.

<sup>4</sup> The mark-ups for sweet peppers are suspended from July 23, 1945 to January 3, 1946, and shall be automatically reinstated on January 3, 1946.

[Table B amended by Am. 1, 8 F.R. 10570, effective 8-5-43; Am. 3, 8 F.R. 12443, effective 9-16-43; Am. 6, 8 F.R. 13294, effective 10-4-43; Am. 8, 8 F.R. 14854, effective 11-4-43; Am. 11, 8 F.R. 17371, effective 1-8-44; Am. 16, 9 F.R. 4217, effective 4-27-44; Am. 19, 9 F.R. 6829, effective 6-22-44; Am. 20, 9 F.R. 7340, effective 7-5-44; Am. 21, 9 F.R. 7520, effective 7-13-44; Am. 22, 9 F.R. 7937, effective 7-20-44; Am. 23, 9 F.R. 9354, effective 8-10-44; Am. 30, 9 F.R. 12340, effective 10-10-44; Am. 31, 9 F.R. 12593, effective 10-26-44; Am. 33, 9 F.R. 12972, effective 11-2-44; Am. 34, 9 F.R. 14600, effective 12-21-44; Am. 37, 10 F.R. 200, effective 1-11-45; Am. 43, 10 F.R. 5578, effective 5-24-45; Am. 44, 10 F.R. 6235, effective 5-31-45; Am. 45, 10 F.R. 6514, effective 6-6-45; Am. 46, 10 F.R. 8015, effective 7-5-45; Am. 47, 10 F.R. 8656, effective 7-1-45; Am. 49, 10 F.R. 9263, effective 7-23-45; Am. 52, 10 F.R. 12265, effective 10-4-45; and Am. 59, 10 F.R. 14147, effective 11-15-45. \*Items amended by Am. 69, effective 6-15-46]



(b) *Commodity definitions.* These definitions apply to both domestic and imported items.

(1) *Dairy products.* "Butter" (packaged or bulk) means only butter from milk, including, but not limited to, processed, salted, unsalted, and whipped butter. Excluded are peanut, nut, fruit or honey butters.

[Above definition amended by Am. 14, 9 F.R. 3648, effective 4-8-44]

"Cheese" shall include all bulk or packaged cheese (natural or processed), cheese spreads and cheese foods.

[Above definition amended by Am. 42, 10 F.R. 5370, effective 5-17-45]

"Eggs, shell" means chicken eggs sold for human consumption. Ceiling prices shall be figured for each grade and size (or weight class) of eggs, and the grade and size (or weight class) shall be posted separately with the selling price, except that "ungraded eggs" are to be designated only as "ungraded eggs". Eggs shall be sold at retail only in the retail grades and sizes (or weight classes) specified in Maximum Price [Regulation No. 333,] or as "ungraded eggs" which may contain no inedible eggs.

[Above definition amended by Am. 1, 8 F.R. 10570, effective 8-5-43]

(2) *Fresh fruits.* "Fresh fruits" means all the fresh fruits listed, packed or in bulk, which have not been frozen, dried, canned or otherwise processed. Wrapping, dipping, washing, or crating shall not be considered processing. Each item of fresh fruits which has been transported from the growing area principally by air and which has been individually identified at point of shipment by stamp or label as an air-borne fruit, or which has been wrapped at point of shipment in consumer packages so identified, shall be priced separately.

[Above definition amended by Am. 50, 10 F.R. 9431, effective 7-27-45]

"Apples" means all varieties of fresh apples including, but not limited to, Baldwin, Delicious, Grimes Golden, Winesap, Northern Spy, York Imperial, McIntosh and Rome Beauty. Each variety shall be considered a separate item and priced separately. Each variety of Northwestern grown and similar quality apples shall also be considered a separate item and priced separately.

[Above definition amended by Am. 38, 10 F.R. 1523, effective 2-8-45]

"Apricots" means all varieties of fresh apricots. All apricots shall be considered a single item and priced as such. Excluded are dried apricots.

[Above definition added by Am. 19, 9 F.R. 6829, effective 6-22-44]

"Bananas." Bananas, from different countries of origin such as, but not limited

to, Costa Rica, Honduras, Guatemala, and Mexico, shall be considered different "kinds" of bananas, and must be priced separately. "Bananas, bought in hands," means those which have been sold after being cut away from the stem.

"Berries" means blackberries, boysenberries, gooseberries, loganberries, black raspberries, red raspberries, strawberries and youngberries. Each of these eight kinds of berries shall be treated as a separate item and priced separately. Whenever fresh berries are sold in quarts or pints, they must have a minimum net weight of 20 ounces per quart or 10 ounces per pint. If you purchase berries on the basis of a price per pound and sell them in pints or quarts, you must multiply your cost per pound by 20/16 to figure your "net cost" per quart, and by 10/16 to figure your "net cost" per pint.

[Above definition amended by Am. 17, 9 F.R. 4434, effective 4-27-44]

"Cherries, sweet" means all fresh cherries except "red sour cherries" and "ground cherries". Separate ceiling prices shall be figured for each variety. Varieties shall be Tartarian, Bing, Royal Ann, Lambert, and all other varieties.

[Above definition added by Am. 19, 9 F.R. 6829, effective 6-22-44]

"Citrus fruits" means all fresh citrus fruits including but not limited to, oranges, lemons, grapefruit and tangerines. Excluded are fresh limes. Separate ceiling prices shall be figured for each variety, each size, and for fruit from different areas. Separate ceiling prices shall also be figured for each container size of fruit purchased already packaged in consumer containers. Varieties shall be oranges, lemons, temple oranges, tangerines (including clementines, king oranges, satsumas and tangelos), white seeded grapefruit, pink seeded grapefruit, white seeded grapefruit, pink seeded grapefruit, and ruby-red grapefruit. Different areas are California, Arizona, Texas, Isle of Pines, Indian River Citrus Area of Florida, and the rest of the State of Florida.

[Above definition amended by Am. 69, effective 6-15-46]

"Coconuts" means all fresh whole coconuts, imported and domestic. Coconuts in husks and coconuts in shells shall be considered separate items and priced separately. "Coconuts in husks" means the fruit of the coco palm enclosed in thick, fibrous outer coats commonly called husks. "Coconuts in shells" means the fruit of the coco palm with the outer husks removed.

"Cranberries" means all varieties of fresh cranberries including, but not limited to, Early Blacks, Searls Jumbos and Howes. All varieties shall be considered a single item and priced as such. Cranberries bought and sold in cellophane-wrapped packages weighing one pound

shall be considered a separate item and priced separately.

[Above definition added by Am. 31, 9 F.R. 12593, effective 10-26-44]

"Grapes, table" means all varieties of California, Arizona and imported fresh table grapes including, but not limited to, Almeria, Emperor, Red Malaga, White Malaga, Ribier, Thompson Seedless and Tokay. Each variety of domestic table grapes and each variety of imported table grapes shall be considered a separate item and priced separately. "Grapes, juice" means the following varieties of grapes: Alicante, Barberone, Aramon, Burger, Burgundy, Carignane, Chianti, Cinsaut, Gregano, Grenache, Malvoisie, Mataro, Mission, Muscat, Petite Bouschet, Petite Sirah, Valdepena, and Zinfandel. All varieties of juice grapes shall be considered as a single item and priced as such.

[Above definition added by Am. 46, 10 F.R. 8015, effective 7-5-45; amended by Am. 59, 10 F.R. 14147, effective 11-15-45, and Am. 65, 11 F.R. 996, effective 1-31-46]

"Melons, except watermelons" means all melons except watermelons and citron-melon. Separate ceiling prices shall be figured for each variety. Varieties shall be cantaloupes and muskmelons, Honeyball, Honey Dew, Persian, Casaba, Cranshaw, and all other varieties.

[Above definition added by Am. 20, 9 F.R. 7340, effective 7-5-44]

"Peaches" means all varieties of fresh peaches including, but not limited to, Carmen, Early Rose, Triumph, Cumberland, Elberta, Eclipse, and Salway. Each variety shall be considered a separate item and priced separately.

[Above definition added by Am. 22, 9 F.R. 7937, effective 7-20-44]

"Pears" means all varieties of fresh pears, including, but not limited to, Bartlett, Hardy, Keiffer, Comice, Anjou, Bosc, and Winter Nelis. Excluded are Forelle and Seckel varieties. Each variety shall be considered a separate item and priced separately.

[Above definition added by Am. 23, 9 F.R. 9354, effective 8-10-44]

"Plums" means all fresh plums, including damsons, green-gages, and fresh prunes. Excluded are fresh Italian prunes. Varieties include but are not limited to Santa Rosa, Tragedy, Duarte, President, Beauty, Kelsey, Wickson and Burbank. Each variety shall be considered a separate item and priced separately.

"Prunes, Italian" means all grades of fresh Italian prunes. All fresh Italian prunes shall be considered a single item and priced as such.

[Above two definitions added by Am. 19, 9 F.R. 6829, effective 6-22-44]

"Red sour cherries." All red sour cherries shall be considered one item. When you sell red sour cherries by the quart, they must have a minimum net weight of 20 ounces per quart. When you purchase red sour cherries on the

<sup>20</sup> 9 F.R. 11514; 12216; 10 F.R. 1609, 2025, 3221, 5523, 7343, 8372, 9926.

basis of a price per pound and sell them in quarts, you must multiply your cost per pound by  $\frac{20}{16}$  to figure your "net cost" per quart.

"Watermelons" means all grades, sizes, and varieties of watermelons. All grades, sizes, and varieties shall be considered a single item and priced as such. Excluded are citron-melons.

[Above definition added by Am. 21, 9 F.R. 7520, effective 7-13-44]

[Subparagraph (2) amended by Am. 1, 8 F.R. 10570, effective 8-5-43; Am. 3, 8 F.R. 12443, effective 9-16-43; Am. 9, 8 F.R. 15587, effective 11-19-43; Am. 16, 9 F.R. 4217, effective 4-27-44; and Am. 30, 9 F.R. 12340, effective 10-10-44, and as otherwise noted]

(3) *Fresh vegetables.* "Fresh vegetables" means all the fresh vegetables listed, packed or in bulk, which have not been frozen, dried, canned or otherwise processed. Wrapping, dipping, washing, shelling shall not be considered processing. Each item of fresh vegetables which has been transported from the growing area principally by air and which has been individually identified at point of shipment by stamp or label as an airborne vegetable, or which has been wrapped at point of shipment in consumer packages so identified, shall be priced separately.

[Above definition amended by Am. 50, 10 F.R. 9431, effective 7-27-45]

"Beans, green and wax" means all varieties of green and wax beans, but shall not include limas and English, Fava, and Italian broad beans. Green beans and wax beans shall be considered separate items and priced separately.

["Cabbage" deleted by Am. 45, 10 F.R. 6514, effective 6-6-45]

"Carrots, bunched" means all fresh carrots with tops, bought and sold in bunches weighing not less than one pound. California and similar quality bunched carrots shall be considered a separate item.

"Carrots, other than bunched" means clipped carrots (carrots with tops not more than 4 inches long), topped carrots (carrots without tops), and all other carrots including bunches weighing less than one pound. Separate ceiling prices shall be figured for each kind. Kinds of "carrots, other than bunched" shall be clipped carrots, topped carrots and all other carrots.

"Cucumbers" means all types and varieties of cucumbers. Field-grown cucumbers and gherkins shall be considered separate items and priced separately. Excluded are hothouse cucumbers.

[Above definition added by Am. 37, 10 F.R. 200, effective 1-11-45]

"Cucumbers, hothouse" means all hothouse cucumbers bought in containers labelled "hothouse", or cucumbers bought individually labelled "hothouse".

[Above definition added by Am. 20, 9 F.R. 7340, effective 7-5-44]

"Eggplants" means all varieties of eggplants. All eggplants shall be considered a single item and priced as such.

"Lettuce" means all head or leaf lettuce including, but not limited to Iceberg, Big Boston and Romaine. Excluded are escarole, chicory and endive. Head lettuce and leaf lettuce shall be considered separate items and priced separately. Each size of Iceberg shall be considered a separate item.

[Above definition amended by Am. 19, 9 F.R. 6829, effective 6-22-44; Am. 38, 10 F.R. 1523, effective 2-8-45; Am. 43, 10 F.R. 5578, effective 5-24-45; and Am. 69, effective 6-15-46]

"Onions, dry" means all dry onions used for human consumption. White onions shall be considered as a separate item and shall be priced as such. Separate ceiling prices shall also be figured for each grade and size and for onions from different growing areas described in Revised Maximum Price Regulation No. 271. Separate ceiling prices shall also be figured for each container size of onions purchased already packaged in consumer containers.

[Above definition amended by Am. 69, effective 6-15-46]

"Peas, green" shall not include Chinese peas. California and similar quality peas shall be considered a separate item and shall be priced as such.

"Peppers, sweet" means all grades and varieties of sweet peppers. All sweet peppers shall be considered a single item and priced as such. Excluded are hot peppers and pimientos.

[Above definition added by Am. 20, 9 F.R. 7340, effective 7-5-44]

"Potatoes, sweet" means all varieties of sweet potatoes. All dry flesh sweet potatoes shall be considered one item, and moist flesh sweet potatoes shall be considered a separate item, and priced separately. Dry flesh sweet potatoes include varieties such as Big Stem Jersey, Little Stem Jersey, and Triumph. Moist flesh sweet potatoes (sometimes called yams) include varieties such as Porto Rico and Nancy Hall.

"Potatoes, white" means all white potatoes used for human consumption or for seed (except foundation stock, certified and war-approved seed potatoes). Separate ceiling prices shall be figured for each grade and size and for potatoes from different growing areas described in Revised Maximum Price Regulation No. 271. Separate ceiling prices shall also be figured for each container size of potatoes purchased already packaged in consumer containers.

[Above definition amended by Am. 69, effective 6-15-46]

"Spinach" means all flat and curly leaf spinach, excluding New Zealand, or

other greens. Also excluded is spinach bought "washed and packaged" and sold "washed and packaged". All spinach shall be considered a single item and priced as such.

[Above definition amended by Am. 20, 9 F.R. 7340, effective 7-5-44]

"Tomatoes." Hothouse, field-run and packaged tomatoes shall be considered separate items and priced separately.

"Vegetables in unbroken packages" means the fresh vegetables listed in Table B, excluding tomatoes, which are purchased and sold in packages not exceeding one pound net weight (and not exceeding five pounds net weight in the case of spinach), and which have been trimmed, cleaned, washed or otherwise prepared for sale to the consumer ready for consumption without further preparation other than cooking. Each such listed vegetable in unbroken packages and each size package shall be considered separate items and priced separately.

[Above definition added by Am. 20, 9 F.R. 7340, effective 7-5-44]

[Subparagraph (3) added by Am. 16, 9 F.R. 4217, effective 4-27-44; amended by Am. 33, 9 F.R. 12972, effective 11-2-44, and as otherwise noted. Former subparagraphs (3) and (4) redesignated (4) and (5)]

(4) *Poultry.* "Poultry" means all chickens, ducks, geese, and turkeys in any form, excluding "started" poultry sold for breeding purposes, canned poultry and cooked or smoked poultry. Poultry which is drawn by a retailer shall be priced in accordance with the provisions of section 20 (i) of Maximum Price Regulation 422. Poultry which is bought live, dressed or drawn and is sold by the retailer "cut-up" or in parts, shall be priced in accordance with the provisions of section 20 (j) of Maximum Price Regulation 422. The definition of "poultry" contained in section 3.5 (a) of Second Revised Maximum Price Regulation 269 (except the provisions of subparagraphs 1, 2, 3, 4, 20 and 21) shall apply to this regulation wherever applicable unless the context clearly requires otherwise. With respect to "frozen poultry" the first sentence of section 3.5 (a) (12) (ix) of Second Revised Maximum Price Regulation 269 shall not apply.

[Subparagraph (4), formerly (3), amended by Am. 8, 8 F.R. 14854, effective 11-4-43; Am. 11, 8 F.R. 17371, effective 1-8-44; Am. 13, 9 F.R. 3510, effective 4-6-44; and Am. 68, 11 F.R. 5950, effective 6-5-46]

(5) [Revoked.]

[Subparagraph (5) amended by Am. 24, 9 F.R. 9720, effective 8-14-44, and revoked by Am. 34, 9 F.R. 14600, effective 12-21-44]

**SEC. 29. Table of ceiling prices based on any given "net cost" and mark-up.**  
(a) *Table C: Retail ceiling prices for items except fresh fruits and vegetables obtained by applying any given percentage mark-up to any given net cost.*



TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST  
ITEMS WITH A "NET COST" OF FROM 1/2¢ TO 10¢ PER UNIT

Net cost (per unit).....	1/2¢	1¢	1 1/2¢	2¢	2 1/2¢	3¢	3 1/2¢	4¢	4 1/2¢	5¢	5 1/2¢	6¢	6 1/2¢	7¢	7 1/2¢	8¢	8 1/2¢	9¢	9 1/2¢	10¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
7.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
8.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
9.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
10.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
11.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
12.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
13.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
14.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
15.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
16.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
17.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
18.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
19.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
20.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
21.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
22.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
23.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
24.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
25.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
26.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
27.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
28.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
29.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
30.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
31.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
32.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
33.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
34.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
35.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
36.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
37.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
38.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
39.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
40.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
41.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
42.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
43.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
44.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
45.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
46.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
47.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
48.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
49.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
50.....	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11

ITEMS WITH A "NET COST" OF FROM 10 1/2¢ TO 18¢ PER UNIT

Net cost (per unit).....	10 1/2¢	11¢	11 1/2¢	12¢	12 1/2¢	13¢	13 1/2¢	14¢	14 1/2¢	15¢	15 1/2¢	16¢	16 1/2¢	17¢	17 1/2¢	18¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6.....	11	12	12	13	13	14	14	15	15	16	16	17	17	18	18	19
7.....	11	12	12	13	13	14	14	15	15	16	16	17	17	18	18	19
8.....	11	12	12	13	13	14	14	15	15	16	16	17	17	18	18	19
9.....	11	12	12	13	13	14	14	15	15	16	16	17	17	18	18	19
10.....	12	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20
11.....	12	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20
12.....	12	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20
13.....	12	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20
14.....	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20	21
15.....	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20	21
16.....	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20	21
17.....	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20	21
18.....	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20	21
19.....	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20	21
20.....	13	13	14	14	15	15	16	16	17	17	18	18	19	19	20	21
21.....	13	13	14	14	15	15	16	16	17	17	18	18	19	19	20	21
22.....	13	13	14	14	15	15	16	16	17	17	18	18	19	19	20	21
23.....	13	14	14	15	15	16	16	17	17	18	18	19	19	20	21	22
24.....	13	14	14	15	15	16	16	17	17	18	18	19	19	20	21	22
25.....	13	14	14	15	15	16	16	17	17	18	18	19	19	20	21	22
26.....	13	14	14	15	15	16	16	17	17	18	18	19	19	20	21	22
27.....	13	14	14	15	15	16	16	17	17	18	18	19	19	20	21	22
28.....	13	14	14	15	15	16	16	17	17	18	18	19	19	20	21	22
29.....	14	14	15	15	16	16	17	17	18	18	19	19	20	21	21	22
30.....	14	14	15	15	16	16	17	17	18	18	19	19	20	21	21	22
31.....	14	14	15	15	16	16	17	17	18	18	19	19	20	21	21	22
32.....	14	15	15	16	16	17	17	18	18	19	19	20	21	21	22	23
33.....	14	15	15	16	16	17	17	18	18	19	19	20	21	21	22	23
34.....	14	15	15	16	16	17	17	18	18	19	19	20	21	21	22	23
35.....	14</															

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued  
ITEMS WITH A "NET COST" OF FROM 18½¢ TO 26¢ PER UNIT

Net cost (per unit).....	18½¢	19¢	19½¢	20¢	20½¢	21¢	21½¢	22¢	22½¢	23¢	23½¢	24¢	24½¢	25¢	25½¢	26¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6.....	20	20	21	21	22	22	23	23	24	24	25	25	26	26	27	27
7.....	20	20	21	21	22	22	23	23	24	24	25	25	26	26	27	27
8.....	20	21	21	22	22	23	23	24	24	25	25	26	26	27	27	28
9.....	20	21	21	22	22	23	23	24	24	25	25	26	26	27	27	28
10.....	20	21	21	22	23	23	24	24	25	25	26	26	27	27	28	29
11.....	21	21	22	22	23	23	24	24	25	25	26	26	27	27	28	29
12.....	21	21	22	23	23	24	24	25	25	26	26	27	27	28	28	29
13.....	21	22	22	23	23	24	24	25	25	26	26	27	27	28	28	29
14.....	21	22	22	23	24	24	25	25	26	26	27	27	28	28	29	30
15.....	21	22	22	23	24	24	25	25	26	26	27	27	28	28	29	30
16.....	21	22	23	23	24	24	25	25	26	26	27	27	28	28	29	30
17.....	22	22	23	23	24	24	25	25	26	26	27	27	28	29	29	30
18.....	22	22	23	24	24	25	25	26	27	27	28	28	29	29	30	31
19.....	22	23	23	24	24	25	25	26	27	27	28	28	29	29	30	31
20.....	22	23	23	24	24	25	25	26	27	27	28	28	29	29	30	31
21.....	22	23	24	24	25	25	26	27	27	28	28	29	29	30	30	31
22.....	23	23	24	24	25	26	26	27	27	28	29	29	30	30	31	32
23.....	23	23	24	25	25	26	26	27	28	28	29	30	30	31	31	32
24.....	23	24	24	25	25	26	27	27	28	29	29	30	30	31	31	32
25.....	23	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33
26.....	23	24	25	25	26	26	27	28	28	29	30	30	31	32	32	33
27.....	23	24	25	25	26	27	27	28	29	29	30	30	31	32	32	33
28.....	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33	34
29.....	24	25	25	26	26	27	28	28	29	30	30	31	32	32	33	34
30.....	24	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34
31.....	24	25	26	26	27	28	28	29	29	30	31	31	32	33	33	34
32.....	24	25	26	26	27	28	28	29	30	30	31	32	32	33	34	34
33.....	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34	35
34.....	25	26	26	27	27	28	29	29	30	31	31	32	33	34	34	35
35.....	25	26	27	27	28	29	29	30	31	31	32	32	33	34	34	35
36.....	25	26	27	28	28	29	29	30	31	32	32	33	34	34	35	36
37.....	26	26	27	28	28	29	30	31	31	32	33	34	34	35	35	36
38.....	26	26	27	28	28	29	30	31	32	32	33	34	35	35	36	36
39.....	26	26	27	28	28	29	30	31	31	32	33	34	35	35	36	36
40.....	26	27	27	28	29	29	30	31	32	32	33	34	35	35	36	36
41.....	26	27	27	28	29	30	31	31	32	33	33	34	35	35	36	37
42.....	26	27	28	28	29	30	31	31	32	33	33	34	35	36	36	37
43.....	26	27	28	29	29	30	31	31	32	33	34	34	35	36	36	37
44.....	27	27	28	29	30	30	31	32	32	33	34	35	35	36	37	37
45.....	27	28	28	29	30	30	31	32	33	33	34	35	36	36	37	38
46.....	27	28	28	29	30	31	31	32	33	34	34	35	36	37	37	38
47.....	27	28	29	29	30	31	32	32	33	34	35	35	36	37	37	38
48.....	27	28	29	30	30	31	32	33	33	34	35	36	36	37	38	38
49.....	28	28	29	30	31	31	32	33	34	34	35	36	37	37	38	39
50.....	28	29	29	30	31	32	32	33	34	35	35	36	37	38	38	39

ITEMS WITH A "NET COST" OF FROM 26½¢ TO 34¢ PER UNIT

Net cost (per unit).....	26½¢	27¢	27½¢	28¢	28½¢	29¢	29½¢	30¢	30½¢	31¢	31½¢	32¢	32½¢	33¢	33½¢	34¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6.....	28	29	29	30	30	31	31	32	32	33	33	34	34	35	35	36
7.....	28	29	29	30	30	31	31	32	32	33	33	34	34	35	35	36
8.....	29	29	30	30	31	31	32	32	33	33	34	34	35	35	36	37
9.....	29	29	30	31	31	32	32	33	33	34	34	35	35	36	36	37
10.....	29	30	30	31	31	32	32	33	33	34	34	35	35	36	36	37
11.....	29	30	31	31	32	32	33	33	34	34	35	35	36	36	37	38
12.....	30	30	31	31	32	32	33	34	34	35	35	36	36	37	37	38
13.....	30	31	31	32	32	33	33	34	34	35	35	36	36	37	37	38
14.....	30	31	31	32	32	33	34	34	35	35	36	36	37	37	38	39
15.....	30	31	32	32	33	33	34	34	35	35	36	36	37	37	38	39
16.....	31	31	32	32	33	34	34	35	35	36	37	37	38	38	39	40
17.....	31	32	32	33	33	34	34	35	35	36	37	37	38	38	39	40
18.....	31	32	32	33	34	34	35	35	36	37	37	38	38	39	40	40
19.....	32	32	33	33	34	35	35	36	36	37	37	38	38	39	40	40
20.....	32	32	33	34	34	35	35	36	37	37	38	38	39	40	40	41
21.....	32	33	33	34	34	35	35	36	37	38	38	39	39	40	41	41
22.....	32	33	34	34	35	35	36	37	37	38	38	39	39	40	41	41
23.....	33	33	34	34	35	35	36	37	37	38	38	39	39	40	41	42
24.....	33	34	34	35	35	36	37	37	38	38	39	39	40	41	41	42
25.....	33	34	35	35	36	36	37	37	38	38	39	39	40	41	41	42
26.....	33	34	35	36	36	37	37	38	38	39	39	40	41	41	42	43
27.....	34	34	35	36	36	37	37	38	38	39	39	40	41	41	42	43
28.....	34	35	35	36	36	37	37	38	38	39	39	40	41	41	42	43
29.....	34	35	35	36	37	37	38	38	39	39	40	41	41	42	43	44
30.....	34	35	36	36	37	37	38	38	39	40	41	41	42	42	43	44
31.....	35	35	36	37	37	38	38	39	39	40	41	41	42	43	43	44
32.....	35	36	36	37	37	38	38	39	40	41	41	42	42	43	44	44
33.....	35	36	37	37	38	39	39	40	41	41	42	42	43	43	44	45
34.....	36	36	37	38	38	39	40	40	41	41	42	42	43	44	44	45
35.....	36	36	37	38	38	39	40	41	41	42	42	43	43	44	45	45
36.....	36	37	37	38	38	39	40	41	41	42	42	43	44	44	45	46
37.....	36	37	38	38	39	40	40	41	41	42	42	43	44	45	45	46
38.....	37	37	38	39	39	40	41	41	42	42	43	43	44	45	45	46
39.....	37	38	38	39	40	40	41	42	42	43	43	44	44	45	46	47
40.....	37	38	39	39	40	41	41									



TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued  
ITEMS WITH A "NET COST" OF FROM 34½¢ TO 42¢ PER UNIT.

Net cost (per unit)	34½¢	35¢	35½¢	36¢	36½¢	37¢	37½¢	38¢	38½¢	39¢	39½¢	40¢	40½¢	41¢	41½¢	42¢
Markup (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6.....	37	37	38	38	39	39	40	40	41	41	42	42	43	43	44	45
7.....	37	37	38	39	39	40	40	41	41	42	42	43	43	44	44	45
8.....	37	38	38	39	39	40	41	41	42	42	43	43	44	44	45	46
9.....	38	38	39	39	40	40	41	41	42	43	43	44	44	45	45	46
10.....	38	39	39	40	40	41	41	42	42	43	43	44	44	45	45	46
11.....	38	39	39	40	41	41	42	42	43	43	44	44	45	45	46	47
12.....	39	39	40	40	41	41	42	42	43	43	44	44	45	45	46	47
13.....	39	40	40	41	41	42	42	43	43	44	44	45	45	46	46	47
14.....	39	40	40	41	42	42	43	43	44	44	45	45	46	46	47	48
15.....	40	40	41	41	42	43	43	44	44	45	45	46	46	47	47	48
16.....	40	41	41	42	42	43	44	44	45	45	46	46	47	47	48	49
17.....	40	41	42	42	43	43	44	44	45	46	46	47	47	48	49	50
18.....	41	41	42	42	43	44	44	45	45	46	46	47	47	48	49	50
19.....	41	42	42	43	43	44	44	45	45	46	46	47	47	48	49	50
20.....	41	42	43	43	44	44	45	45	46	46	47	47	48	49	50	51
21.....	42	42	43	44	44	45	45	46	46	47	47	48	48	49	50	51
22.....	42	43	43	44	45	45	46	46	47	47	48	48	49	49	50	51
23.....	42	43	44	44	45	46	46	47	47	48	48	49	49	50	50	51
24.....	43	43	44	45	45	46	47	47	48	48	49	49	50	50	51	52
25.....	43	44	44	45	46	46	47	47	48	48	49	49	50	50	51	52
26.....	43	44	45	45	46	47	47	48	48	49	49	50	50	51	51	52
27.....	44	44	45	46	46	47	48	48	49	49	50	50	51	51	52	53
28.....	44	45	45	46	47	47	48	48	49	49	50	50	51	51	52	53
29.....	45	45	46	46	47	48	48	49	49	50	50	51	51	52	52	53
30.....	45	46	46	47	47	48	49	49	50	50	51	51	52	52	53	54
31.....	45	46	47	47	48	48	49	50	50	51	51	52	52	53	53	54
32.....	46	46	47	48	48	49	49	50	50	51	51	52	52	53	53	54
33.....	46	47	47	48	49	49	50	50	51	51	52	52	53	53	54	55
34.....	46	47	48	48	49	50	50	51	51	52	52	53	53	54	54	55
35.....	47	47	48	48	49	50	50	51	51	52	52	53	53	54	54	55
36.....	47	48	48	49	49	50	50	51	51	52	52	53	53	54	54	55
37.....	47	48	49	49	50	51	51	52	52	53	53	54	54	55	55	56
38.....	48	48	49	50	50	51	51	52	52	53	53	54	54	55	55	56
39.....	48	49	49	50	51	51	52	52	53	53	54	54	55	55	56	57
40.....	48	49	50	50	51	52	52	53	53	54	54	55	55	56	56	57
41.....	49	49	50	51	51	52	52	53	53	54	54	55	55	56	56	57
42.....	49	50	50	51	52	52	53	53	54	54	55	55	56	56	57	58
43.....	49	50	51	51	52	53	53	54	54	55	55	56	56	57	57	58
44.....	50	50	51	52	52	53	53	54	54	55	55	56	56	57	57	58
45.....	50	51	51	52	53	53	54	54	55	55	56	56	57	57	58	59
46.....	50	51	52	52	53	53	54	54	55	55	56	56	57	57	58	59
47.....	51	51	52	53	53	54	54	55	55	56	56	57	57	58	58	59
48.....	51	52	52	53	53	54	54	55	55	56	56	57	57	58	58	59
49.....	51	52	53	53	54	54	55	55	56	56	57	57	58	58	59	60
50.....	52	52	53	54	54	55	55	56	56	57	57	58	58	59	59	60

ITEMS WITH A "NET COST" OF FROM 42½¢ TO 50¢ PER UNIT

Net cost (per unit)	42½¢	43¢	43½¢	44¢	44½¢	45¢	45½¢	46¢	46½¢	47¢	47½¢	48¢	48½¢	49¢	49½¢	50¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6.....	45	46	46	47	47	48	48	49	49	50	50	51	51	52	52	53
7.....	45	46	47	47	48	48	49	49	50	50	51	51	52	52	53	54
8.....	46	46	47	48	48	49	49	50	50	51	51	52	52	53	53	54
9.....	46	47	47	48	49	49	50	50	51	51	52	52	53	53	54	55
10.....	47	47	48	48	49	50	50	51	51	52	52	53	53	54	54	55
11.....	47	48	48	49	49	50	51	51	52	52	53	53	54	54	55	56
12.....	48	48	49	49	50	50	51	51	52	52	53	53	54	54	55	56
13.....	48	49	49	50	50	51	51	52	52	53	53	54	54	55	55	56
14.....	48	49	50	50	51	51	52	52	53	53	54	54	55	55	56	57
15.....	49	49	50	51	51	52	52	53	53	54	54	55	55	56	56	57
16.....	49	50	50	51	52	52	53	53	54	54	55	55	56	56	57	58
17.....	50	50	51	51	52	52	53	53	54	54	55	55	56	56	57	58
18.....	50	51	51	52	52	53	53	54	54	55	55	56	56	57	57	58
19.....	51	51	52	52	53	53	54	54	55	55	56	56	57	57	58	59
20.....	51	52	52	53	53	54	54	55	55	56	56	57	57	58	58	59
21.....	51	52	52	53	53	54	54	55	55	56	56	57	57	58	58	59
22.....	52	52	53	53	54	54	55	55	56	56	57	57	58	58	59	60
23.....	52	53	53	54	54	55	55	56	56	57	57	58	58	59	59	60
24.....	53	53	54	54	55	55	56	56	57	57	58	58	59	59	60	61
25.....	53	54	54	55	55	56	56	57	57	58	58	59	59	60	60	61
26.....	54	54	55	55	56	56	57	57	58	58	59	59	60	60	61	62
27.....	54	55	55	56	56	57	57	58	58	59	59	60	60	61	61	62
28.....	54	55	56	56	57	57	58	58	59	59	60	60	61	61	62	63
29.....	55	55	56	56	57	57	58	58	59	59	60	60	61	61	62	63
30.....	55	56	56	57	57	58	58	59	59	60	60	61	61	62	62	63
31.....	56	56	57	57	58	58	59	59	60	60	61	61	62	62	63	64
32.....	56	57	57	58	58	59	59	60	60	61	61	62	62	63	63	64
33.....	57	57	58	58	59	59	60	60	61	61	62	62	63	63	64	65
34.....	57	58	58	59	59	60	60	61	61	62	62	63	63	64	64	65
35.....	57	58	59	59	60	60	61	61	62	62	63	63	64	64	65	66
36.....	58	58	59	60	60	61	61	62	62	63	63	64	64	65	65	66
37.....	58	59	60	60	61	61	62	62	63	63	64	64	65	65	66	67
38.....	59	59	60	61	61	62	62	63	63	64	64	65	65	66	66	67
39.....	59	60	60	61	62	62	63	63	64	64	65	65	66	66	67	68
40.....	60	60	61	61	62	62	63	63								

TABLE D—RETAIL CEILING PRICES FOR FRESH FRUITS AND VEGETABLES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

Item with a net cost of from 23½¢ to 28½¢ per unit

Percentage mark-up	23½	24	24½	25	25½	26	26½	27	27½	28	28½
25	29½	30	30½	31½	32	32½	33	34	34½	35	35½
28	30½	31	31½	32½	33	33½	34	35	35½	36	36½
30	31½	32	32½	33½	34	34½	35	36	36½	37	37½
33	32½	33	33½	34½	35	35½	36	37	37½	38	38½
35	33½	34	34½	35½	36	36½	37	38	38½	39	39½
36	34	34½	35½	36½	37	37½	38	39	39½	40	40½
39	35½	36	36½	37½	38	38½	39	40	40½	41	41½
40	36½	37	37½	38½	39	39½	40	41	41½	42	42½
43	38½	39	39½	40½	41	41½	42	43	43½	44	44½

Item with a net cost of from 29¢ to 34¢ per unit

Percentage mark-up	29	29½	30	30½	31	31½	32	32½	33	33½	34
25	37	37½	38	38½	39	39½	40	40½	41	41½	42
28	38½	39	39½	40½	41	41½	42	42½	43	43½	44
30	39½	40	40½	41½	42	42½	43	43½	44	44½	45
33	40½	41	41½	42½	43	43½	44	44½	45	45½	46
35	41½	42	42½	43½	44	44½	45	45½	46	46½	47
36	42	42½	43	43½	44	44½	45	45½	46	46½	47
39	43½	44	44½	45½	46	46½	47	47½	48	48½	49
40	44	44½	45	45½	46	46½	47	47½	48	48½	49
43	46	46½	47	47½	48	48½	49	49½	50	50½	51

Item with a net cost of from 34½¢ to 39½¢ per unit

Percentage mark-up	34½	35	35½	36	36½	37	37½	38	38½	39	39½
25	43	44	44½	45	45½	46	46½	47	47½	48	48½
28	44½	45	45½	46½	47	47½	48	48½	49	49½	50
30	45½	46	46½	47½	48	48½	49	49½	50	50½	51
33	46½	47	47½	48½	49	49½	50	50½	51	51½	52
35	47½	48	48½	49½	50	50½	51	51½	52	52½	53
36	48	48½	49	49½	50	50½	51	51½	52	52½	53
39	49½	50	50½	51½	52	52½	53	53½	54	54½	55
40	50	50½	51	51½	52	52½	53	53½	54	54½	55
43	51½	52	52½	53½	54	54½	55	55½	56	56½	57

Item with a net cost of from 40¢ to 45¢ per unit

Percentage mark-up	40	40½	41	41½	42	42½	43	43½	44	44½	45
25	50	50½	51	51½	52	52½	53	53½	54	54½	55
28	51	51½	52	52½	53	53½	54	54½	55	55½	56
30	52	52½	53	53½	54	54½	55	55½	56	56½	57
33	53	53½	54	54½	55	55½	56	56½	57	57½	58
35	54	54½	55	55½	56	56½	57	57½	58	58½	59
36	54½	55	55½	56½	57	57½	58	58½	59	59½	60
39	56	56½	57	57½	58	58½	59	59½	60	60½	61
40	56½	57	57½	58½	59	59½	60	60½	61	61½	62
43	58	58½	59	59½	60	60½	61	61½	62	62½	63
44	58½	59	59½	60½	61	61½	62	62½	63	63½	64

(b) Table D: Retail ceiling prices for items of fresh fruits and vegetables obtained by applying any given percentage mark-up to any given net cost.

TABLE D—RETAIL CEILING PRICES FOR FRESH FRUITS AND VEGETABLES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST

Item with a net cost of from ½¢ to 6¢ per unit

Percentage mark-up	½	1	1½	2	2½	3	3½	4	4½	5	5½	6
25	1	1½	2	2½	3	4	4½	5	5½	6	6½	7
28	1½	2	2½	3	3½	4	4½	5	5½	6	6½	7½
30	2	2½	3	3½	4	4½	5	5½	6	6½	7	8
33	2½	3	3½	4	4½	5	5½	6	6½	7	7½	8½
34	3	3½	4	4½	5	5½	6	6½	7	7½	8	9
35	3½	4	4½	5	5½	6	6½	7	7½	8	8½	9½
36	4	4½	5	5½	6	6½	7	7½	8	8½	9	10
39	4½	5	5½	6	6½	7	7½	8	8½	9	9½	10½
40	5	5½	6	6½	7	7½	8	8½	9	9½	10	11
43	5½	6	6½	7	7½	8	8½	9	9½	10	10½	11½

Item with a net cost of from 6½¢ to 12¢ per unit

Percentage mark-up	6½	7	7½	8	8½	9	9½	10	10½	11	11½	12
25	8	9	9½	10	10½	11	11½	12	12½	13	13½	14
28	8½	9½	10	10½	11	11½	12	12½	13	13½	14½	15
30	9	10	10½	11	11½	12	12½	13	13½	14	14½	15½
33	9½	10½	11	11½	12	12½	13	13½	14	14½	15½	16
34	10	11	11½	12	12½	13	13½	14	14½	15	15½	16½
35	10½	11½	12	12½	13	13½	14	14½	15	15½	16	17
36	11	12	12½	13	13½	14	14½	15	15½	16	16½	17½
39	11½	12½	13	13½	14	14½	15	15½	16	16½	17	18
40	12	13	13½	14	14½	15	15½	16	16½	17	17½	18½
43	12½	13½	14	14½	15	15½	16	16½	17	17½	18	19

Item with a net cost of from 12½¢ to 17½¢ per unit

Percentage mark-up	12½	13	13½	14	14½	15	15½	16	16½	17	17½
25	15½	16½	17	17½	18	18½	19	19½	20	20½	21
28	16	17	17½	18	18½	19	19½	20	20½	21	21½
30	16½	17½	18	18½	19	19½	20	20½	21	21½	22
33	17	17½	18	18½	19	19½	20	20½	21	21½	22½
34	17½	18	18½	19	19½	20	20½	21	21½	22	22½
35	18	18½	19	19½	20	20½	21	21½	22	22½	23
36	18½	19	19½	20	20½	21	21½	22	22½	23	23½
39	19	19½	20	20½	21	21½	22	22½	23	23½	24
40	19½	20	20½	21	21½	22	22½	23	23½	24	24½
43	20	20½	21	21½	22	22½	23	23½	24	24½	25

Item with a net cost of from 18¢ to 23¢ per unit

Percentage mark-up	18	18½	19	19½	20	20½	21	21½	22	22½	23
25	22½	23	23½	24	24½	25	25½	26	26½	27	27½
28	23	23½	24	24½	25	25½	26	26½	27	27½	28
30	23½	24	24½	25	25½	26	26½	27	27½	28	28½
33	24	24½	25	25½	26	26½	27	27½	28	28½	29
34	24½	25	25½	26	26½	27	27½	28	28½	29	29½
35	25	25½	26	26½	27	27½	28	28½	29	29½	30
36	25½	26	26½	27	27½	28	28½	29	29½	30	30½
39	26	26½	27	27½	28	28½	29	29½	30	30½	31
40	26½	27	27½	28	28½	29	29½	30	30½	31	31½
43	27	27½	28	28½	29	29½	30	30½	31	31½	32
44	27½	28	28½	29	29½	30	30½	31	31½	32	33



TABLE D—RETAIL CEILING PRICES FOR FRESH FRUITS AND VEGETABLES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

Item with a net cost of from 45½¢ to 50¢ per unit

Percentage mark-up	45½	46	46½	47	47½	48	48½	49	49½	50
25	57	57½	58	59	59½	60	60½	61½	62	62½
28	58	59	59½	60	61	61½	62	62½	63½	64
30	59	60	60½	61	62	62½	63	63½	64½	65
33	60½	61	62	62½	63	64	64½	65	66	66½
34	61	61½	62½	63	63½	64½	65	65½	66½	67
35	61½	62	63	63½	64	65	65½	66	67	67½
36	62	62½	63	64	64½	65½	66	66½	67½	68
39	63	64	64½	65½	66	66½	67½	68	69	69½
40	63½	64½	65	66	66½	67	68	68½	69½	70
43	65	66	66½	67	68	68½	69½	70	71	71½

[Paragraph (b) amended by Am. 16, 9 F.R. 4217, effective 4-27-44, and Am. 69, effective 6-15-46]

(c) Instructions for use of Table A, Table B, Table C and Table D. Tables A and B contain the mark-ups for all commodities in this regulation. Note that some mark-ups are percentage mark-ups and some are dollars-and-cents mark-ups. Table C and Table D are included to assist you in determining ceiling prices without burdensome calculations, where the mark-up given is a percentage mark-up. Table C is to be used for all items except fresh fruits and vegetables; Table D is to be used only in connection with fresh fruits and vegetables.

Table A lists by commodity groups the "dry groceries" covered by this regulation and the mark-ups to be used by Group 1 and Group 2 retailers in figuring their ceiling prices. Table B gives the same information for "perishables." However, in addition, Table B also lists the selling units, on the basis of which retailers must figure their net costs and ceiling prices for "perishables." For a detailed list of the items in each commodity group, see "Commodity definitions of dry groceries" printed immediately after Table A, and "commodity definitions of perishables" printed immediately after Table B. After you have determined your "net cost" for an item in accordance with the method set up in this regulation, find your proper mark-up in the commodity group which includes the item you are pricing. Commodity groups are listed at the left of Table A and Table B. Directly opposite each commodity group you will find either a percentage mark-up or a dollars-and-cents mark-up for your group of retailers.

If a percentage mark-up is shown, and the item being priced is not a fresh fruit or vegetable, you get your ceiling price for the item by turning to Table C, which shows the ceiling price for all items (except fresh fruits and vegetables) with per unit net costs ranging from ½¢ to 50¢. Percentage mark-ups over net costs are listed in the column at the extreme left of Table C, and "net cost" across the top of the table. "Net cost per unit" means, in the case of dry groceries, the

"net cost" of a single unit (one can, one jar, etc.). For perishables, it means the "net cost" of the selling unit listed in the last column of Table B.

To determine your ceiling price from Table C, find your net cost at the top of the table. Go down that column until you come to the figure (in that column) on the same line as your mark-up. The figure at that point is your ceiling price for the item.

If a percentage mark-up is shown for an item of fresh fruits or vegetables, you get your ceiling price for the item by turning to Table D, which shows the ceiling price for all items of fresh fruits and vegetables with per unit net costs ranging from ½¢ to 50¢. Percentage mark-ups are listed in the column at the extreme left of Table D, and "net cost" across the top of the table.

To determine your ceiling price from Table D, find your net cost at the top of the table. Go down that column until you come to the figure (in that column) on the same line as your mark-up. The figure at that point is your ceiling price for the item. If the ceiling price is stated in terms of a half-cent, you may charge the next higher cent in making a sale of the "selling unit".

If your net cost per unit is more than 50¢, you cannot use Table C or Table D to get your ceiling price. In those cases, you must (1) multiply your net cost by your percentage mark-up, (2) add the result to your net cost, and (3) round the sum to the nearest whole cent. For perishables, your net cost must be in terms of the selling unit specified in Table B.

If the mark-up specified for an item is a dollars-and-cents mark-up, you cannot use Table C or Table D to get your ceiling price. In those cases, you simply add the stated amount of mark-up to your "net cost". If your ceiling price so figured results in a fraction of a cent, you may, in making sales of the "selling unit", charge the next higher cent.

**Example 1.** A Group 1 retailer wishes to figure a new ceiling price for "xx" Brand, No. 2 can, golden bantam cream style corn, 1942 pack. Section 3 requires a Group 1 or 2 retailer to keep his present ceiling price for a

"dry grocery" item until he puts into effect a new ceiling price for the item based on the first delivery of the item to him after August 5, 1943. This new ceiling price must be put into effect not later than 5 days after receiving such delivery. In figuring this new ceiling price, his "net cost" must be based on a purchase of a customary quantity from a customary type of supplier delivered to his "usual receiving point" by a customary means of delivery. Therefore, if on August 7, 1943, a Group 1 retailer receives at his usual receiving point 5 cases of "xx" Brand, No. 2 can, golden bantam cream style corn, 1942 pack, which he has purchased from a wholesaler (his customary type of supplier), at a delivered cost of \$2.37 a case (24 cans) he must under Sections 3 and 4 figure and put into effect a new ceiling price for the item by August 12, 1943. This is the first delivery of a customary quantity of the item he has received since August 5, 1943 (from his customary type of supplier delivered to his usual receiving point by a customary means of delivery). He must first figure, to the nearest half-cent, his "net cost" on a single unit basis, Sec. 4 (b) (2), that is, for a single can. He therefore divides the cost for the case, \$2.37, by the number of single units in the case, 24, and gets a result of \$0.0987, before rounding. Rounding to the nearest half-cent, this becomes \$0.10. (If the figure had been \$0.0967 before rounding, he would have rounded to \$0.095.)

He then turns to Table A to find the mark-up to be applied to his net cost. Going down the column at the left of Table A he will find a listing of the commodity group which includes the item he is pricing. For canned corn, this group is "Corn, green and wax beans, peas, tomatoes, and tomato juice, canned". Going across the page on that line, he will find his mark-up for the item in the column for Group 1 retailers. In this case, his mark-up is 25%. Having his mark-up and net cost, Table C will give him his ceiling price without further computations. Checking across the top of Table C, he will find a column headed by his net cost, \$0.10. Going down this \$0.10 column until he comes to the figure on the same line as the 25% mark-up listed in the column at the extreme left of Table C, he will find his ceiling price for the item to be 13¢ per can.

**Example 2.** A Group 2 retailer wishes to figure a ceiling price for California Iceberg lettuce, which he must use during the period October 25 (Thursday) to October 31 (Wednesday), inclusive. He must first find the net cost of his selling unit based on his largest purchase during the seven days preceding Thursday, October 25. During the preceding week he made a purchase of 1 crate of California Iceberg lettuce at a delivered cost of \$5.60 a crate, a purchase of 3 crates of this item at a delivered cost of \$5.70 per crate, and another purchase of the same item of 2 crates at a delivered cost of \$5.76. His largest purchase, therefore, was the purchase of 3 crates. He must figure his net cost on the basis of the selling unit listed in Table B, which for lettuce is 1 pound. He is selling the lettuce trimmed, and therefore divides his cost per crate in his largest purchase, \$5.70, by 52 (the figure specified in section 18f of the regulation for L. A. crates of California Iceberg lettuce), to get a result of

§0.109. Since net cost is to be figured to the nearest half-cent, he would then round this figure to 11¢, which is his net cost per selling unit. He then turns to Table B to find his mark-up to be applied to net cost, which for lettuce is 40 percent. Having his mark-up and his net cost, Table D will give him his ceiling price per pound without further computations. Checking across the top of Table D, he will find a column headed by his net cost, 11¢. Going down this 11¢ column until he comes to the figure on the same line as his percentage mark-up of 40 percent listed in the column at the extreme left of Table D, he will find his ceiling price per pound for the item to be 15½¢. In selling one pound, he may charge 16¢. However, if he sells 2 pounds, he may charge no more than 31¢ (2 x 15½¢).

*Example 3.* A Group 1 retailer wishes to figure his ceiling price for California green peas for the period May 4th through May 10th. His largest purchase during the preceding week was a purchase of ten bushel baskets at \$4.45 per basket. His selling unit for peas, given in Table B, is 1 pound. He therefore divides his cost per basket (\$4.45) in his largest purchase during the preceding week, by 28 (the weight of a bushel basket of green peas as specified in section 18f of the regulation). This results in \$0.158, which is rounded to 16 cents. He then looks in Table B for the mark-up for green peas, which is \$0.05½. This mark-up, 5½ cents, added to the net cost per selling unit of 1 pound, 16 cents, gives him 21½ cents. Therefore, his ceiling price per pound of California green peas for the period May 4th through May 10th is 21½ cents. In selling 1 pound, he may charge 22 cents. However, if he sells 2 pounds, he may charge no more than 43 cents (2 x 21½¢).

[Paragraph (c) added and section heading amended by Am. 69, effective 6-15-46]

*Effective date.* This regulation shall become effective on the 5th day of August 1943. [MPR 423 originally issued July 8, 1943]

[Note: Effective dates of amendments are shown in notes following the parts affected]

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 10th day of June 1946.

PAUL A. PORTER,  
Administrator.

[Am. 69 approved by N. E. Dodd, Under Secretary of Agriculture, on May 20, 1946]

[F. R. Doc. 46-9882; Filed, June 11, 1946; 11:29 a. m.]

PART 1389—APPAREL  
[MPR 304, Incl. Amdts. 1-4 ]  
SPECIFIED UTILITY SHIRTS

This compilation of Maximum Price Regulation 304 includes Amendment 4, effective June 17, 1946. Additions, amendments, deletions and redesignations by Amendment 4 are indicated by underscoring or notes.

18 F. R. 12315.

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.<sup>2</sup> In the judgment of the Price Administrator, maximum prices established by this regulation are fair and equitable, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

§ 1389.451 *Maximum prices for specified utility shirts.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, Revised Maximum Price Regulation 304 (Specified Utility Shirts), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1389.451 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9599, 10 F. R. 10155; E. O. 9651, 10 F. R. 13487; E.O. 9697, 11 F.R.1691.

Sec.

1. Scope of this regulation.
2. How to find retail ceiling prices.
3. How to find wholesale ceiling prices.
4. How to find manufacturers' ceiling prices.
5. How to find prices in cases not otherwise provided for.
6. When taxes may be added.
7. Marking of goods.
8. Disclosure.
9. Records and reports.
10. Excessive prices forbidden.
11. Adjustable pricing agreements.
12. Licensing and enforcement.
13. Relation to other regulations.
14. How this regulation may be amended.
15. Explanations and definitions of terms.

Appendix A: Tables of manufacturers' ceiling prices.

Appendix B: Tables of wholesale ceiling prices.

Appendix C: Tables of retail ceiling prices.

SECTION 1. *Scope of this regulation—*

(a) *What this regulation contains.* This regulation fixes maximum prices for cotton flannel shirts; it requires descriptive labeling and disclosure of certain information, and imposes other stated obligations. This revised regulation supersedes the provisions of Maximum Price Regulation 304 as originally issued.

(b) *Kinds of shirts covered.* This regulation covers all cotton flannel shirts in boys' sizes 6 and over, and in men's sizes 13 and over. Boys' shirts in size 4 are also covered when sold as part of a range including sizes 6 and over, but not when sold in a range of sizes below 6. Cotton flannel shirts for girls and women in corresponding sizes are covered if made by persons who manufacture principally men's and boys' garments. "Cotton flannel" is used here to mean all napped cotton fabrics, including those commonly known as flannels, plaids, domets, suedes

<sup>2</sup> Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

and moleskins, except fabrics whose fiber content is less than 90% cotton (by weight).

[Paragraphs (a) and (b) amended by Am. 4, effective 6-17-46]

(c) *Shirts which are excluded.* Shirts of the following descriptions are not covered by this regulation:

- (1) Used or second-hand shirts.
- (2) Shirts tailored to individual measurements.
- (3) Shirts of which a principal part is not made of cotton flannel (for example, a shirt with a corduroy back and flannel front and sleeves is excluded).

(d) *Kinds of sales covered.* Except as provided by section 13 (e), this regulation applies to all sales, including sales at retail, sales at wholesale, and sales by manufacturers. These kinds of sales are defined as follows:

[Above paragraph amended by Am. 4, effective 6-17-46]

(1) *Sales at retail.* All sales to individual consumers are "sales at retail." Such sales may, of course, be made by someone who is primarily a wholesaler or manufacturer.

Sales to industrial, commercial, governmental and charitable institutions which do not resell are also considered "sales at retail" if made by a person who sells principally at retail, and only incidentally to institutions of these kinds. If not made by such a person, sales to these institutions are considered sales at wholesale, or sales by manufacturers.

(2) *Sales at wholesale.* A sale at wholesale is any sale which is neither a sale at retail as explained in (1) nor a sale by a manufacturer, as explained in (3). For example, a wholesaler who buys shirts from a manufacturer and resells them to retailers, is a seller "at wholesale". Sales from jobber to jobber, and from retailer to retailer are also "sales at wholesale", but are called "special sales", as explained in section 3.

(3) *Sales by a manufacturer.* A sale by a manufacturer is a sale of a garment by a person—

- (i) Who fabricated the garment sold; or
- (ii) Who sold or consigned to the fabricator of the garment any of the principal materials from which it was made; or

(iii) Who is under the same ownership and control as a person described in subdivision (i) or (ii). However, retail sales by manufacturers are governed by the provisions of this regulation relating to "sale at retail", rather than by the provisions of this regulation relating to manufacturers' sales.

[Subparagraph (iii) amended by Am. 1, 10 F.R. 5039, effective 5-9-45]

(e) *Sales in different regions.* This regulation covers sales in the 48 states and the District of Columbia. In order to allow for differences in freight rates, sales are classified according to the point from which delivery is made, as follows:

- (1) "East and Central" include all points which are in or east of Texas, Oklahoma, Kansas, Nebraska, and North and South Dakota.

[Subparagraph (1) amended by Am. 1]



(2) "Mountain and Pacific" include all points which are in or west of New Mexico, Colorado, Wyoming and Montana.

**SEC. 2. How to find retail ceiling prices.**

(a) Ceiling prices for sales at retail must be found as provided in this section. Retailers should also pay particular attention to section 7 (marking of goods).

[Above text of section 2 amended by Am. 1, 10 F.R. 5039, effective 5-9-45 and Am. 4, effective 6-17-46]

(b) Retail ceiling prices for cotton flannel shirts are listed in Tables I, II and III of Appendix C. For shirts purchased from Group A factories or from wholesalers, retail ceilings on cotton suede and cotton moleskin shirts are found in Table I, and those on cotton plaid and cotton domet shirts are found in Table II. For shirts purchased from Group B factories, retail ceilings on all shirts are found in Table III.

[Above paragraph amended by Am. 3, 10 F.R. 14339, effective 11-21-45 and Am. 4, effective 6-17-46]

Accordingly, the retailer must first find which table applies to the garment he desires to price. The instructions in Appendix C will help him select the appropriate table.

Since the retail ceilings in each table are arranged according to each different supplier's net ceiling price rather than according to particular garment specifications, the retailer must next find his supplier's net ceiling price for the garment. He can find this by following the instructions given below.

When the retailer finds his supplier's net ceiling price for the garment, he should then look in column 1 of the appropriate table for the bracket which includes that price; the figure in column 2 opposite this bracket is his retail ceiling for the garment being priced.

[Above portion of paragraph (b) amended by Am. 1, 10 F.R. 5039, effective 5-9-45]

(1) *Where retailer does not know the supplier's ceiling price.* If the retailer does not know the ceiling price of the manufacturer or wholesaler who supplies him, he may inquire of the supplier, who is required to disclose his ceiling price. Moreover, if the garment to be priced is a standard model, the retailer can find the ceiling prices for manufacturers in Appendix A, and the ceiling prices for wholesalers in Appendix B.

(2) *Where retailer's suppliers have different ceiling prices.* Some manufacturers have two ceiling prices for the same number—a Class I ceiling and a Class II ceiling. If the retailer pays the Class I ceiling price (or less), he takes this ceiling to figure his retail price; but if he pays the manufacturer a higher price, he takes the Class II ceiling. If, however, he buys the identical style number at different prices, making one purchase at or below the Class I ceiling and another above the Class I ceiling, he must use the Class I ceiling to figure his retail price on all shirts of this style number. Moreover, if he buys the identical style number from a wholesaler and also from a manufacturer he must take the

manufacturer's ceiling, not the wholesaler's ceiling, to figure his retail price for this number.

**Example 1.** Manufacturer Y, a Group A manufacturer, is obliged to sell at or below the Class I ceiling on part of his sales, but is permitted to make the rest of his sales at Class II prices. Y's Class I ceiling on style 499 (his 3.00 yard unshrunk plaid flannel) is \$12.92 per dozen, and his Class II ceiling is \$13.76½ per dozen. Y sells this number to retailer Z at \$13.25 per dozen.

Since \$13.25 is higher than Y's Class I ceiling for this flannel shirt, Z takes \$13.76½ (the Class II ceiling) as his supplier's ceiling price, and turns to Table II (which contains retail ceilings for cotton flannel shirts bought from Group A manufacturers). In Table II, Z finds his retail ceiling to be \$1.63.

**Example 2.** Manufacturer Y sells his style 499 to retailer X at the Class I ceiling of \$12.92 per dozen, and later sells X another lot of the same style at the Class II ceiling of \$13.76½.

X must take \$12.92 as his supplier's ceiling price for both lots. Since this is a cotton flannel shirt purchased from a Group A manufacturer, the retail ceiling is found in Table II. X finds a retail ceiling of \$1.45 for both lots of style number 499.

**Example 3.** Retailer B buys style number 499 from Y at Y's Class I ceiling of \$12.92 and later gets more of Y's style number 499 from a wholesaler at the wholesaler's ceiling of \$15.29.

In figuring his retail ceiling for style number 499, B takes \$12.92 as his supplier's ceiling, and finds in Table II that his retail ceiling for both lots of this style number is \$1.45 per garment.

[Example 1, 2 and 3 amended by Am. 3, 10 F.R. 14339, effective 11-21-45 and Am. 4, effective 6-17-46]

[Subparagraph (2) amended by Am. 1, 10 F.R. 5039, effective 5-9-45]

(3) *Where garment was bought at a "special sale".* Sales which are neither manufacturer's sales nor "regular sales" at wholesale are called "special sales". These include sales by retailers to retailers, sales by brokers, commission merchants, job-lot dealers or like persons, and sales of other types. The difference between "regular" and "special" sales is more fully explained in section 3.)

If the retailer has bought a garment at a "special sale", he does not figure his ceiling price by taking the price of his own supplier. Instead, he takes the ceiling price of the supplier of the person who made the "special sale" of this lot of goods. If a succession of special sales has been made, he takes the ceiling price of the supplier of the person who made the first of these special sales. Thus, the retail price of a shirt is the same as if the retailer had bought directly from the original supplier, without any special sale intervening.

**Example 1.** C, a retail chain, buys shirts from manufacturer Y at \$12.92, Y's Class I ceiling. C sells them to D, another retail chain, at \$13.07 (which is equal to C's cost plus freight actually paid by him).

In figuring his retail ceiling, D assumes his supplier's ceiling price to be \$12.92 (the ceiling of C's supplier), not \$13.07 (the price D

actually paid). Consequently, D's retail ceiling, found in Table II is \$1.45.

**Example 2.** E, an independent retailer, buys shirts from manufacturer M at M's Class II ceiling of \$13.76½. E decides to liquidate, and sells them to an auctioneer at \$13.25 per dozen. The auctioneer resells them to F, another retailer, for \$13.93½ (this being the price paid by E, plus transportation charges incurred by the auctioneer).

In figuring his retail ceiling, F takes \$13.76½ as his supplier's ceiling, so that his retail ceiling, found in Table II, is \$1.63 (not \$1.64).

[Examples 1 and 2 amended by Am. 1, Am. 3 and Am. 4, effective 6-17-46]

(4) *Where retailer and supplier are in different regions.* The prices given in Appendix C apply when the supplier and the retailer are both in the East and Central region, or both in the Mountain and Pacific region. (These regions are explained in section 1 (e).) If the retailer is in one region and delivery is made from the other region, the retailer may add 3 cents per garment to the price found in Column 2 of the tables in Appendix C. (This amount may not be added, however, if the retailer's supplier is a Group B manufacturer.) For example, if a retailer in the Mountain and Pacific region buys the 3.00 yard unshrunk cotton flannel plaid shirt from a manufacturer in the East and Central region at \$12.92 per dozen (the Group A, Class I ceiling), the retail ceiling per shirt is \$1.48, (\$1.45, the price shown in Column 2 of Table II in Appendix C, plus 3 cents).

[Subparagraph (4) amended by Am. 1 and Am. 4, effective 6-17-46]

(5) *Where retail sale is made by manufacturer.* When a retail sale of a cotton flannel shirt is made by a manufacturer, the retail ceiling price is found from the tables in Appendix C, as in other cases. But since the manufacturer has no "supplier," he takes the Class I ceiling for manufacturers and uses this as his "supplier's ceiling price." For cotton flannels and cotton domets, Table II must be used; for cotton suedes and moleskins, Table I must be used.

In the case of men's shirts made in Group B factories (for which there is no separate Class I ceiling), the manufacturer's Group B ceiling is taken as the supplier's ceiling price, and Table III in Appendix C must be used.

[Subparagraph (5) amended by Am. 1, 10 F.R. 5039, effective 5-9-45 and Am. 3, 10 F.R. 14339, effective 11-21-45]

**SEC. 3. How to find wholesale ceiling prices.** Under this regulation, there are two kinds of sales at wholesale. They are called "regular sales" and "special sales", and are explained in this paragraph. Different methods of pricing are provided for these two kinds of sales.

(a) *Regular sales at wholesale—(1) What is a regular sale.* A "regular sale" is a sale at wholesale made by a wholesaler to a person who sells principally at retail, and whose business is not under the same ownership and control as the seller's. A "wholesaler" means a person

or business organization to which all the following statements apply:

(i) It sells goods to retailers in general, and not primarily to a single retailer, or to a group of retailers which are under common ownership.

(ii) It buys and sells goods in "wholesale quantities" as understood in the trade, and sells through traveling salesmen or circulated catalogues.

(iii) It carries at all times at its principal place of business a representative stock of wearing apparel, and during the 6 months immediately preceding any transaction made at least 50% of its deliveries from this stock.

(iv) It extends credit, and carries its own accounts. It may, of course, entrust or assign its delinquent accounts to others for collection.

(v) It is not (a) a buying office or other agency representing retailers, (b) a stock-carrying affiliate of retailers, (c) a central office or warehouse for stores which are commonly owned or controlled, (d) a drop shipper, (e) a broker, (f) a commission-merchant, (g) a selling agent, or (h) a job-lot dealer.

(2) *Ceiling prices for "regular sales at wholesale."* Ceiling prices for regular sales at wholesale of most shirts are given in Appendix B. However, there will be a few cases in which the shirt is priced in some other way. This is true of "carry-over stock," which is defined in section 4 (e), of extra sizes and slims, of seconds and imperfects, and also of any shirt which may be priced by individual order of the Office of Price Administration. In any such case the wholesaler figures his ceiling price by taking the manufacturer's Class I ceiling price and dividing this amount by .80. In the case of men's shirts made in Group B factories, and of any other shirts for which there is no separate Class I ceiling, the wholesaler's ceiling price is the same as the manufacturer's ceiling.

(b) *Special sales.* Sales at wholesale which are not "regular sales" as explained in paragraph (a) are "special sales." They include (but are not confined to) sales by wholesalers to wholesalers, sales by retailers to retailers, and all sales by brokers, commission merchants, job-lot dealers and like persons.

(1) *Ceiling prices for special sales.* The ceiling price for a "special sale" is the net price actually paid by the seller (not exceeding the ceiling price) plus any charges for transportation actually paid by him. Moreover, any person who buys at a special sale and resells at another special sale must figure his ceiling price by taking the price paid by the seller in the first special sale.

*Example 1. J, a large retailer, buys shirts from a manufacturer at the Class I ceiling of \$12.92, and pays 17¢ a dozen for freight. He now wants to resell them to K, another retailer.*

*J's ceiling price for this sale is \$13.09, his cost plus freight.*

*Example 2. L, a wholesaler, buys shirts from a manufacturer at the Class I ceiling of \$12.92. L now liquidates and resells the shirts to auctioneer M for \$12.70 a dozen. Now M wants to resell the shirts to another wholesaler.*

*In figuring his price for this second special sale, M takes as his cost \$12.92 (the price*

*paid by L) and adds freight paid by him. If M pays 17¢ a dozen for freight, M's ceiling is \$13.09.*

[Examples 1 and 2 amended by Am. 1, 10 F.R. 5039, effective 5-9-45; Am. 3, 10 F.R. 14339, effective 11-21-45 and Am. 4, effective 6-17-46]

(2) *Disclosure in special sales.* In any special sale, the seller must mark the bill or invoice with the words "special sale", and must disclose any information required by the provisions of section 8 (a).

**SEC. 4. How to find manufacturer's ceiling prices.** This section tells how to find ceiling prices for sales by manufacturers.

(a) *In general.* Manufacturers' ceiling prices for most cotton flannel shirts are set forth in Appendix A, but before turning to the Appendix, a manufacturer should read paragraphs (b), (c), (d), (e), and (f) of this section. If a manufacturer cannot find his ceiling price after reading these paragraphs and the appendix, he should turn to section 5 ("How to find ceiling prices in cases not otherwise provided for").

[Paragraph (a) amended by Am. 4, effective 6-17-46]

(b) *Manufacturers required to sell a proportion of goods at Class I prices.* For most kinds of shirts, two manufacturers' ceiling prices are stated—a Class I ceiling and a Class II ceiling. Some manufacturers will use the Class I ceiling, some will use the Class II ceiling, and some will use both, according to the rules stated in this paragraph.

For men's shirts made in Group B factories, there are no separate class ceilings. This paragraph has no application to sales of these shirts.

[Above paragraph amended by Am. 4, effective 6-17-46]

(1) *How a manufacturer finds his "wholesale percentage".* In order to find what proportion of his sales must be made at Class I prices, a manufacturer must find the percent of his 1941 deliveries which were made at wholesale prices. This is called the manufacturer's "wholesale percentage".

A "wholesale price" means any price at or below which a manufacturer normally supplied wholesalers, or any other volume purchaser commonly known or regarded as "wholesale trade", during 1941. In determining whether certain sales were made at "wholesale prices", allowance must be made for differences in garments sold.

*Example.* A manufacturer sold a number to jobbers for \$10.00 a dozen. He also sold to a chain store for \$10.25 a dozen, a number which was similar except for an extra feature that was worth about 25¢ a dozen.

Both the \$10.00 and the \$10.25 sales would be considered sales at wholesale prices.

A manufacturer will figure his "wholesale percentage" as follows:

(i) Find the number of dozens of cotton flannel shirts delivered to all purchasers in 1941.

(ii) Find the number of these which were delivered at wholesale prices.

(iii) Divide the number delivered at wholesale prices by the total of all deliv-

eries [divide (ii) by (i)]. The resulting figure, expressed as a percent, is the manufacturer's "wholesale percentage".

*Example 1. E, a shirt manufacturer, delivered 10,000 dozen cotton flannel shirts in 1941. All these were delivered at prices generally charged to independent retailers, and none at wholesale prices.*

*E's "wholesale percentage" is zero.*

*Example 2. F, a shirt manufacturer, delivered 100,000 dozen cotton flannel shirts in 1941. All these deliveries were made at wholesale prices, and none at higher prices.*

*F's "wholesale percentage" is 100%.*

*Example 3. G, a shirt manufacturer, delivered 50,000 dozen cotton flannel shirts in 1941. 20,000 of these were delivered at wholesale prices, and 30,000 at higher prices.*

*G's "wholesale percentage" is 40% (20,000 divided by 50,000).*

(2) *How to comply with the requirement.* Each manufacturer who delivered cotton flannel shirts at wholesale prices in 1941 is required to make a certain quota of his deliveries of cotton flannel shirts at Class I prices in 1943, and each subsequent year. This quota is a proportion to his total annual deliveries which is equal to the manufacturers' "wholesale percentage," as found under (1). In calculating this proportion, follow the following instructions:

(i) *What deliveries are counted in finding the quota.* In figuring the quota of deliveries which should be made at Class I prices in 1943, the manufacturer takes all deliveries made from January 25, 1943, to December 31, 1943, inclusive, including deliveries already made. In any subsequent year, all deliveries for the entire calendar year will be included.

(ii) *What deliveries are subject to the quota.* However, only those deliveries are subject to the quota which are made under contracts entered into on or after September 4, 1943. Consequently, a manufacturer whose entire 1943 production was sold before that date is not required to make any of his 1943 deliveries at Class I prices. But a manufacturer who delivers goods which were not sold before that date must deliver at Class I prices to the extent necessary to fill his quota. If he fails to do so, he is exceeding his ceiling prices to the extent of the deficiency.

*Example 1.* In 1941 the A-B-C Company sold 40% of its cotton flannel shirts at wholesale prices and 60% at higher prices. Its "wholesale percentage" is 40%. Its 1943 deliveries, past and anticipated, are as follows:

Total anticipated deliveries	
1-25-43 to 12-31-43	100,000 doz.
Already sold before 9-4-43:	
At Class I prices	22,000 doz.
At Class II prices	48,000 doz.

Total already sold	70,000 doz.
--------------------	-------------

Remainder	30,000 doz.
-----------	-------------

The A-B-C Company will determine its obligation as follows:

Anticipated amount remaining unsold	30,000 doz.
Quota to be delivered at Class I prices (40% of 100,000)	40,000 doz.
Already sold at Class I prices	22,000 doz.

Remainder to be delivered at Class I prices	18,000 doz.
---	-------------

Remainder which may be sold at Class II prices	12,000 doz.
--	-------------



In order to comply with the quota, it would be advisable for the A-B-C Company to ship only at Class I prices until the ratio of deliveries at Class I prices to deliveries at Class II prices is 40 : 60 (that is, until it has shipped a total of 32,000 dozen at Class I prices as compared with the 48,000 dozen shipped at Class II prices), and thereafter to make shipments in the ratio of 40 dozen at Class I to each 60 dozen shipped at Class II prices.

(iii) *Sales to particular purchasers not required.* A manufacturer is not required to sell to any particular purchaser, or any particular class of purchasers. Moreover, a manufacturer who delivers the required proportion of his shirts at Class I prices may deliver as many more at Class I prices as he wishes.

(iv) *Calculating and filing the "wholesale percentage".* Every manufacturer of cotton flannel shirts must keep available for inspection by the Office of Price Administration the records and the tabulation or work sheets which he used in figuring his "wholesale percentage." He is also required to file a statement of his wholesale percentage, as provided in section 9 (c) (2). This requirement does not apply, of course, to manufacturers who make only shirts for which no separate class prices are stated.

(3) *New manufacturers.* Any manufacturer who sells cotton flannel shirts, but did not do so in 1941, may apply to the Office of Price Administration (Textiles, Leather and Apparel Price Division), Washington 25, D. C., for the authorization of a "wholesale percentage." Until this authorization is granted, the manufacturer must make all deliveries at or below Class I ceiling prices.

(c) *Groups of factories for men's shirts.* Different ceiling prices are fixed for men's shirts made in factories having different wage rates, as explained in this paragraph.

(1) *Base period wage.* In order to find in which group a factory belongs a manufacturer must find his "base period average hourly sewing wage" for this factory as follows:

(i) Take the total wages paid to sewing operators during the last payroll period in March 1942. Include "make-up" required by law or by wage agreement, but exclude payments for overtime and payments to learners. Divide this total by the number of hours worked by sewing operators (except learners) during this period.

(ii) If any wage increase was required by an agreement which (a) was entered into on or before April 27, 1942, and (b) provided for an unconditional increase in wages of a fixed amount or percent, then adjust the average found above to reflect these wage increases. This means increasing the amount paid in the March period for time or piece work, and decreasing the amount of make-up (if any) to the extent that the higher time and piece rates reduce the necessity for make-up payments under the new contract.

(2) *Group A factory.* A "Group A factory" means any manufacturing establishment with a base period average hourly wage sewing rate of less than 50 cents per hour, and any other manufacturing establishment which has not qualified as a Group B factory by filing

the statement described in section 9 (c) (3).

[Subparagraph (2) amended by Am. 1, 10 F.R. 5039, effective 5-9-45]

(3) *Group B factory.* A "Group B factory" is a manufacturing establishment which had a base period average hourly sewing wage of 50 cents or more per hour, and which has filed a statement to this effect as required by Section 9 (c) (3). Until this statement is filed, a manufacturing establishment is not considered a "Group B factory".

(d) *Classification of factories for boys' shirts.* Boys' cotton flannel in-and-outer shirts are covered by this regulation only if made in a "work shirt factory" as defined below. Such shirts made in a "dress or sport shirt factory" are covered by Maximum Price Regulation 605.<sup>2a</sup>

(1) *Dress and sport shirt factories.* A "dress and sport shirt factory" is a manufacturing establishment which customarily makes shirts with the following features:

Single needle stitching on collars, cuffs and breast pockets.

Linings in collars and cuffs.

Hand pressing of entire shirt.

(2) *Work shirt factories.* Any factory which cannot qualify as a "dress and sport shirt factory" is considered a "work shirt factory."

[Paragraph (d) amended by Am. 4, effective 6-17-46]

(e) *Carry-over stock.* Certain kinds of cotton flannel shirts are considered "carry-over stock" if put into process before January 25, 1943 (the effective date of Maximum Price Regulation 304), and clearly marked "made before 1-25-43". (A shirt is "put into process" when the principal material is cut.) This provision applies only to shirts of the following kinds:

Men's in-and-outer shirts which are made with single needle stitching on collars, cuffs and breast pockets, and are hand-pressed throughout.

Shirts which contain slide fasteners double elbows or double backs (ordinary yokes are not included in "double backs").

A manufacturer's ceiling price for "carry-over stock" which he delivers before October 1, 1943, is his maximum price under the General Maximum Price Regulation, as modified by section 3.5 of Revised Supplementary Regulation 14 [now sec. 1.1 of SR 14E] (formerly § 1499.73 (a) (37) of Amendment 49 to Supplementary Regulation 14). On and after October 1, 1943, the manufacturers' ceiling price shall be reduced by 10%.

(f) *Special sizes and qualities.* Manufacturers' ceiling prices for special sizes and qualities are found by taking the ceiling price for the corresponding shirt of standard size and grade, and multiplying by the following percentages.

Men's extra sizes (17½ through 20)	
and "slims".....	110%
Seconds and imperfections.....	90%

SEC. 5. *How to find prices in cases not otherwise provided for—(a) Shirts made*

<sup>2a</sup> 10 F.R. 15115; 11 F.R. 350.

of fabrics of odd weight or finish. In any case where a shirt is made of a fabric of a weight or finish which is not specified in the Appendices, its ceiling price shall be the price stated for a shirt of the same type made of a fabric which is of the same type (flannel, domet, mole-skin or suede), but which has a lower maximum price. The manufacturer may also, if he prefers, apply for the fixing of a price on the particular fabric he is using.

*Example 1.* A manufacturer makes a man's shirt of 2.85 yard gray suede, for which no price is stated. However, a price is stated for a 3.00 yard gray suede shirt. The ceiling price for 3.00 yard gray suede cloth is lower than the ceiling price for 2.85 gray suede cloth.

The ceiling price for the 2.85 yard shirt shall be the price stated for a 3.00 yard shirt.

*Example 2.* A work shirt manufacturer makes a 4.75 yard sanforized plaid boys' shirt. No price is stated for this fabric, but a price is stated for a 4.75 yard unshrunk plaid shirt. Sanforized cloth costs more than unshrunk cloth.

The ceiling price for the sanforized shirt shall be the ceiling stated for the unshrunk shirt.

(b) *When to apply for a price.* A seller may apply for the fixing of a ceiling price in any of the following cases:

(1) When the shirt is made of a fabric that is substantially different in type, weight or finish from any fabric specifically priced in the regulation.

(2) When the shirt does not conform to the definition of a "standard model" in section 15 (d) of this regulation.

(3) When the shirt is a men's in-and-outer, made with single-needle stitching on collars, cuffs and breast pockets, and hand pressing, by a manufacturer who has customarily made shirts of this type.

(4) When for any other reason the seller is unable to find a ceiling price which applies to a garment which he sells, or to the circumstances under which he sells a garment.

(c) *How to apply for a price.* An application for the fixing of a ceiling price must be filed with the Office of Price Administration (Textiles, Leather and Apparel Price Division), Washington 25, D. C., in three copies. It must show the type of shirt to be made, the specifications of the fabric used, the size range in which it is offered, the costs of manufacture or purchase, and the prices at which the applicant and representative competitors last sold similar shirts. It must be supplemented by any further information which may be requested by the Office of Price Administration.

Pending action on an application for the fixing of a ceiling price, a person must not sell or deliver the garment except in accordance with the provisions of section 11 ("Adjustable pricing agreements").

SEC. 6. *When taxes may be added.* When a tax on a particular sale or delivery is imposed by a statute or ordinance which permits stating the tax separately from the price, the tax may be separately charged or collected in addition to the ceiling price. This applies only to sales taxes, gross receipts or gross proceeds taxes, and compensating use taxes, and does not apply to any tax imposed on a prior sale or delivery.

SEC. 7. *Marking of goods*—(a) *Marking required at retail.* Every person is forbidden to sell or offer to sell at retail, or to display in a retail store, any cotton flannel shirt which is not marked as required by this section. The marking must contain the following elements, which are further explained in paragraph (c):

- (1) Identification by name, trademark or registration number of the manufacturer or distributor.
- (2) Lot number of the garment.
- (3) Shrinkage.
- (4) Weight of fabric.
- (5) Defects (if any).
- (6) Retail ceiling price.

If any part of the required marking has not been performed by the manufacturer it must be supplied by the retailer.

(b) *Marking required of manufacturers.* Every manufacturer is forbidden to deliver any cotton flannel shirt which does not contain all the markings listed in the preceding paragraph, except the retail ceiling price. The manufacturer must supply the retail ceiling price by one of the two following methods:

(1) *Attaching to the garment.* The manufacturer may attach the retail ceiling price to the garment itself.

(2) *Supplying a list.* If the manufacturer does not attach the retail ceiling price to the garment, he must supply each retail purchaser with a list of retail ceiling prices for shirts supplied by him. If the garments are distributed through wholesalers, the manufacturer must supply the wholesaler who must in turn supply each retailer. This list must be forwarded by the manufacturer or wholesaler not later than the first invoicing or billing of any garment, or before October 1, 1943 (whichever is later). The manufacturer and wholesaler must keep this list up to date thereafter by sending supplemental lists to each customer at the time of shipment of any new garments subsequently sold to him, or if the manufacturer's or wholesaler's net ceiling price is changed, by sending corrected lists with the first garments shipped after the price changes have been effective. The list must be in substantially the following form:

[Above paragraph amended by Am. 1, 10 F.R. 5039, effective 5-9-45]

RETAIL CEILING PRICE LIST

AS REQUIRED BY THE OFFICE OF PRICE ADMINISTRATION  
[Ceiling prices for ABC Company cotton flannel shirts<sup>1</sup> for shirts bought from manufacturers at Class II prices]<sup>2</sup>

Garment, fabric, weight and shrinkage	East and Central <sup>3</sup>	Mountain and Pacific <sup>3</sup>
Lot 333 Men's Plaid, 3 yd. sanforized.	\$1.91	\$1.94
Lot 337 Men's Plaid, 7 oz. unshrunk.	1.96	1.99
Lot 431 Men's Suede finish, tan or gray, 3 yd. unshrunk.	1.84	1.87
Lot 1000 Men's Molekin finish, 1.83 yd., unshrunk.	2.41	2.44

<sup>1</sup> The garments may be identified by trademark, by manufacturer's or distributor's name, or by manufacturer's registration number.

<sup>2</sup> In appropriate cases, the list would be entitled "for shirts bought from wholesalers", or "for shirts bought from manufacturers at Class I prices."

<sup>3</sup> Separate price lists may be prepared, at the manufacturer's option, for different regions.

NOTICE: Each shirt must be marked with the ceiling price. Shirts must not be sold above the ceiling price, but may be sold for less. This list must be promptly displayed to any person on request during regular business hours.

[Prices amended by Am. 4, effective 6-17-46]

(c) *Elements of marking.* The elements required to be marked are explained in this paragraph.

(1) *Identification of manufacturer or distributor.* Each garment must be marked with one of the following types of identification:

- (i) The name of the manufacturer, or of the retail or wholesale distributor of the garment; or
- (ii) A trademark registered with the U. S. Patent Office; or
- (iii) A registration number which has been assigned to the manufacturer by the OPA.

Registration numbers may be obtained on request from the Textile, Leather and Apparel Price Division of the Office of Price Administration, Washington 25, D. C.

(2) *Lot number.* The lot number must be a different number for each garment having a different manufacturer's ceiling price.

(3) *Shrinkage.* If the garment is made of a "shrunk" fabric, this must be indicated by the words "pre-shrunk", "sanforized" or other words of like effect, together with the qualifying statements required by the Fair Trade Practice Rules for Shrinkage of Cotton Fabrics<sup>1</sup> issued by the Federal Trade Commission. If the fabric is not shrunk, the garment must be marked "unshrunk" or "allow for shrinkage".

(4) *Weight of fabric.* This must be given in accordance with the market designation of the fabric before shrinkage treatment, prorated to a 36" width basis. It may be stated either in yards per pound or in ounces per yard, to the nearest quarter ounce. For example, "3 yards per lb." or "5¼ oz. per yd."; "2.28 yds. per lb." or "7 oz. per yd."

(5) *Defects, if any.* If the garment is a "second" or "imperfect," it must be so marked on the neckband label.

(6) *Ceiling price.* This must be no higher than the correct ceiling price for the circumstances in which the garment is offered for sale at retail.

(d) *Manner of marking.* The required markings may be in one or more parts, and may be accompanied by other information, but all portions must be clearly visible to the purchaser. Markings required by this section must be attached by stitching, adhesive, pins or staples, except where some other method is specifically authorized.

EXAMPLES OF MARKING

(1) Label in separate parts; shirt purchased at manufacturer's Class II price, and offered for retail sale in East and Central region.

(First part—on neckband)

The ABC Company  
Pre-shunk  
Will not shrink over 1%  
Size 15

Lot 333 5¼ oz. per yd.

(Second part—on breast pocket)

Ceiling \$1.85

[Price amended by Am. 4, effective 6-17-46]

<sup>1</sup> 3 F.R. 1583.

(2) Label in one part; shirt bought at manufacturer's Class I price, and retailed in all regions.

XXX Brand	
Lot 904	
Size 15	Allow. for shrinkage
	Wt.—3 yds. per lb.
	Ceiling \$1.45
	Denver West, \$1.48

[Subparagraph (2) amended by Am. 1, 10 F.R. 5039, effective 5-9-45 and Am. 3, 10 F.R. 14339, effective 11-21-45. Prices amended by Am. 4, effective 6-17-46]

(e) *Exemptions from marking.* The marking requirements of this section are modified by the exemptions stated in this paragraph.

(1) *"Carry-over stock" made before January 25, 1943.* "Carry-over stock," as defined in section 2 (e), which was put into process before January 25, 1943, does not have to be marked with any of the information required by this section, provided it is marked "made before 1-25-43". This marking may be made by button tag, string tag, or similar device, instead of by stitching, adhesive, pins or staples, and must be clearly visible to the consumer.

(2) *Shirts made before February 22, 1943.* Manufacturers are not required to mark shirts which were put into process before February 22, 1943, with fabric weight and shrinkage. But retailers must mark all shirts except "carry-over stock" with this information, which they may obtain on request from the manufacturer or wholesaler.

(3) *Shirts made before October 1, 1943.* Manufacturers and retailers are not required to mark shirts which were put into process before October 1, 1943, with an identification of the manufacturer or distributor, or with a lot number. But if shirts have been so marked, these markings must not be removed before sale to the ultimate consumer.

(4) *Shirts sold by mail order establishments.* In the case of sales at retail of cotton flannel shirts which are based on orders received by mail pursuant to a mail order catalog, the retail seller need not mark each garment with the retail ceiling price, as required in section 7 (a) (6), if he forwards with the garment a sales memorandum stating the retail purchase price (not exceeding the ceiling price).

[Subparagraph (4) added by Am. 1, 10 F.R. 5039, effective 5-9-45]

SEC. 8. *Disclosure*—(a) *Description of goods.* Any person who has sold for resale any specified utility shirts may be required to supply any subsequent buyer with any information needed by him for the marking and pricing of these shirts. This information must be furnished in writing promptly upon receipt of a written request from the buyer. Unless he has reason to believe it is erroneous, the buyer may rely on the information so furnished with respect to the finish, weight and shrinkage of the fabric, the kind of factory in which the garment was made, the date on which it was put into process, and the supplier's ceiling price. If the buyer does have reason to believe the information is erroneous, he may nevertheless act on it, providing he



immediately sends to a district or state office of the Office of Price Administration a statement of the circumstances and a request for a determination of the facts.

(b) *Sales slips and receipts.* Any seller who has customarily given a purchaser a sales slip, receipt or similar evidence of purchase must continue to do so. Upon request from a purchaser any seller, regardless of previous custom, must give the purchaser a receipt showing the date, the name and address of the seller, the type of garment sold, and the price received for it.

(c) *Retail ceiling price list.* Any retailer who has received from his supplier a "retail ceiling price list" must display it promptly to any person who requests to see it during regular business hours. If the retailer sells through more than one department or selling establishment, a copy of the list must be made available in each separate unit where cotton flannel shirts are sold.

(d) *Invoices.* Every manufacturer selling cotton flannel shirts, and every person selling cotton flannel shirts at wholesale, must give the purchaser an invoice showing the lot number of the garment sold, and the price charged.

**SEC. 9. Records and reports—**(a) *Records to be kept by retailers.* Every person who sells shirts covered by this regulation at retail must keep the following records, and make them available on request, to the Office of Price Administration:

(1) Invoices and other documents received by the seller showing costs, descriptions and sources of shirts sold by him.

(2) Such records as he has customarily kept showing prices charged by him for shirts sold at retail.

(b) *Records to be kept and filed by persons selling at wholesale.* Every person who sells shirts covered by this regulation at wholesale must keep the following records, and make them available on request to the Office of Price Administration:

(1) Invoices and other documents received by the seller showing costs, descriptions and sources of shirts sold by him.

(2) Copies of invoices and other documents showing prices and identification by name, trademark, lot number, etc., of shirts sold by him at wholesale.

Moreover, every person who wishes to qualify as a "wholesaler" under section 3 (a) (1), but was not such a wholesaler in 1942, must file a statement before making any sales at wholesalers' prices. This statement must be filed with the Office of Price Administration (Textiles, Leather and Apparel Price Division), Washington 25, D. C. It must give the name and address of the wholesaler, and the date on which he commenced business as a wholesaler.

(c) *Records to be prepared, kept and filed by manufacturers.* This paragraph tells what records must be prepared and kept, and what statements filed by manufacturers. Statements required by this paragraph must be filed with the Textiles, Leather and Apparel Price Division of the Office of Price Administration, Washington 25, D. C.

(1) *Price list.* Every manufacturer of cotton flannel shirts must prepare a list

of all numbers of cotton flannel shirts which he delivers or has delivered on or after January 25, 1943. This list must show the lot numbers of all shirts and, following each lot number, the finish, color or pattern, weight and shrinkage of the fabric, the size range in which the shirt is offered, and the manufacturer's ceiling price or prices. If this number is sold at Class I prices, the list must show whether it is sold to retailers or to wholesalers or to both. This record must be prepared on or before October 1, 1943 and must be kept up to date thereafter by adding any new numbers, or any changes in the description of old numbers. This list must be kept and made available on request to the Office of Price Administration, but does not need to be filed.

(2) *Records and statement of wholesale percentage.* Every manufacturer of cotton flannel shirts (excepting manufacturers who make only men's shirts in group B factories) must keep the records and work sheets from which he found his "wholesale percentage" as provided in section 4 (b) (1). These records must include a list showing what price the manufacturer took as his "wholesale price" for each number delivered during 1941; or, if he did not have a "wholesale price," the lowest figure at which he delivered each lot number during that year. The list must also specify, as accurately as available information permits, the fabric from which each lot number was made, and the type of shirt (that is, men's regular, men's in-and-outer, etc.). The records required by this subparagraph must be prepared on or before October 1, 1943, and thereafter must be kept and made available on request to the Office of Price Administration. Further, the manufacturer must file on or before October 1, 1943, a statement showing the total number of dozens of cotton flannel shirts delivered by him in 1941, the number delivered at wholesale prices, and the number delivered at higher prices.

(3) *Statement to be filed by Group B factories.* Every person who wishes to qualify as a manufacturer of men's shirts made in a group B factory, as defined in section 4 (c) (3), must file a statement showing:

(i) Total wages paid to sewing operators during last pay-roll period in March 1942, and the "make-up" required by law or by wage agreement, excluding payments for overtime and payments to learners;

(ii) The total number of hours worked by sewing operators employed during the last pay-roll period in March 1942;

(iii) The fixed amount or percent of any unconditional wage rate increase required by an agreement entered into on or before April 27, 1942, and the date of this agreement;

(iv) The calculation of the factory's "base period average hourly sewing wage", according to section 4 (c) (1);

(v) The names, trade-marks or other identifying marks under which he will sell the shirts made by him in group B factories.

(4) [Deleted.]

[Subparagraph (4) deleted by Am. 4, effective 6-17-46]

**SEC. 10. Excessive prices forbidden.** On and after September 10, 1943, the fol-

lowing practices are forbidden, regardless of any contract or other obligation:

(a) *Charging more than ceiling price.* Every person is forbidden to sell or deliver any specified utility shirt at a price higher than the ceiling price set by this regulation. Lower prices may, of course, be charged.

(b) *Buying for more than ceiling price.* Every person is forbidden to buy or receive any specified utility shirt, in the course of trade or business, at a price higher than the ceiling price set by this regulation.

(c) *Combination sales.* Every person is forbidden to require any purchaser to buy or agree to buy any other article, service, package or wrapper in connection with a sale or delivery of any specified utility shirt. But any seller at wholesale or manufacturer may refuse to sell less than a minimum quantity of any one style number, if this minimum has been customary in the trade.

(d) *Indirect price increases.* Every person is forbidden to do any other act which directly or indirectly increases above the ceiling price the consideration paid by the purchaser for any specified utility shirt. Any practice which is a device to secure the effect of a higher-than-ceiling price is as much a violation as an outright raising of the ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, discounts, special privileges, tying agreements, trade understandings and all similar practices.

(e) *Indirect violations.* Every person is forbidden to offer, attempt or agree to do any of the acts forbidden by this section.

(f) *Stating prices above the ceiling price.* Every person is forbidden to state a gross price above the ceiling price, except where the seller customarily allows a percentage discount on all sales to one or more classes of customers. To customers of these classes, a seller may state a price which gives the net ceiling price after deducting the percentage discount. Wherever such a gross price is stated, the seller must also state expressly the discount allowed, the net ceiling price and the retail ceiling price. The amount actually collected or paid must never exceed the net ceiling price.

*Example:* M. Company customarily grants terms of 3/10 E. O. M. to all its retail customers. In selling a shirt with a ceiling of \$11.08, it may prepare the invoice as follows:

Terms: 3/10 E. O. M.

Lot No.	Quantity	Description	Price	Amount
888	20	Boy's flannel shirt. Net ceiling price \$11.08. Retail ceiling price \$1.40.....	\$11.42	\$228.40

**SEC. 11. Adjustable pricing agreements.** Adjustable pricing agreements may be entered into notwithstanding the provisions of section 10, to the extent permitted by this paragraph.

(a) *When regulation fixes a ceiling price.* In cases where this regulation fixes a ceiling price, any person may agree to sell at that ceiling price, subject

to an agreement with the buyer to charge a higher price if it becomes the legal ceiling price by the time delivery is made. But unless authorized by the Office of Price Administration, a person must not deliver or agree to deliver at a price which may be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. This authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the power to grant such authorization has been delegated, and will be given by order, except that it may be given by letter or amendment when an application for authorization of an individual ceiling price is pending. The authorization will be given only where:

- (1) A request for the fixing or changing of a ceiling price has been filed; and
- (2) The authorization is necessary to promote distribution or production, and
- (3) It will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

(b) *Where the regulation does not fix a price.* In cases where a ceiling price is not fixed by the regulation, a person must not make any delivery until a price has been fixed by authorization or amendment, and must not make any contract of sale unless the price is expressly subject to adjustment in accordance with any action which may be taken by the Office of Price Administration. However, shirts which are not priced in the table can generally be priced under some other provision of the regulation, such as those relating to "carry-over stock" (section 4 (e)), to extra sizes, slims, seconds and imperfects (section 4 (f)) or to shirts made of fabrics of odd weight or finish (section 5 (a)).

(c) [Revoked]

[Paragraph (c) added by Am. 2, 10 F.R. 11149, effective 9-12-45 and revoked by Am. 3, 10 F.R. 14339, effective 11-21-45]

#### SEC. 12. Licensing and enforcement—

(a) *Licensing.* The provisions of Licensing Order No. 1,<sup>6</sup> licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Paragraphs (a) amended and (b) deleted by Supplementary Order 72, 8 F.R. 13244, effective 10-1-43]

(b) [Deleted]

(c) *Penalties.* Any person who violates any provision of this regulation is 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.

SEC. 13. *Relation to other regulations—*  
(a) *Regulations superseded.* The coverage of Revised Maximum Price Regulation 304 is stated in section 1. Where this regulation applies, it supersedes the

<sup>6</sup> 8 F.R. 13240.

provisions of the following regulations (except as otherwise specifically provided in section 4 (e)).

(1) General Maximum Price Regulation.<sup>5</sup>

(2) Section 3.5 of Revised Supplementary Regulation No. 14 [now sec. 1.1 of SR 14E] (formerly § 1499.73 (a) (37) of Amendment 49 to Supplementary Regulation 14).

(3) Maximum Price Regulation 157<sup>6</sup>—Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes.

(4) Maximum Price Regulation 208<sup>7</sup>—Staple Work Clothing.

(5) Maximum Price Regulation 210<sup>8</sup>—Retail and Wholesale Prices for Fall and Winter Seasonal Commodities.

(b) *Contractors' Services.* This regulation does not apply to charges for contractors' services, which are governed by Maximum Price Regulation 172<sup>9</sup>—Charges of Contractors in the Apparel Industry. "Contractor" is defined in § 1389.52 of that regulation.

(c) *Export sales.* This regulation does not apply to export sales, which are governed by the Second Revised Maximum Export Price Regulation.<sup>10</sup>

(d) *Import sales.* The provisions of this regulation do not apply to deliveries made from points outside the 48 states and the District of Columbia. Such sales and deliveries are governed by the provisions of The General Maximum Price Regulation, and especially Revised Maximum Import Price Regulation.<sup>11</sup> This regulation does, however, apply to domestic sales, whether or not the articles sold were originally imported.

(e) *"Dress and sport shirts."* This regulation does not apply to boys' cotton flannel shirts made in "dress and sport shirt factories," as defined in section 4 (d) (1). Sales of such shirts are governed by Maximum Price Regulation 605—Manufacturers' Prices for Shirts, Shorts, Pajamas and Related Items.

[Paragraph (e) added by Am. 4, effective 6-17-46]

SEC. 14. *How this regulation may be amended.* (a) Any person who seeks a modification of any provision of this regulation may file a petition for an amendment of general applicability in accordance with Revised Procedural Regulation No. 1<sup>12</sup> issued by the Office of Price Administration.

(b) Pending an amendment, a person must not sell or deliver shirts at prices other than those fixed in the regulation, except in accordance with the provisions of section 11 ("Adjustable pricing agreements").

<sup>5</sup> 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.

<sup>6</sup> 7 F.R. 4273, 4541, 4618, 5180, 5716, 6004, 6424, 8948; 8 F.R. 3948, 7507.

<sup>7</sup> 7 F.R. 6649, 8940, 8948, 10015; 8 F.R. 4887.

<sup>8</sup> 7 F.R. 6789, 7318, 7173, 7912, 8651, 8930, 8937, 8948, 9614, 10109; 8 F.R. 973, 6359.

<sup>9</sup> 7 F.R. 4882, 6684, 8351, 8948, 10864; 8 F.R. 8063.

<sup>10</sup> 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 5435, 5923, 7201, 9835, 11273, 12919, 14436; 10 F.R. 863, 923, 2432, 6590, 8746, 8611, 9586, 10029, 15348; 11 F.R. 1297.

<sup>11</sup> 11 F.R. 2827, 5071.

<sup>12</sup> 9 F.R. 10476, 13715; 10 F.R. 11295.

SEC. 15. *Explanations and definitions of terms—*(a) *Kinds of fabric—*(1) *Shrinkage of fabric.* A fabric is "shrunk" if the residual shrinkage does not exceed 2%, measured by the test for shrinkage of cotton fabrics described in Commercial Standard CS 39-41, issued by the National Bureau of Standards. Any fabric which is not "shrunk" is "unshrunk" or "mill finish."

(2) *Weight of fabric* is measured in yards per pound, or in ounces per yard (to the nearest quarter-ounce), according to the market designation of the fabric before shrinkage treatment.

(b) *Kinds of shirts.* (1) "Regular shirts" are shirts with tails, designed to be worn inside the trousers.

(2) "In-and-outer shirts" are shirts without tails, designed to be worn either inside or outside the trousers.

(3) "Slims" are regular shirts with extra length in front, back and sleeves, according to the practice customarily followed by the manufacturer in 1941 with respect to garments so designated.

(4) "Seconds" and "imperfects" are shirts containing defects which the manufacturer customarily graded as such during 1941.

(5) "Extra sizes" are men's sizes 17½ to 20, inclusive.

(c) *Standard cotton flannel shirts.* Cotton flannel shirts are considered "standard" when they conform to the minimum specifications set forth in this paragraph, which have been in general use in the industry. Shirts which do not conform to these standards may be priced by application to the Office of Price Administration as provided in section 5 (b).

(1) *Minimum stitches per inch.* 12 on hems, 14 on seams and joinings, for boys' in-and-outers made in dress and sport shirt factories.

10 on hems, seams and joinings on all other shirts.

(2) *Tails on "regular" shirts.* Square type, not abnormally sloped or "fish-tailed."

(3) *Yardage and dimensions.* "Standard" shirts must conform to the following minimum standards in yardage or dimensions. Where minimum yardages are required this refers to the average yardage consumed per dozen shirts throughout the size range during any six months' period.

	Yards per dozen
Men's regular shirts made from unshrunk fabrics.....	29
Men's regular shirts made from shrunk fabrics.....	28
Men's in-and-outers made from unshrunk fabrics.....	28
Men's in-and-outers made from shrunk fabrics.....	27
Boys' regular shirts, all fabrics.....	20½
Boys' in-and-outer shirts made from unshrunk fabrics.....	17½
Boys' in-and-outer shirts made from shrunk fabrics.....	17½

(4) *Size ranges.* "Standard" shirts must be offered in the following size ranges, except where one or more sizes



TABLE II—BOYS' REGULAR SHIRTS  
(Sizes 6 to 14; size 4 optional)

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Fabric finish	Color or pattern	Weight in yards per pound or ounces per yard	Shrinkage-shrunk or unshrunk	Class I ceiling	Class II ceiling
Flannel	Plaid	4.50 (3 1/2 oz.)	Unshrunk	\$8.44	\$8.97
	do	3.50 (4 1/2 oz.)	do	9.98	10.61
	do	3.00 (5 1/4 oz.)	do	10.55	11.21
	do	3.00 (5 1/4 oz.)	Shrunk	11.93 1/2	12.83
	do	2.28 (7 oz.)	Unshrunk	12.10	12.97 1/2
	do	2.28 (7 oz.)	Shrunk	13.81	14.80
Woven domest.	Plain	4.20 (3 3/4 oz.)	Unshrunk	8.53	9.11
Suede	Tan or gray	3.00 (5 1/4 oz.)	do	11.35	12.14 1/2

TABLE III—BOYS' IN-AND-OUTERS

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Fabric finish	Color or pattern	Weight in yards per pound or ounces per yard	Shrinkage	Class I ceiling	Class II ceiling
Flannel	Plaid	4.75 (3 3/4 oz.)	Unshrunk	\$7.75 1/2	\$8.25
	do	4.50 (4 1/2 oz.)	do	7.92	8.42 1/2
	do	3.50 (4 1/2 oz.)	do	9.34 1/2	10.01 1/2
	do	3.00 (5 1/4 oz.)	do	9.89 1/2	10.55 1/2
	do	3.00 (5 1/4 oz.)	Shrunk	10.97 1/2	11.78 1/2
	do	2.28 (7 oz.)	Unshrunk	11.12	11.94
	do	2.28 (7 oz.)	Shrunk	12.54	13.47 1/2

[Tables 1, 2 and 3 amended by Am. 1, 10 F.R. 5039, effective 5-9-45, Am. 3, 10 F.R. 14339, effective 11-21-45 and Am. 4, effective 6-17-46]

TABLE IV (Deleted)

[Table IV deleted by Am. 4, effective 6-17-46]

APPENDIX B—TABLES OF WHOLESAL CEILING PRICES

INSTRUCTIONS

- In using the following tables you must bear in mind the rules for wholesale pricing in section 3. Notice especially that these prices apply only to "regular sales," not to "special sales."
- Prices are stated per dozen garments, f. o. b. seller's place of business. If his place of business is in the East and Central region, he uses column 5; if his place of business is in the Mountain and Pacific regions, he uses column 6. These different regions are explained in section 1 (e).
- Terms for sales at wholesale are net 30 days. If the seller wishes, he may extend more favorable terms, or allow discounts from celling prices, or anticipation. A seller who wishes to allow less than 30 days may do so, but the celling price must then be discounted at the rate of 6% per annum for each day under 30 within which payment is required. For example, if the terms are "net 10 days," the celling price must be discounted 1/3 of 1%.

APPENDIX A—TABLES OF MANUFACTURERS' CEILING PRICES

INSTRUCTIONS

- In using the following tables, you must bear in mind the rules for pricing by manufacturers which are stated in section 4 ("How to find manufacturers' celling prices").
- Prices are stated per dozen garments, f. o. b. seller's place of business, except that prices for men's shirts made in Group B factories include delivery to the buyer's place of business.
- Terms for sales by manufacturers are net 30 days. If the seller wishes, he may extend more favorable terms or allow discounts from celling prices, or anticipation. A seller who wishes to allow less than 30 days may do so, but the celling price must then be discounted at the rate of 6% per annum for each day under 30 within which payment is required. For example, if the terms are "net 10 days," the celling price must be discounted 1/3 of 1%.
- Prices are stated in the tables for manufacturers in the East and Central region. Celling prices for manufacturers in the Mountain and Pacific region are 25¢ per dozen higher, except that men's shirts made in Group B factories have the same celling price for all manufacturers, wherever located. These different regions are explained in section 1 (e).

MANUFACTURERS' CEILING PRICES

TABLE I—MEN'S SHIRTS

(Regular shirts—sizes 14 1/2-17; in-and-outers—small, medium, and large)

Column 1	Column 2	Column 3	Column 4	Column 5		Column 6	Column 7	Column 8
				Class I ceiling	Class II ceiling			
Fabric finish	Color or pattern	Weight in yards per pound or ounces per yard	Shrinkage—Shrunk or unshrunk	Shirts made in group A factories		Shirts made in group B factories—transportation charges prepaid		
				Class I ceiling	Class II ceiling			
Flannel	Plaid	3.50 (4 1/2 oz.)	Unshrunk	\$12.13	\$12.87		\$15.79	
				12.92	13.75 1/2		16.81	
	do	3.00 (5 1/4 oz.)	Shrunk	14.91	15.96 1/2		18.89	
	do	2.68 (6 oz.)	Unshrunk	15.38 1/2	16.41 1/2		20.30	
	do	2.28 (7 oz.)	Shrunk	17.71	18.53 1/2		22.41	
	do	1.85 (8 1/2 oz.)	do	18.78	20.03 1/2		22.75	
Woven domest. T will domest.	Plain	4.20 (3 3/4 oz.)	Unshrunk	10.07	10.72		13.46 1/2	
				12.74	13.59 1/2		16.39	
	do	3.00 (5 1/4 oz.)	Shrunk	14.52 1/2	15.52		18.42	
	do	2.40 (6 1/2 oz.)	Unshrunk	13.84	14.73 1/2		17.65 1/2	
	do	2.28 (7 oz.)	Shrunk	14.56	15.53 1/2		18.95 1/2	
	do	2.28 (7 oz.)	do	17.22 1/2	17.92 1/2		21.67	
	do	2.00 (8 oz.)	Unshrunk	14.88	15.87 1/2		19.19 1/2	
Suede	Tan or gray	3.45 (4 1/2 oz.)	do	12.35	13.29 1/2		16.07	
				13.87	14.91		17.90 1/2	
	do	3.00 (5 1/4 oz.)	do	14.47	15.61 1/2		18.49	
	Navy	3.50 (4 1/2 oz.)	do	13.53	14.55 1/2		17.39	
	Printed	3.45 (4 1/2 oz.)	Shrunk	15.73 1/2	17.01 1/2		19.70	
	do	3.00 (5 1/4 oz.)	Unshrunk	13.21 1/2	14.49 1/2		16.18	
	do	3.00 (5 1/4 oz.)	Shrunk	16.56	17.84		20.52 1/2	
	do	2.00 (8 oz.)	Unshrunk	18.76 1/2	20.21		23.47	
D. N. suede	All colors	2.33 (6 1/4 oz.) (10.7-56")	do	18.06	19.47 1/2		22.67	
				18.72	20.19		23.41	
	Tan or gray	2.00 (8 oz.)	do	21.05 1/2	22.72		26.01	
	do	1.60 (10 oz.)	do	22.64	24.44		27.77	
Moleskin	All colors	1.83 (8 1/2 oz.) (1.32-50")	do	17.62	19.49		22.61	
				17.62	19.49		22.61	
	do	1.68 (9 1/2 oz.)	do	21.20 1/2	22.91		26.21	

In the range is indicated as "optional." In those cases, the optional sizes may be offered or not, at the seller's choice. A seller who stocks the full range is not, of course, required to keep it complete at all times.

- Range of sizes (all figures inclusive)
- Men's regular shirts----- 14 1/2-17.
  - Men's extra sizes--- 17 1/2-20.
  - Men's in-and-outer shirts--- small, medium and large.
  - Boys' regular shirts 6-12 (even sizes) and 12 1/2-14 (half sizes), size 4 optional.
  - Boys' in-and-outer shirts--- 4 optional, or small, medium and large.
- All sizes optional.

[Subparagraphs (3) and (4) amended by Am. 4, effective 6-17-46]  
[Paragraph (c), formerly (d), redesignated by Am. 4, effective 6-17-46. Former paragraph (c) deleted by Am. 4]

WHOLESALE'S CEILING PRICES—ALL REGIONS

TABLE I—MEN'S SHIRTS

(Regular shirts—sizes 14½-17; in-and-outers—small, medium and large)

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Fabric finish	Color or pattern	Weight in yards per pound or ounces per yard	Shrinkage	Shirts made in group A factories	
				East and Central	Mountain and Pacific
Flannel	Plaid	3.50 (4½ oz.)	Unshrunk	\$14.36	\$14.61
	do	3.00 (5¼ oz.)	do	15.29	15.54
	do	3.00 (5¼ oz.)	Shrunk	17.64	17.89
	do	2.66 (6 oz.)	do	18.91	19.16
	do	2.28 (7 oz.)	Unshrunk	18.21	18.46
Woven domet	Plain	2.28 (7 oz.)	Shrunk	20.96	21.21
		1.85 (8¾ oz.)	do	22.22	22.47
		4.20 (3¾ oz.)	Unshrunk	11.92	12.17
		3.00 (5¼ oz.)	do	15.08	15.33
		3.00 (5¼ oz.)	Shrunk	17.19	17.44
Twill domet	do	2.40 (6¾ oz.)	Unshrunk	16.38	16.63
		2.28 (7 oz.)	do	17.23	17.48
		2.28 (7 oz.)	Shrunk	20.38	20.63
		2.00 (8 oz.)	Unshrunk	17.61	17.86
		3.45 (4¾ oz.)	do	14.62	14.87
Suede	Tan or gray	3.00 (5¼ oz.)	do	16.41	16.66
		3.00 (5¼ oz.)	do	17.12	17.37
		3.50 (4½ oz.)	do	16.01	16.26
		3.45 (4¾ oz.)	Shrunk	18.62	18.87
		3.00 (5¼ oz.)	Unshrunk	18.01	18.26
D. N. suede	Navy	3.00 (5¼ oz.)	Shrunk	19.60	19.85
		2.00 (8 oz.)	Unshrunk	22.21	22.46
		2.33 (6¾ oz.) (10.7-56")	do	21.37	21.62
		2.00 (8 oz.)	do	22.15	22.40
		1.60 (10 oz.)	do	24.92	25.17
Moleskin	All colors	1.60 (10 oz.)	do	26.79	27.04
		1.83 (8¾ oz.) (1.32-50")	do	20.85	21.10
		1.68 (9½ oz.)	do	25.09	25.34
		1.60 (10 oz.)	do	24.92	25.17
		1.60 (10 oz.)	do	26.79	27.04

TABLE II—BOYS' REGULAR SHIRTS

(Sizes 6-14; 4 optional)

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Fabric finish	Color or pattern	Weight in yards per pound or ounces per yard	Shrinkage	Shirts made in group A factories	
				East and Central	Mountain and Pacific
Flannel	Plaid	4.50 (3½ oz.)	Unshrunk	\$ 9.99	\$10.24
		3.50 (4½ oz.)	do	11.81	12.06
		3.00 (5¼ oz.)	do	12.49	12.74
		3.00 (5¼ oz.)	Shrunk	14.12	14.37
		2.28 (7 oz.)	Unshrunk	14.32	14.57
Woven domet	Plain	2.28 (7 oz.)	Shrunk	16.34	16.59
		4.20 (3¾ oz.)	Unshrunk	10.09	10.34
		3.00 (5¼ oz.)	do	13.43	13.68
		2.28 (7 oz.)	do	13.43	13.68
		3.00 (5¼ oz.)	do	13.43	13.68
Suede	Tan or gray	3.00 (5¼ oz.)	do	13.43	13.68
		3.00 (5¼ oz.)	do	13.43	13.68

TABLE III—BOYS' IN-AND-OUTERS

Fabric finish	Color or pattern	Weight in yards per pound or ounces per yard	Shrinkage	Made in work shirt factories, sizes 6-18 (4 optional) or small; medium and large	
				East and Central	Mountain and Pacific
Flannel	Plaid	4.75 (3½ oz.)	Unshrunk	\$9.18	\$ 9.43
		4.50 (3½ oz.)	do	9.37	9.62
		3.50 (4½ oz.)	do	11.06	11.31
		3.00 (5¼ oz.)	do	11.71	11.96
		3.00 (5¼ oz.)	Shrunk	12.99	13.24
		2.28 (7 oz.)	Unshrunk	13.16	13.41
		2.28 (7 oz.)	Shrunk	14.84	15.09

[Tables 1, 2 and 3 amended by Am. 1, 10 F.R. 5039, effective 5-9-45, Am. 3, 10 F.R. 14339, effective 11-21-45 and Am. 4, effective 6-17-46]

Table IV [Deleted]

[Table IV deleted by Am. 4, effective 6-17-46]

APPENDIX C—TABLES OF RETAIL CEILING PRICES

INSTRUCTIONS

(1) Retail ceilings for cotton flannel shirts are listed in Tables I, II and III. For shirts purchased from Group A factories or from wholesalers, retail ceilings on cotton suede and cotton moleskin shirts are found in Table I, and those on cotton plaid and cotton domet shirts are found in Table II. For shirts purchased from Group B factories, retail ceilings on all shirts are found in Table III. In each table, the ceiling is given according to your supplier's net ceiling price. This price must be found according to the rules in section 2 (b). Read this section before using the tables.

(2) When you have found your supplier's net ceiling price, look in Column 1 of the appropriate table for the bracket in which this price belongs. Then look at the figure opposite in Column 2; that is your ceiling price per garment.

For example, suppose you buy a 3.00 yard unshrunk plaid flannel shirt from a manufacturer at \$12.92 (the Group A manufacturer's Class I ceiling). The heading to Table II states that your ceiling is determined under that table. Follow down Column 1 in Table II until you find the bracket \$12.76-\$12.95+. Opposite these figures, in Column 2, you find the retail ceiling of \$14.55 (\$12.95+ includes any fractional cent over \$12.95).

[Instructions amended by Am. 4, effective 6-17-46]

TABLE I—RETAIL CEILING PRICES FOR COTTON-SUEDE AND COTTON MOLESKIN SHIRTS (EXCEPT WHEN PURCHASED FROM GROUP B FACTORIES)

Column 1	Column 2
Supplier's ceiling price (per dozen)	Retail ceiling price (per garment)
\$7.00-\$7.08+	\$0.85
\$7.09-\$7.16+	.86
\$7.17-\$7.24+	.87
\$7.25-\$7.32+	.88
\$7.33-\$7.40+	.89
\$7.41-\$7.47+	.90
\$7.48-\$7.55+	.91
\$7.56-\$7.63+	.92
\$7.64-\$7.71+	.93
\$7.72-\$7.79+	.94
\$7.80-\$7.87+	.95
\$7.88-\$7.95+	.96
\$7.96-\$8.03+	.97
\$8.04-\$8.11+	.98
\$8.12-\$8.19+	.99
\$8.20-\$8.27+	1.00
\$8.28-\$8.35+	1.01
\$8.36-\$8.43+	1.02
\$8.44-\$8.50+	1.03
\$8.51-\$8.58+	1.04
\$8.59-\$8.66+	1.05
\$8.67-\$8.74+	1.06
\$8.75-\$8.82+	1.07
\$8.83-\$8.90+	1.08
\$8.91-\$8.98+	1.09
\$8.99-\$9.06+	1.10
\$9.07-\$9.14+	1.11
\$9.15-\$9.22+	1.12
\$9.23-\$9.30+	1.13
\$9.31-\$9.38+	1.14
\$9.39-\$9.45+	1.15
\$9.46-\$9.53+	1.16
\$9.54-\$9.61+	1.17
\$9.62-\$9.69+	1.18



TABLE I—Continued

Column 1 Supplier's ceiling price (per dozen)	Column 2 Retail ceiling price (per garment)
\$9.70-\$9.77+	\$1.19
\$9.78-\$9.85+	1.20
\$9.86-\$9.83+	1.21
\$9.94-\$10.01+	1.22
\$10.02-\$10.09+	1.23
\$10.10-\$10.17+	1.24
\$10.18-\$10.25+	1.25
\$10.26-\$10.33+	1.26
\$10.34-\$10.41+	1.27
\$10.42-\$10.48+	1.28
\$10.49-\$10.56+	1.29
\$10.57-\$10.64+	1.30
\$10.65-\$10.72+	1.31
\$10.73-\$10.80+	1.32
\$10.81-\$10.88+	1.33
\$10.89-\$10.96+	1.34
\$10.97-\$11.04+	1.35
\$11.05-\$11.12+	1.36
\$11.13-\$11.20+	1.37
\$11.21-\$11.28+	1.38
\$11.29-\$11.36+	1.39
\$11.37-\$11.43+	1.40
\$11.44-\$11.51+	1.41
\$11.52-\$11.59+	1.42
\$11.60-\$11.67+	1.43
\$11.68-\$11.75+	1.44
\$11.76-\$11.83+	1.45
\$11.84-\$11.91+	1.46
\$11.92-\$11.99+	1.47
\$12.00-\$12.07+	1.48
\$12.08-\$12.15+	1.49
\$12.16-\$12.23+	1.50
\$12.24-\$12.31+	1.51
\$12.32-\$12.39+	1.52
\$12.40-\$12.46+	1.53
\$12.47-\$12.54+	1.54
\$12.55-\$12.62+	1.55
\$12.63-\$12.70+	1.56
\$12.71-\$12.78+	1.57
\$12.79-\$12.86+	1.58
\$12.87-\$12.94+	1.59
\$12.95-\$13.02+	1.60
\$13.03-\$13.10+	1.61
\$13.11-\$13.18+	1.62
\$13.19-\$13.26+	1.63
\$13.27-\$13.34+	1.64
\$13.35-\$13.41+	1.65
\$13.42-\$13.49+	1.66
\$13.50-\$13.57+	1.67
\$13.58-\$13.65+	1.68
\$13.66-\$13.73+	1.69
\$13.74-\$13.81+	1.70
\$13.82-\$13.89+	1.71
\$13.90-\$13.97+	1.72
\$13.98-\$14.05+	1.73
\$14.06-\$14.13+	1.74
\$14.14-\$14.21+	1.75
\$14.22-\$14.29+	1.76
\$14.30-\$14.37+	1.77
\$14.38-\$14.44+	1.78
\$14.45-\$14.52+	1.79
\$14.53-\$14.60+	1.80
\$14.61-\$14.68+	1.81
\$14.69-\$14.76+	1.82
\$14.77-\$14.84+	1.83
\$14.85-\$14.92+	1.84
\$14.93-\$15.00+	1.85
\$15.01-\$15.08+	1.86
\$15.09-\$15.16+	1.87
\$15.17-\$15.24+	1.88
\$15.25-\$15.32+	1.89
\$15.33-\$15.39+	1.90
\$15.40-\$15.47+	1.91
\$15.48-\$15.55+	1.92
\$15.56-\$15.63+	1.93
\$15.64-\$15.71+	1.94
\$15.72-\$15.79+	1.95
\$15.80-\$15.87+	1.96
\$15.88-\$15.95+	1.97
\$15.96-\$16.03+	1.98
\$16.04-\$16.11+	1.99
\$16.12-\$16.19+	2.00
\$16.20-\$16.27+	2.01
\$16.28-\$16.35+	2.02
\$16.36-\$16.42+	2.03
\$16.43-\$16.50+	2.04

TABLE I—Continued

Column 1 Supplier's ceiling price (per dozen)	Column 2 Retail ceiling price (per garment)
\$16.51-\$16.58+	\$2.05
\$16.59-\$16.66+	2.06
\$16.67-\$16.74+	2.07
\$16.75-\$16.82+	2.08
\$16.83-\$16.90+	2.09
\$16.91-\$16.98+	2.10
\$16.99-\$17.06+	2.11
\$17.07-\$17.14+	2.12
\$17.15-\$17.22+	2.13
\$17.23-\$17.30+	2.14
\$17.31-\$17.37+	2.15
\$17.38-\$17.45+	2.16
\$17.46-\$17.53+	2.17
\$17.54-\$17.61+	2.18
\$17.62-\$17.69+	2.19
\$17.70-\$17.77+	2.20
\$17.78-\$17.85+	2.21
\$17.86-\$17.93+	2.22
\$17.94-\$18.01+	2.23
\$18.02-\$18.09+	2.24
\$18.10-\$18.17+	2.25
\$18.18-\$18.25+	2.26
\$18.26-\$18.33+	2.27
\$18.34-\$18.40+	2.28
\$18.41-\$18.48+	2.29
\$18.49-\$18.56+	2.30
\$18.57-\$18.64+	2.31
\$18.65-\$18.72+	2.32
\$18.73-\$18.80+	2.33
\$18.81-\$18.88+	2.34
\$18.89-\$18.96+	2.35
\$18.97-\$19.04+	2.36
\$19.05-\$19.12+	2.37
\$19.13-\$19.20+	2.38
\$19.21-\$19.28+	2.39
\$19.29-\$19.35+	2.40
\$19.36-\$19.43+	2.41
\$19.44-\$19.51+	2.42
\$19.52-\$19.59+	2.43
\$19.60-\$19.67+	2.44
\$19.68-\$19.75+	2.45
\$19.76-\$19.83+	2.46
\$19.84-\$19.91+	2.47
\$19.92-\$19.99+	2.48
\$20.00-\$20.07+	2.49
\$20.08-\$20.15+	2.50
\$20.16-\$20.23+	2.51
\$20.24-\$20.31+	2.52
\$20.32-\$20.38+	2.53
\$20.39-\$20.46+	2.54
\$20.47-\$20.54+	2.55
\$20.55-\$20.62+	2.56
\$20.63-\$20.70+	2.57
\$20.71-\$20.78+	2.58
\$20.79-\$20.86+	2.59
\$20.87-\$20.94+	2.60
\$20.95-\$21.02+	2.61
\$21.03-\$21.10+	2.62
\$21.11-\$21.18+	2.63
\$21.19-\$21.26+	2.64
\$21.27-\$21.33+	2.65
\$21.34-\$21.41+	2.66
\$21.42-\$21.49+	2.67
\$21.50-\$21.57+	2.68
\$21.58-\$21.65+	2.69
\$21.66-\$21.73+	2.70
\$21.74-\$21.81+	2.71
\$21.82-\$21.89+	2.72
\$21.90-\$21.97+	2.73
\$21.98-\$22.05+	2.74
\$22.06-\$22.13+	2.75
\$22.14-\$22.21+	2.76
\$22.22-\$22.28+	2.77
\$22.29-\$22.36+	2.78
\$22.37-\$22.44+	2.79
\$22.45-\$22.52+	2.80
\$22.53-\$22.60+	2.81
\$22.61-\$22.68+	2.82
\$22.69-\$22.76+	2.83
\$22.77-\$22.84+	2.84
\$22.85-\$22.92+	2.85
\$22.93-\$23.00+	2.86
\$23.01-\$23.08+	2.87
\$23.09-\$23.16+	2.88
\$23.17-\$23.24+	2.89
\$23.25-\$23.31+	2.90

TABLE I—Continued

Column 1 Supplier's ceiling price (per dozen)	Column 2 Retail ceiling price (per garment)
\$23.32-\$23.39+	\$2.91
\$23.40-\$23.47+	2.92
\$23.48-\$23.55+	2.93
\$23.56-\$23.63+	2.94
\$23.64-\$23.71+	2.95
\$23.72-\$23.79+	2.96

[Table I heading amended by Am. 4.-effective 6-17-46]

TABLE II—RETAIL CEILING PRICES FOR COTTON FLANNEL AND COTTON DOMEST SHIRTS (EXCEPT WHEN PURCHASED FROM GROUP B FACTORIES)

Column 1 Supplier's net ceiling price (per dozen)	Column 2 Retail ceiling price (per garment)
\$7.70-\$7.90+	\$0.87
\$7.91-\$8.20+	.89
\$8.21-\$8.40+	.94
\$8.41-\$8.50+	.95
\$8.51-\$8.60+	.96
\$8.61-\$8.70+	.98
\$8.71-\$8.80+	1.00
\$8.81-\$8.90+	1.03
\$8.91-\$9.00+	1.05
\$9.01-\$9.40+	1.08
\$9.41-\$9.50+	1.09
\$9.51-\$9.60+	1.10
\$9.61-\$9.80+	1.11
\$9.81-\$10.00+	1.13
\$10.01-\$10.10+	1.18
\$10.11-\$10.20+	1.19
\$10.21-\$10.30+	1.20
\$10.31-\$10.40+	1.21
\$10.41-\$10.55+	1.22
\$10.56-\$11.00+	1.26
\$11.01-\$11.10+	1.29
\$11.11-\$11.20+	1.32
\$11.21-\$11.30+	1.33
\$11.31-\$11.40+	1.35
\$11.41-\$11.50+	1.37
\$11.51-\$11.60+	1.39
\$11.61-\$11.70+	1.40
\$11.71-\$11.95+	1.41
\$11.96-\$12.05+	1.42
\$12.06-\$12.55+	1.43
\$12.56-\$12.75+	1.44
\$12.76-\$12.95+	1.45
\$12.96-\$13.20+	1.54
\$13.21-\$13.30+	1.57
\$13.31-\$13.40+	1.59
\$13.41-\$13.50+	1.61
\$13.51-\$13.65+	1.62
\$13.66-\$13.85+	1.63
\$13.86-\$13.95+	1.64
\$13.96-\$14.15+	1.65
\$14.16-\$14.25+	1.66
\$14.26-\$14.35+	1.67
\$14.36-\$14.45+	1.68
\$14.46-\$14.95+	1.69
\$14.96-\$15.05+	1.71
\$15.06-\$15.15+	1.73
\$15.16-\$15.25+	1.75
\$15.26-\$15.35+	1.77
\$15.36-\$15.45+	1.78
\$15.46-\$15.50+	1.81
\$15.51-\$15.60+	1.85
\$15.61-\$15.70+	1.86
\$15.71-\$15.80+	1.88
\$15.81-\$15.90+	1.89
\$15.91-\$16.00+	1.91
\$16.01-\$16.10+	1.92
\$16.11-\$16.30+	1.93
\$16.31-\$16.40+	1.94
\$16.41-\$17.00+	1.96
\$17.01-\$17.10+	1.98
\$17.11-\$17.20+	2.00
\$17.21-\$17.75+	2.01
\$17.76-\$17.85+	2.10
\$17.86-\$18.85+	2.18
\$18.86-\$19.00+	2.23
\$19.01-\$19.10+	2.24
\$19.11-\$19.20+	2.25
\$19.21-\$19.30+	2.26

TABLE II—Continued

Column 1 Supplier's ceiling price (per dozen)	Column 2 Retail ceiling price (per dozen)
\$19.31-\$19.40+	2.27
\$19.41-\$19.50+	2.28
\$19.51-\$19.60+	2.29
\$19.61-\$19.70+	2.30
\$19.71-\$19.80+	2.32
\$19.81-\$19.90+	2.34
\$19.91-\$20.00+	2.36
\$20.01-\$20.10+	2.37
\$20.11-\$20.19+	2.39
\$20.20-\$20.28+	2.40
\$20.29-\$20.37+	2.41
\$20.38-\$20.46+	2.43
\$20.47-\$20.55+	2.45
\$20.56-\$20.64+	2.46
\$20.65-\$20.73+	2.47
\$20.74-\$20.82+	2.48
\$20.83-\$20.91+	2.49
\$20.92-\$21.00+	2.50
\$21.01-\$21.16+	2.52
\$21.17-\$21.32+	2.54
\$21.33-\$21.52+	2.56
\$21.53-\$21.72+	2.58
\$21.73-\$21.92+	2.60
\$21.93-\$22.12+	2.62
\$22.13-\$22.22+	2.64
\$22.23-\$22.28+	2.65
\$22.29-\$22.39+	2.66
\$22.40-\$22.50+	2.67

[Table II amended by Am. 4, effective 6-17-46]

TABLE III—RETAIL CEILING PRICES FOR ALL SHIRTS PURCHASED FROM GROUP B FACTORIES

Column 1 Supplier's ceiling price (per dozen)	Column 2 Retail ceiling price (per garment)
\$12.50-\$12.75+	\$1.36
\$12.76-\$13.00+	1.39
\$13.01-\$13.25+	1.42
\$13.26-\$13.50+	1.45
\$13.51-\$13.75+	1.48
\$13.76-\$14.00+	1.51
\$14.01-\$14.25+	1.55
\$14.26-\$14.50+	1.58
\$14.51-\$14.75+	1.61
\$14.76-\$15.00+	1.64
\$15.01-\$15.14+	1.67
\$15.15-\$15.23+	1.75
\$15.24-\$15.50+	1.76
\$15.51-\$15.95+	1.77
\$15.96-\$16.35+	1.78
\$16.36-\$16.55+	1.83
\$16.56-\$17.00+	1.89
\$17.01-\$17.50+	1.92
\$17.51-\$18.00+	1.96
\$18.01-\$18.50+	2.03
\$18.51-\$19.00+	2.11
\$19.01-\$19.50+	2.19
\$19.51-\$20.00+	2.23
\$20.01-\$20.11+	2.26
\$20.12-\$21.00+	2.36
\$21.01-\$23.00+	2.72
\$23.01-\$24.00+	2.78
\$24.01-\$25.00+	2.92

TABLE IV [Deleted]

[Table IV deleted by Am. 4, effective 6-17-46]  
[Appendix C amended by Am. 1, 10 F.R. 5039, effective 5-9-45 and Am. 3, 10 F.R. 14339, effective 11-21-45]

This regulation shall become effective with respect to sales by manufacturers and sales at wholesale on September 10, 1943, and with respect to sales at retail on October 1, 1943. Prior to the effective date, any person may sell and deliver either at prices determined under existing regulations, or at prices deter-

mined under Revised Maximum Price Regulation 304.

[RMPP 304 originally issued September 4, 1943]

[Effective dates of amendments are shown in notes following the parts affected]

NOTE: The records and reporting provisions of this regulation have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

Issued this 11th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9880; Filed, June 11, 1946; 11:28 a. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[MPR 555, Amdt. 4]

WESTERN POLES AND PILING

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.

Maximum Price Regulation 555 is amended in the following respects:

1. Section 2 is amended to read:

SEC. 2. *Coverage of the regulation.* (a) *Products, species, and transactions covered.* This regulation covers all sales and purchases of untreated and non-pressure treated poles and piling (except Western Red Cedar) produced in "Western" territory. Sales of pressure treated poles and piling and sales of custom pressure treatment only are covered by Maximum Price Regulation 491. Sales of preservative treatment only, by non-pressure methods, are covered by Maximum Price Regulation 165. Western Red Cedar poles and piling are covered by Maximum Price Regulation 554.

"Western" territory is all that area within or west of the States of North Dakota, South Dakota, Wyoming, Colorado; the Oklahoma Panhandle (Cimarron, Texas, and Beaver Counties); and West Texas (all Texas Counties within or west of Lipscomb, Hemphill, Wheeler, Collingsworth, Childress, Cottle, King, Stonewall, Fisher, Nolan, Coke, Tom Green, Schleicher, Sutton, Edwards, Kinney, and Maverick Counties.) It includes Mexico and Canada, when the poles and piling are imported through ports of entry in the above territory.

(b) *Definition of territories.* (1) The term "Coast schedule" as used in section 14, Tables 1 through 8, refers to sales of treated poles, stubs or anchor logs shipped from treating plants or concentration yards located in California or in those parts of Oregon, Washington, and Canada west of the crest of the Cascade Mountains (regardless of the location of the original loading-out point), and to sales of untreated poles, stubs or anchor logs shipped from original loading-out points or from concentration yards in that same territory.

(2) The term "Idaho schedule", as used in section 14, Tables 1 through 8, refers to sales of treated poles, stubs or

<sup>1</sup> 9 F.R. 10992, 12596, 14647; 10 F.R. 7054.

anchor logs shipped from treating plants or concentration yards located in those parts of Oregon, Washington and Canada east of the crest of the Cascade Mountains and in the States of Idaho and Montana, regardless of the location of the original loading-out point. It refers also to sales of untreated poles, stubs or anchor logs shipped from original loading-out points or from concentration yards in that same territory.

(3) The term "Colorado schedule" as used in section 14, Tables 1 through 8, refers to sales of treated poles, stubs or anchor logs shipped from treating plants or concentration yards located in the States of Utah, Wyoming and Colorado, regardless of the location of the original loading-out point. It refers also to sales of untreated poles, stubs or anchor logs shipped from original loading-out points or from concentration yards in that same territory.

2. Section 3 is amended to read:

SEC. 3. *Basic maximum prices.* The basic maximum prices for certain untreated poles and piling covered by this regulation are set out in Tables 1 to 8 inclusive. The basic additions for certain non-pressure type treatment which may be added to the maximum prices on a sale of non-pressure treated poles and piling are set out in Tables 9 to 12 inclusive. The basic additions for framing which may be added to the maximum prices on a sale of certain untreated or non-pressure treated poles and piling are set out in Table 13.

The maximum prices fixed by this regulation are all f. o. b. the railroad loading-out point or f. o. b. towable waters nearest the mill or point of production in the normal direction of delivery to the point of destination.

3. Section 4 is amended to read:

SEC. 4. *Transportation addition.* The transportation charges set forth below may be added to the maximum f. o. b. railroad loading-out point or towable water prices when the seller makes delivery to the destination. Transportation from the mill or point of production to the railroad loading-out point or booming and rafting ground must, in every instance, be provided on the seller's account. All additions for transportation must be shown separately on the invoice.

(a) *Common or contract carrier.* (1) When estimated weights or guaranteed mean diameters are used, the appropriate published rate times the estimated weight or mean diameter is the proper transportation charge, even though the estimated weights or diameters may be higher than actual. Estimated weights higher than those set forth in the tables may not be used. The estimated weight must be taken from the tables for the exact type of product actually ordered. To compute mean diameters add 1" to the top or butt diameter, whichever is the controlling factor, and increase or decrease that figure by 1" for each 10 lineal feet. Add the top and butt diameters thus determined and divide by two to find the mean diameter. The charge for transportation shall be evened out to the nearest quarter cent per lineal foot, or five cents per pole, whichever is applicable.



(2) When estimated weights are not used, the amount added for transportation must not be more than the amount actually paid to the common or contract carrier.

(b) *Private truck.* (1) When shipment is by truck owned or controlled by the seller, the maximum permissible addition (on hauls involving any point outside of metropolitan areas) shall be computed as 5 cents per 100 pounds for hauls of not over 10 miles, 7 cents per 100 pounds for hauls of more than 10 but not over 20 miles, 9 cents per 100 pounds for hauls of more than 20 but not over 30 miles, and for each mile over 30 miles, two tenths of a cent per 100 pounds to be added to the 30 mile charge. No addition is allowed for the return trip.

(2) A "metropolitan area" includes all territory within 10 miles of the city limits of any city having a population of 250,000 or more according to the Census of 1940. On shipment by private truck entirely within a metropolitan area, the amount added for transportation may not be more than the published motor common carrier rate for such haul times the estimated weight or other unit of measure used. If there is no published rate, then the actual cost of trucking may be added, that is, the seller's out-of-pocket expense in making delivery. If the order and shipment are for less than a truckload, a minimum charge for 10,000 pounds may be made.

(c) *Rail shipments of poles and piling.* (1) On eastbound shipments by rail the transportation addition for all shippers may be computed as the estimated weights shown in the appropriate table times the rail freight rate from the basing point specified in the heading of the table.

(2) On southbound shipments of poles and piling sold under the Coast schedule by rail or by combined water and rail in the case of poles and piling produced in Canada to destinations covered in Pacific Freight Tariff Bureau Tariff No. 80-H or appropriate intrastate tariffs the transportation addition may be computed as the estimated weights shown in the appropriate table times the rail freight rate arrived at as follows:

(i) When the published rail rate is greater than the Seattle, Washington rate, the Bellingham, Washington published rate may be used; on shipments of poles or piling produced in Canada the Bellingham rate may be used regardless of the location of rail shipping point.

(ii) When the published rail rate is greater than the Portland, Oregon rate but not greater than the Seattle, Washington published rate, the Seattle, Washington published rate may be used.

(iii) When the shipping point is north of the California-Oregon State line and takes a published rail rate not greater than the Portland rate, the Portland published rate may be used.

(iv) When the shipping point is in the State of California the published rate from Arcata, California may be used.

(3) Regardless of the foregoing provisions of this paragraph (c), if a treating-in-transit rate is applicable and results in a lower total cost of transportation, the treating-in-transit rate must be used.

(d) For other means of transportation, where there are no published rates the actual cost of such transportation may be charged, that is, the out-of-pocket cost to the seller, whether public or private means of transportation are used.

(e) *Averaging inbound transportation charges from multiple loading-out-points.* This addition for inbound transportation may be calculated by multiplying the estimated weight of the material by the local freight rate from the loading-out-point of the untreated poles or piling. If the untreated material is received from more than one loading-out-point, an average rate of all inbound freight may be used. The average must be determined by the following formula:

(1) The total inbound freight charges on all receipts during the preceding three months of the type and species of the item to be priced—divided by—

(2) The total weight of all receipts of such items during the three month period, regardless of whether inbound freight actually was involved, but excluding any material sold f. o. b. original loading-out-point.

This average rate may be used in computing the "inbound freight" addition on sales f. o. b. treating plant or concentration yard made during the quarter next following that on which the average is based. The average may also be used in selling on a delivered basis as provided in this section except that where treating-in-transit rates are available, the entire addition for transportation (including inbound) must be figured on the through rate from the loading-out-point indicated on the freight bills surrendered in connection with the outbound shipment. The transit charge itself may be added.

4. In section 6 (b), items (5) and (6) are added to read as follows:

(5) Making the less than carload quantity sales additions when the sale is by a producer who does not operate a yard, or when the sale is not made out of stock which has been handled through a concentration, treating plant, or distribution yard in the regular course of business.

(6) Splitting up a single transaction or order into a series of smaller transactions or orders, where the total quantity involved exceeds in price the maximum prices set forth in section 17, in order to receive the benefit of the less than carload quantity sales addition provided in that section.

5. Section 11 is amended to read:

**SEC. 11. Records and Reports—(a) Records.** All sellers of Western poles and piling products must keep records which will show a complete description of the item sold, the name and address of the buyer, the date of the sale, and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought \$1,000.00 worth of Western poles and piling. These records must be kept for inspection by the Office of Price Administration for the duration of the Price Control Act or for two years, whichever is the shorter.

(b) *Reports.* Within seven months after June 15, 1946, all sellers of Western poles priced in Tables 4, 5 and 6, with or without treatments priced in Tables 10, 11 and 12 of this regulation, shall submit reports to the Lumber Branch, Office of Price Administration, Washington 25, D. C., concerning the poles sold, with or without treatments, which shall contain the following information:

(1) The itemized average stumpage, cutting and hauling costs incurred in pole production.

(2) The average retention of each preservative, stated in pounds per cubic foot, by each species treated as well as the average ground line penetration by each preservative of each species treated.

(3) The itemized average costs of treating the poles, including yard handling and preservative costs involved in treating, and the number of hours required for the entire treating cycle.

The required information shall be based on data pertaining to all poles and treatments in the category defined above which are sold by the reporting seller during the six months period after June 15, 1946.

6. In section 14, the heading of Table 1 is amended to read:

TABLE 1.—MAXIMUM PRICES ROUGH PEELLED LODGEPOLE PINE POLES AND PILING

Basing point, Coast Schedule—Seattle, Wash.  
Basing point, Idaho Schedule—Spokane, Wash.  
Basing point, Colorado Schedule—Denver, Colo.

[Specifications: The maximum prices specified below apply to Lodgepole Pine poles manufactured in accordance with the specifications of the American Standards Association.]

7. In section 14, the heading of Table 2 is amended to read:

TABLE 2.—MAXIMUM PRICES CLEAN PEELLED COAST TYPE DOUGLAS FIR POLES, AMERICAN STANDARDS ASSOCIATION SPECIFICATIONS

Basing point, Coast Schedule—Seattle, Wash.

[F. o. b. cars loading-out point or dumped, boomed, rafted, and prepared for towing in towable waters.]

8. In section 14 new Tables 4, 5, and 6 are added to read:

TABLE 4.—MAXIMUM PRICES CLEAN PEELLED DOUGLAS FIR POLES, OTHER THAN COAST TYPE, AMERICAN STANDARDS ASSOCIATION WAR STANDARD SPECIFICATIONS

Basing point, Idaho Schedule—Spokane, Wash.  
Basing point, Colorado Schedule—Denver, Colo.

[F. o. b. cars loading-out point or dumped, boomed, rafted and prepared for towing in towable waters.]

Length in feet	Class	Weight in pounds		Price
		Each	Each	
16.....	10	135	\$1.30	
	9	150	1.40	
	8	175	1.45	
	7	215	1.50	
	6	240	1.60	
18.....	5	275	1.70	
	10	185	1.45	
	9	170	1.55	
	8	200	1.60	
	7	240	1.70	
20.....	6	270	1.80	
	5	310	1.90	
	10	170	1.60	
	9	190	1.70	
	8	225	1.80	
	7	265	1.90	
	6	300	2.00	
5	345	2.70		

TABLE 4.—MAXIMUM PRICES CLEAN PEELLED DOUGLAS FIR POLES, OTHER THAN COAST TYPE, AMERICAN STANDARDS ASSOCIATION WAR STANDARD SPECIFICATIONS—Continued

Basing point, Idaho Schedule—Spokane, Wash.  
Basing point, Colorado Schedule—Denver, Colo.

[F. o. b. cars loading-out point or dumped, boomed, rafted and prepared for towing in towable waters.]

Length in feet	Class	Weight in pounds		Price			
		Each	Each	Each	Each		
20	4	380	\$2.20				
	3	420	2.40				
	2	455	2.60				
	1	500	3.00				
22	10	190	2.00				
	9	225	2.10				
	8	265	2.20				
	7	305	2.30				
	6	350	2.40				
	5	395	2.65				
	4	435	2.85				
	3	465	3.10				
	2	490	3.30				
	1	530	3.75				
25	10	215	2.25				
	9	260	2.38				
	8	300	2.50				
	7	345	2.63				
	6	400	2.75				
	5	450	3.00				
	4	495	3.25				
	3	515	3.50				
	2	560	3.75				
	1	600	4.25				
30	9	335	3.00				
	8	385	3.15				
	7	410	3.30				
	6	440	3.60				
	5	515	3.90				
	4	595	4.20				
	3	695	4.50				
	2	800	5.10				
	1	955	5.70				
	35	8	480	3.85			
7		510	4.20				
6		570	4.90				
5		660	5.25				
4		750	5.60				
3		935	6.30				
2		1,085	6.65				
1		1,235	7.70				
40		7	585	5.20			
		6	690	5.60			
	5	790	6.40				
	4	965	7.20				
	3	1,135	8.00				
	2	1,340	8.90				
	1	1,515	9.20				
	45	7	695	6.30			
		6	815	7.20			
		5	965	8.10			
4		1,160	9.00				
3		1,355	9.45				
2		1,585	10.35				
1		1,780	11.25				
50		6	945	8.00			
		5	1,120	9.50			
		4	1,375	10.50			
	3	1,590	11.50				
	2	1,850	12.50				
	1	2,150	13.00				
	55	6	1,135	11.00			
		5	1,325	11.53			
		4	1,560	12.10			
		3	1,845	13.20			
2		2,130	14.30				
1		2,460	14.80				
60		5	1,495	13.20			
		4	1,755	14.40			
		3	2,115	15.60			
		2	2,425	16.20			
	1	2,890	16.80				
	65	5	1,735	14.95			
		4	2,010	16.25			
		3	2,405	17.55			
		2	2,795	18.85			
		1	3,300	19.50			
70		5	1,925	16.80			
		4	2,225	18.20			
		3	2,650	19.60			
		2	3,130	21.00			
		1	3,730	21.70			
	75	4	2,615	20.25			
		3	2,965	21.75			
		2	3,485	23.25			
		1	4,130	24.00			
		80	4	2,760	22.40		
3			3,235	24.00			
2			3,785	25.60			
1			4,505	26.40			
85			3	3,580	27.20		
			2	4,240	28.90		
	1		4,970	29.75			
	90		3	4,255	30.60		
			2	4,645	32.40		
			1	5,420	33.30		

TABLE 5.—MAXIMUM PRICES CLEAN PEELLED WESTERN LARCH POLES; AMERICAN STANDARDS ASSOCIATION WAR STANDARD SPECIFICATIONS

Basing point, Coast Schedule—Seattle, Wash.  
Basing point, Idaho Schedule—Spokane, Wash.  
Basing point, Colorado Schedule—Denver, Colo.

[F. o. b. cars loading-out point or dumped, boomed, rafted and prepared for towing in towable waters.]

Length in feet	Class	Weight in pounds		Price			
		Each	Each	Each	Each		
16	10	165	\$1.30				
	9	185	1.40				
	8	215	1.45				
	7	260	1.50				
	6	295	1.60				
	5	335	1.70				
	4	190	1.45				
	3	205	1.55				
	2	245	1.60				
	1	295	1.70				
18	10	330	1.80				
	9	380	1.90				
	8	420	2.00				
	7	460	2.20				
	6	515	2.40				
	5	555	2.60				
	4	610	3.00				
	3	610	3.00				
	2	230	2.00				
	1	275	2.10				
20	10	230	2.00				
	9	275	2.10				
	8	325	2.20				
	7	370	2.30				
	6	425	2.40				
	5	485	2.65				
	4	530	2.85				
	3	555	3.10				
	2	600	3.30				
	1	645	3.75				
22	10	260	2.25				
	9	315	2.38				
	8	365	2.50				
	7	420	2.63				
	6	485	2.75				
	5	550	3.00				
	4	605	3.25				
	3	630	3.50				
	2	680	3.75				
	1	735	4.25				
25	9	410	3.00				
	8	470	3.15				
	7	505	3.30				
	6	535	3.60				
	5	630	3.90				
	4	725	4.20				
	3	850	4.50				
	2	975	5.10				
	1	1,165	5.70				
	30	8	590	3.85			
7		625	4.20				
6		700	4.90				
5		810	5.25				
4		920	5.60				
3		1,140	6.30				
2		1,325	6.65				
1		1,505	7.70				
35		7	715	5.20			
		6	840	5.60			
	5	965	6.40				
	4	1,175	7.20				
	3	1,385	8.00				
	2	1,640	8.80				
	1	1,850	9.20				
	40	6	850	6.30			
		5	990	7.20			
		4	1,180	8.10			
3		1,415	9.00				
2		1,655	9.45				
1		1,935	10.35				
45		5	2,175	11.25			
		4	1,155	8.00			
		3	1,365	9.50			
		2	1,680	10.50			
	1	1,940	11.50				
	50	4	2,255	12.50			
		3	2,625	13.00			
		2	1,385	11.00			
		1	1,615	11.53			
		55	4	1,905	12.10		
3			2,250	13.20			
2			2,600	14.30			
1			3,005	14.50			
60			4	1,825	13.20		
			3	2,140	14.40		
	2		2,585	15.60			
	1		2,960	16.20			
	65		3	3,530	16.80		
			2	2,115	14.95		
		1	2,455	16.25			
		70	3	2,935	17.55		
			2	3,410	18.85		
			1	4,025	19.50		
75			4	2,350	16.80		
			3	2,750	18.20		
			2	3,235	19.60		

TABLE 5.—MAXIMUM PRICES CLEAN PEELLED WESTERN LARCH POLES; AMERICAN STANDARDS ASSOCIATION WAR STANDARD SPECIFICATIONS—Continued

Basing point, Coast Schedule—Seattle, Wash.  
Basing point, Idaho Schedule—Spokane, Wash.  
Basing point, Colorado Schedule—Denver, Colo.

[F. o. b. cars loading-out point or dumped, boomed, rafted and prepared for towing in towable waters.]

Length in feet	Class	Weight in pounds		Price	
		Each	Each	Each	Each
70	2	3,820	\$21.00		
	1	4,555	21.70		
	4	3,070	20.25		
	3	3,620	21.75		
75	2	4,250	23.25		
	1	5,040	24.00		
	4	3,360	22.40		
	3	3,950	24.00		
80	2	4,620	25.60		
	1	5,500	26.40		
	3	4,620	25.60		
	2	5,175	28.30		
85	1	6,070	29.75		
	3	5,195	30.60		
	2	5,670	32.40		
	1	6,615	33.30		

TABLE 6.—MAXIMUM PRICES CLEAN PEELLED WESTERN HEMLOCK POLES; AMERICAN STANDARDS ASSOCIATION WAR STANDARD SPECIFICATIONS

Basing point, Coast Schedule—Seattle, Wash.  
Basing point, Idaho Schedule—Spokane, Wash.  
Basing point, Colorado Schedule—Denver, Colo.

[F. o. b. cars loading-out point or dumped, boomed, rafted and prepared for towing in towable waters.]

Length in feet	Class	Weight in pounds		Price		
		Each	Each	Each	Each	
16	10	130	\$1.30			
	9	145	1.40			
	8	165	1.45			
	7	205	1.60			
	6	230	1.60			
	5	260	1.70			
	4	150	1.45			
	3	160	1.55			
	2	190	1.60			
	1	230	1.70			
18	6	255	1.90			
	5	295	1.90			
	10	165	1.60			
	9	190	1.70			
	8	215	1.80			
	7	230	1.70			
	6	255	1.90			
	5	295	1.90			
	4	165	1.60			
	3	190	1.70			
20	9	190	1.70			
	8	215	1.80			
	7	255	1.90			
	6	295	2.00			
	5	330	2.10			
	4	360	2.20			
	3	400	2.40			
	2	435	2.60			
	1	475	3.00			
	22	10	180	2.00		
9		215	2.10			
8		250	2.20			
7		290	2.30			
6		335	2.40			
5		380	2.65			
4		415	2.65			
3		435	2.60			
2		470	3.30			
1		505	3.75			
25	10	205	2.25			
	9	245	2.38			
	8	285	2.50			
	7	330	2.63			
	6	380	2.75			
	5	430	3.00			
	4	470	3.25			
	3	490	3.50			
	2	535	3.75			
	1	575	4.25			
30	9	320	3.00			
	8	370	3.15			
	7	420	3.30			
	6	470	3.60			
	5	520	3.90			
	4	570	4.20			
	3	620	4.50			
	2	670	5.10			
	1	720	5.70			
	35	8	430	3.85		
7		470	4.20			
6		510	4.90			
5		550	5.25			
4		600	5.60			
3		650	6.30			
2		700	6.65			
1		750	7.70			
40		7	540	5.20		
		6	640	5.60		
	5	740	6.40			
	4	840	7.20			
	3	940	8.00			
	2	1,040	8.90			
	1	1,140	9.20			
	45	6	850	6.30		



TABLE 6—MAXIMUM PRICES CLEAN PEELED WESTERN HEMLOCK POLES; AMERICAN STANDARDS ASSOCIATION WAR STANDARD SPECIFICATIONS—Continued

Basing point, Coast Schedule—Seattle, Wash.  
Basing point, Idaho Schedule—Spokane, Wash.  
Basing point, Colorado Schedule—Denver, Colo.

[F. o. b. cars loading-out point or dumped, boomed, rafted and prepared for towing in towable waters.]

Length in feet	Class	Weight in pounds	Price
40	6	Each 655	Each \$5.60
	5	755	6.40
	4	920	7.20
	3	1,080	8.00
45	2	1,280	8.80
	1	1,445	9.20
	7	665	6.30
	6	775	7.20
50	5	920	8.10
	4	1,105	9.00
	3	1,290	9.45
	2	1,515	10.35
55	1	1,695	11.25
	6	900	8.00
	5	1,065	9.50
	4	1,310	10.50
60	3	1,515	11.50
	2	1,765	12.50
	1	2,050	13.00
	6	1,080	11.00
65	5	1,265	11.53
	4	1,490	12.10
	3	1,760	13.20
	2	2,030	14.30
70	1	2,345	14.80
	5	1,425	13.20
	4	1,675	14.40
	3	2,015	15.60
75	2	2,310	16.20
	1	2,755	16.80
	5	1,650	14.95
	4	1,920	16.25
80	3	2,290	17.55
	2	2,665	18.85
	1	3,145	19.50
	5	1,835	16.80
85	4	2,125	18.20
	3	2,525	19.60
	2	2,985	21.00
	1	3,560	21.70
90	4	2,400	20.25
	3	2,890	21.75
	2	3,320	23.25
	1	3,935	24.00
95	4	2,625	22.40
	3	3,085	24.00
	2	3,610	25.60
	1	4,295	26.40
100	3	3,415	27.20
	2	4,045	28.90
	1	4,740	29.75
	3	4,060	30.60
105	2	4,430	32.40
	1	5,165	33.30

Footnotes applying to tables 4, 5, and 6.

LENGTH SPECIFICATIONS

All additions allowed by the following footnotes must be shown separately on the invoice.

In all the specified length groups below the lengths shall be evenly distributed.

1. For specified length groups, 5 or more consecutive lengths in A. S. A. multiples: No addition.

2. For specified length groups, of 4 consecutive lengths in A. S. A. multiples: add \$.005 per lin. ft.

3. For specified length groups, of 3 consecutive lengths in A. S. A. multiples: add \$.01 per lin. ft.

4. For specified length groups, of 2 consecutive lengths in A. S. A. multiples: add \$.015 per lin. ft.

5. For specified single lengths: add \$.02 per lin. ft.

6. For random length orders when the purchaser specifies restricted loading, the seller may add 2/3 of the appropriate specified length addition above.

WINTER OR BARK STUCK PEELING

7. For clean peeled poles which are delivered during the winter peeling or bark stuck season (October 1 to February 28 or 29, inclusive): add \$.02 per lin. ft.

8. For rough peeled poles which are delivered during the winter peeling or bark stuck season (October 1 to February 28 or 29, inclusive): add \$.01 per lin. ft.

9. Cut back allowance. When requirements of the buyer exceed the available supply of the seller for one or more classes or lengths of poles for delivery required, the seller may cut back the most similar class pole in the five foot longer length and may charge the maximum price for the class and length pole actually used. The additions for transportation, treatment, processing, etc., on such cut back poles, shall be those additions applicable to the class and length pole ordered by the buyer, plus an addition for inbound freight computed at the difference in estimated weights times the freight rate to the concentration yard. No addition may be made for the labor included in such cutting-back operations. The seller shall keep a record of such sales and show this charge as a separate item on the invoice.

10. Inspection service. On shipments where the buyer requests special inspection service, furnished by an approved inspection agency, an addition may be made to cover the actual cost of such service. This charge must be shown separately on the invoice.

9. In section 14, Table 4 is redesignated Table 7 and is amended to read:

TABLE 7—MAXIMUM PRICES FOR CLEAN PEELED RE-INFORCING STUBS AND ANCHOR LOGS MADE OF DOUGLAS FIR, WESTERN LARCH OR WESTERN HEMLOCK

Basing point, Coast Schedule—Seattle, Wash.  
Basing point, Idaho Schedule—Spokane, Wash.  
Basing point, Colorado Schedule—Denver, Colo.

[F. o. b. cars loading-out point or dumped, boomed, rafted and prepared for towing in towable waters.]

Minimum diameter small end	Minimum circumference small end (inches)	Estimated weight in pounds per linear foot	Maximum price for each linear foot or fraction thereof	Maximum charge for roofing each piece
7 inch	22	10	\$0.11 1/2	\$0.10
8 inch	25	15	.15	.12
9 inch	28	20	.18	.13
10 inch	31	25	.20	.15
11 inch	34	30	.21	.16
12 inch	38	35	.23	.18
13 inch	41	40	.25	.19
14 inch	44	45	.26	.21
15 inch	47	50	.28	.23
16 inch	50	55	.30	.25

10. In section 14, Table 8 is added to read:

TABLE 8—MAXIMUM PRICES FOR CLEAN PEELED RE-INFORCING STUBS AND ANCHOR LOGS MADE OF LODGEPOLE PINE

Basing point, Coast Schedule—Seattle, Wash.  
Basing point, Idaho Schedule—Spokane, Wash.  
Basing point, Colorado Schedule—Denver, Colo.

[F. o. b. cars loading-out point or dumped, boomed, rafted and prepared for towing in towable waters.]

Minimum diameter small end	Minimum circumference small end (inches)	Estimated weight in pounds per linear foot	Maximum price for each linear foot or fraction thereof	Maximum charge for roofing each piece
5 inch	15	6	\$0.07 1/2	\$0.08
6 inch	18 1/2	8	.10	.09
7 inch	22	10	.11 1/2	.10
8 inch	25	15	.15	.12
9 inch	28	20	.18	.13
10 inch	31	25	.20	.15
11 inch	34	30	.21	.16
12 inch	38	35	.23	.18
13 inch	41	40	.25	.19
14 inch	44	45	.26	.21
15 inch	47	50	.28	.23
16 inch	50	55	.30	.25

11. In section 15, Table 5 is redesignated Table 9 and new tables 10, 11 and 12 are added to read:

TABLE 10—MAXIMUM PRICE ADDITIONS FOR CERTAIN NON-PRESSURE TYPE BUTT TREATMENT OF DOUGLAS FIR, WESTERN LARCH AND WESTERN HEMLOCK

[Inclosed ground line and butt treated to guaranteed 1/2" penetration or complete sapwood treatment with hot and cold creosote or hot creosote and cold Pentachlorophenol 5% solution in petroleum or petroleum-creosote mixture to the specification of the buyer.]

Length (feet)	Class	Addition per pole	Length (feet)	Class	Addition per pole
16	5	\$1.45	35	4	\$2.90
	6	1.30		5	2.65
	7	1.15		6	2.25
	8	.95		7	2.05
18	9	.80	40	8	2.05
	10	.65		1	4.45
	3	2.00		2	4.00
	4	1.75		3	3.50
20	5	1.50	45	4	3.25
	6	1.45		5	2.90
	7	1.25		6	2.55
	8	1.05		7	2.55
22	9	.95	50	1	5.00
	10	.80		2	4.70
	1	2.65		3	4.05
	2	2.40		4	3.70
25	3	2.20	55	5	3.15
	4	1.90		6	3.15
	5	1.65		1	5.65
	6	1.45		2	5.30
30	7	1.25	60	3	4.55
	8	1.05		4	4.15
	9	.95		5	3.40
	10	.80		6	3.40
35	1	2.95	65	1	6.30
	2	2.70		2	5.75
	3	2.45		3	5.15
	4	2.15		4	4.50
40	5	1.90	70	5	4.15
	6	1.70		1	7.25
	7	1.65		2	6.40
	8	1.65		3	5.65
45	9	1.45	75	4	4.95
	10	1.40		1	8.20
	1	2.95		2	6.95
	2	2.70		3	6.30
50	3	2.45	80	4	5.90
	4	2.15		1	8.90
	5	1.90		2	7.95
	6	1.70		3	7.25
55	7	1.65	85	4	6.25
	8	1.65		1	10.00
	9	1.45		2	8.90
	10	1.40		3	8.20
60	1	3.30	90	4	7.00
	2	3.00		1	12.25
	3	2.75		2	10.05
	4	2.45		3	9.00
65	5	2.20	95	4	7.25
	6	2.00		1	12.40
	7	1.90		2	11.00
	8	1.65		3	9.75
70	9	1.65	100	4	9.15
	10	1.40		1	13.65
	1	3.90		2	12.20
	2	3.45		3	10.75
75	3	3.15			

1. Where non-incised poles are treated without guaranteed penetration deduct 20 percent from the above prices.

TABLE 11—MAXIMUM PRICE ADDITIONS FOR CERTAIN FULL-LENGTH NON-PRESSURE TYPE TREATMENT OF LODGEPOLE PINE POLES

Length (feet)	Class	Inclosed ground line area treated with hot and cold creosote or hot creosote and cold pentachlorophenol 5% solution in petroleum or petroleum-creosote mixture to the specifications of the buyer. Ground line area penetration must be 0.75 inches and not less than 85% of sapwood if penetration is less than 1.40 inches	For sapwood reduction to less than 3/4" above ground line area on buyer specification add the following to the full length treatment addition
16	5	\$2.50	\$0.29
	6	2.20	.29
	7	2.10	.29
	8	1.95	.24
18	9	1.85	.24
	10	1.65	.24
	3	4.00	.14
	4	3.70	.32

TABLE 11—MAXIMUM PRICE ADDITIONS FOR CERTAIN FULL-LENGTH NON-PRESSURE TYPE TREATMENT OF LODGEPOLE PINE POLES—Con.

Length (feet)	Class	Incised ground line area treated with hot and cold creosote or hot creosote and cold pentachlorophenol 5% solution in petroleum or in petroleum-creosote mixture to the specifications of the buyer. Ground line area penetration must be 0.75 inches and not less than 85% of sapwood if penetration is less than 1.40 inches	For sapwood reduction to less than 3/4" above ground line area on buyer specification add the following to the full length treating addition
18	5	\$3.00	\$0.32
	6	2.60	.32
	7	2.35	.32
	8	2.10	.27
	9	1.95	.27
	10	1.80	.17
20	1	5.45	.40
	2	4.70	.40
	3	4.35	.40
	4	3.90	.45
	5	3.40	.40
	6	3.20	.30
	7	2.85	.30
	8	2.55	.30
	9	2.35	.25
	10	2.00	.15
22	1	6.00	.46
	2	5.25	.46
	3	4.75	.31
	4	4.35	.43
	5	3.80	.38
	6	3.35	.28
	7	3.05	.28
	8	2.85	.28
	9	2.55	.28
	10	2.20	.28
25	1	6.80	.50
	2	6.05	.40
	3	5.25	.25
	4	4.85	.40
	5	4.25	.35
	6	3.85	.25
	7	3.45	.25
	8	3.35	.25
	9	3.10	.25
	10	2.75	.25
30	1	8.80	.60
	2	7.70	.50
	3	7.00	.35
	4	6.20	.50
	5	5.55	.50
	6	5.00	.45
	7	4.55	.40
	8	4.45	.35
	9	3.95	.35
35	1	10.65	.65
	2	9.35	.50
	3	8.35	.45
	4	7.55	.70
	5	6.80	.65
	6	6.05	.55
	7	5.45	.50
	8	5.20	.50
40	1	12.65	.80
	2	11.20	.75
	3	10.00	.60
	4	8.95	.90
	5	8.00	.80
	6	7.10	.75
	7	6.55	.70
45	1	15.65	1.00
	2	13.90	.90
	3	12.40	.75
	4	11.15	1.15
	5	10.00	1.00
	6	9.15	.85
	7	8.25	.60
50	1	18.05	1.10
	2	15.80	.95
	3	14.40	.90
	4	13.10	1.25
	5	11.75	1.15
	6	10.90	1.00
	7	9.90	.90
55	1	20.35	1.40
	2	18.00	1.25
	3	16.20	1.00
	4	14.70	1.45
	5	12.45	1.35
60	1	23.00	2.20
	2	20.30	2.00
	3	18.25	1.80
	4	16.65	2.30
	5	14.50	2.15

TABLE 12—MAXIMUM PRICE ADDITIONS FOR CERTAIN FULL-LENGTH NON-PRESSURE TYPE TREATMENT OF DOUGLAS FIR, WESTERN LARCH AND WESTERN HEMLOCK POLES

Length (feet)	Class	Incised ground line area treated with hot and cold creosote or hot creosote and cold pentachlorophenol 5% solution in petroleum or in petroleum-creosote mixture to the specifications of the buyer. Ground line area penetration must be 1/2" or full sapwood	For sapwood reduction to less than 3/4" above the ground line area on buyer specification add the following to the full length treating addition.
16	10	\$1.45	\$0.05
	9	1.65	.05
	8	1.85	.05
	7	2.15	.10
	6	2.45	.10
	5	2.75	.10
18	10	1.65	.05
	9	1.85	.05
	8	2.05	.05
	7	2.40	.10
	6	2.70	.10
	5	3.00	.10
20	10	1.75	.05
	9	2.10	.05
	8	2.35	.10
	7	2.75	.10
	6	3.10	.10
	5	3.45	.20
	4	3.95	.25
	3	4.45	.40
	2	4.75	.40
	1	5.40	.40
22	10	2.45	.05
	9	2.65	.05
	8	2.95	.10
	7	3.15	.10
	6	3.35	.10
	5	3.75	.10
	4	4.30	.15
	3	4.70	.25
	2	5.20	.40
	1	5.90	.50
25	10	2.70	.05
	9	2.90	.05
	8	3.10	.10
	7	3.25	.10
	6	3.45	.10
	5	3.95	.15
	4	4.45	.25
	3	4.90	.40
	2	5.50	.40
	1	6.00	.50
30	9	3.60	.05
	8	3.80	.05
	7	4.15	.10
	6	4.40	.15
	5	4.80	.20
	4	5.30	.20
	3	5.90	.35
	2	6.40	.50
	1	7.05	.60
35	8	4.50	.15
	7	4.75	.15
	6	5.20	.20
	5	5.85	.30
	4	6.35	.35
	3	6.90	.45
	2	7.50	.50
	1	8.40	.65
40	7	5.80	.30
	6	5.95	.35
	5	6.70	.40
	4	7.45	.50
	3	8.05	.60
	2	8.95	.75
	1	9.80	.80
45	7	7.60	.40
	6	8.10	.50
	5	8.30	.55
	4	9.35	.70
	3	10.10	.75
	2	11.30	.90
	1	12.05	1.00
50	6	9.45	.60
	5	9.50	.65
	4	10.80	.75
	3	11.60	.90
	2	12.70	.95
	1	13.75	1.10
55	6	11.00	.70
	5	11.20	.80
	4	12.05	.90
	3	13.10	1.00
	2	14.30	1.25
	1	15.55	1.40

TABLE 12.—MAXIMUM PRICE ADDITIONS FOR CERTAIN FULL-LENGTH NON-PRESSURE TYPE TREATMENT OF DOUGLAS FIR, WESTERN LARCH AND WESTERN HEMLOCK POLES—Continued

Length (feet)	Class	Incised ground line area treated with hot and cold creosote or hot creosote and cold pentachlorophenol 5% solution in petroleum or in petroleum-creosote mixture to the specifications of the buyer. Ground line area penetration must be 1/2" or full sapwood	For sapwood reduction to less than 3/4" above the ground line area on buyer specification add the following to the full length treating addition.
60	5	\$13.15	\$1.60
	4	13.45	1.70
	3	14.60	1.80
	2	16.05	2.00
	1	17.55	2.20
65	5	14.85	1.90
	4	15.35	2.00
	3	16.20	2.20
	2	17.45	2.40
	1	20.00	2.60
70	5	16.35	2.10
	4	16.85	2.15
	3	18.30	2.45
	2	19.75	2.70
	1	21.95	3.20
75	4	18.80	2.50
	3	20.50	2.70
	2	22.35	2.90
	1	24.60	3.40
80	4	20.50	2.65
	3	22.70	2.80
	2	24.90	3.30
	1	28.65	3.70
85	3	24.60	3.20
	2	26.95	3.60
	1	30.30	4.00
90	3	27.60	4.10
	2	30.40	4.40
	1	33.75	4.70

12. The first paragraph of section 16 is amended to read as follows:

SEC. 16. Additions for certain services and workings. When a sale is made either of untreated poles not to be pressure preservative treated or of poles treated by non-pressure preservative methods, the additions listed in the table below may be made to the maximum prices for the item upon which the specified services or workings are performed.

13. In section 16 sub-paragraph (a) is deleted, Table 6 is redesignated Table 13 and its title is amended to read:

TABLE 13.—MAXIMUM PRICE ADDITIONS FOR CERTAIN FRAMING OF WESTERN POLES OF THE SPECIES PRICED IN TABLES 1, 2, 4, 5, AND 6

14. Section 17 is amended to read:

SEC. 17. Addition for less than carload quantity sales. (a) On sales by concentration yards, treating plant yards and distribution yards out of regular yard stock in less than carload quantities as established by railroad tariffs, where the invoice value at the maximum prices for the untreated poles or other round untreated materials does not exceed \$175.00 on items 50 ft. and shorter, or \$250.00 where 50 percent or more of the items are more than 50 ft. in length, the seller may add to the maximum prices set by this regulation a service charge of not more than 25 percent of the total invoice value of the untreated or non-pressure preservative treated material. This



percentage addition may be made only to the maximum price of the item sold, including any non-pressure and framing additions. No percentage addition may be made to the permissible transportation charges, which must not exceed those permitted in section 4 for transportation from the point of origin to the concentration, distribution or treating yard from which the sale is made. The percentage addition may be made only on sales f. o. b. seller's yard, with out-bound transportation for the buyer's account.

(b) The percentage addition provided in the preceding paragraph for less than carload sales may not be applied where the material is to be resold as a pressure treated product under the provisions of Maximum Price Regulation 491.

This amendment shall become effective June 15, 1946.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 11th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9883; Filed, June 11, 1946;  
11:28 a. m.]

PART 1305—ADMINISTRATION  
[SO 129, Amdt. 28]

TOBACCO FLUES AND TOBACCO BARN HEATING  
EQUIPMENT

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.

Section 12 (h) is amended by adding the following to the list of commodities thereunder:

Tobacco flues and tobacco barn heating equipment.

This amendment shall become effective June 10, 1946.

Issued this 10th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9839; Filed, June 10, 1946;  
4:38 p. m.]

Chapter XVIII—Office of Economic  
Stabilization

[Directive 117]

PART 4003—SUBSIDIES; SUPPORT PRICES  
1946 CROP WHEAT LOAN

The Secretary of Agriculture has requested my approval of a loan program with respect to wheat of the 1946 crop to be carried out by Commodity Credit Corporation, under which loans will be made at 90 per centum of the parity price of wheat as of July 1, 1946.

Pursuant to the authority vested in me by the Stabilization Act of 1942, as

amended, and by Executive Order 9250 of October 3, 1942 (7 F.R. 7871), Executive Order 9328 of April 8, 1943 (8 F.R. 4681), Executive Order 9599 of August 18, 1945 (10 F.R. 10155), Executive Order 9651 of October 30, 1945 (10 F.R. 13487), Executive Order 9697 of February 14, 1946 (11 F.R. 1691), and Executive Order 9699 of February 21, 1946 (11 F.R. 1929); *It is hereby ordered:*

The Secretary of Agriculture is authorized and directed to carry out, through the Office of Grain Branch, Production and Marketing Administration, the 1946 wheat loan program described in the Secretary's letter of June 3, 1946, and the memorandum enclosed therewith.

Issued and effective this 6th day of June 1946.

CHESTER BOWLES,  
Director.

[F. R. Doc. 46-9828; Filed, June 10, 1946;  
2:47 p. m.]

[Directive 118]

PART 4003—SUBSIDIES; SUPPORT PRICES  
ABSORPTION OF EXCESS FREIGHT COSTS ON  
MOVEMENTS OF 1946-CROP LOUISIANA RAW  
CANE SUGAR TO REFINERIES

The Secretary of Agriculture has submitted certain information and recommendations to me with respect to the movement of 1946-crop Louisiana raw cane sugar to refineries. It appears that orderly distribution of raw sugar and uniform operation of refining facilities requires allocation of the sugar among refineries. Commodity Credit Corporation will be obliged to absorb the increased freight costs involved in moving raw sugar from the producing mill to the refinery to which it is allocated rather than to the nearest refinery freightwise. The program will cost the Corporation approximately \$300,000.

After careful consideration, I find that the program is necessary to insure the maximum necessary distribution of sugar from the 1946 crop of Louisiana sugarcane.

Accordingly, pursuant to the authority vested in me by the Stabilization Act of 1942, as amended, and by Executive Order 9250 of October 3, 1942 (7 F.R. 7871), Executive Order 9328 of April 8, 1943 (8 F.R. 4681), Executive Order 9599 of August 18, 1945 (10 F.R. 10155), Executive Order 9651 of February 14, 1946 (11 F.R. 1691), and Executive Order 9699 of February 21, 1946 (11 F.R. 1929); *It is hereby ordered:*

The Department of Agriculture is authorized and directed to carry out, through the Commodity Credit Corporation, the program described in the Secretary of Agriculture's letter and the memorandum enclosed therewith.

Issued and effective this 6th day of June 1946.

CHESTER BOWLES,  
Director.

[F. R. Doc. 46-9829; Filed, June 10, 1946;  
2:50 p. m.]

[Directive 119]

PART 4003—SUBSIDIES; SUPPORT PRICES  
ADJUSTMENTS IN PREMIUM PRICE PLAN FOR  
COPPER, LEAD AND ZINC

The Office of Price Administration has taken action to increase the price of copper from 12 cents to 14 $\frac{3}{8}$  cents per pound, and the price of lead from 6 $\frac{1}{2}$  cents to 8 $\frac{1}{4}$  cents per pound, effective in most cases June 3, 1946. It becomes necessary, therefore, to adjust the Premium Price Plan for Copper, Lead and Zinc in the light of these general increases in the prices of copper and lead. Three general adjustments are necessary. First, since the total return per pound presently received by mine operators entitled to "A" premiums (17 cents for copper and 9 $\frac{1}{4}$  cents for lead) is generally adequate to maintain production, there is no reason to increase the total return per pound by continuing the present "A" premiums of 5 cents per pound for copper and 2 $\frac{3}{4}$  cents per pound for lead. Accordingly, it is necessary to reduce the amount of the "A" premiums for copper and lead by the amount of the general price increases authorized. Second, since the general price increases and "A" premium reductions will affect the total income of mine operators entitled to premium payments, it is necessary to revise the production quotas to correct so far as possible for any resulting income changes. Third, since mine operators, because of the lag between the time when premium payments are made or accrue and the time when the copper and lead is actually sold, may hold inventories of copper and lead either in finished form or in process in mills, smelters or refineries or in the form of copper and lead returnable to them from treatment plants, for which premium payments have been made or have accrued, and which they may now sell on the basis of the higher ceiling prices, it is necessary to recapture for the benefit of the Government the amount of the premium payments which would not have been paid but for such time lag. This amount is equivalent on a per pound basis to the difference between the old and the new per pound prices of copper and lead.

Accordingly, pursuant to the authority vested in me by the Stabilization Act of 1942, as amended, and by Executive Order 9250 of October 3, 1942 (7 F.R. 7871), Executive Order 9328 of April 8, 1943 (8 F.R. 4681), Executive Order 9599 of August 18, 1945 (10 F.R. 13487), Executive Order 9697 of February 14, 1946 (11 F.R. 1691), and Executive Order 9699 of February 21, 1946 (11 F.R. 1929), the Office of Price Administration, the Civilian Production Administration, the Reconstruction Finance Corporation and the Quota Committee for the Premium Price Plan for Copper, Lead and Zinc are authorized and directed:

1. To take action to reduce the "A" premium for lead from 2 $\frac{3}{4}$  cents to 1 cent per pound, effective June 3, 1946.
2. To take action to reduce the "A" premium for copper from 5 cents to 2 $\frac{5}{8}$  cents per pound, effective as of the date

upon which the particular mine operator entitled to premium payments is authorized, under the applicable regulations of the Office of Price Administration, to sell his copper on the basis of the new ceiling price of 14 $\frac{3}{8}$  cents per pound.

3. To take such action, in accordance with present administrative policies and procedures followed by the Government agencies concerned, to revise the quota of any mine operator, beginning June 1, 1946, to correct for any change in the total income of such mine operator that may result from the general increases in the prices of copper and lead authorized by the Office of Price Administration and authorized by the Office of Price Administration and from the "A" premium reductions authorized and directed by this Directive. Nothing in this paragraph, however, shall authorize the Government agencies concerned to pay any per pound premium exceeding present maximum per pound premiums.

4. To take such action as will enable the Reconstruction Finance Corporation to recapture from any mine operator who was eligible to receive premium payments at any time during the period from January 1, 1946 to June 3, 1946, 2 $\frac{3}{8}$  cents per pound of copper, and 1 $\frac{3}{4}$  cents per pound of lead, for every pound of recoverable copper and recoverable lead which such mine operator held in his inventory unsold as of the date upon which he became authorized, under the applicable regulations of the Office of Price Administration, to sell his copper or lead on the basis of the new ceiling prices, and for which premium payments have been made or have accrued up to such date. Copper and lead shall be deemed to be in the inventory of a mine operator whether it is held by him in finished form, or in process in his mills, smelters or refineries, or in the form of copper and lead returnable to him from other treatment plants. All moneys so recaptured shall be credited to the funds set aside for the operation of the Premium Price Plan for Copper, Lead and Zinc.

5. To issue such rules and regulations as may be necessary to carry out the provisions of this directive.

Issued and effective this 7th day of June 1946.

CHESTER BOWLES,  
Director.

[F. R. Doc. 46-9830; Filed, June 10, 1946;  
2:47 p. m.]

[Directive 120]

PART 4004—PRICE STABILIZATION; MAXIMUM PRICES

MAXIMUM RAW MATERIAL COSTS; PACKED VEGETABLES, 1946

The Secretary of Agriculture and the Price Administrator, have submitted to me information with respect to establishing maximum raw material costs to be reflected in maximum prices for

packed vegetables produced from designated vegetables. After careful consideration, I find that the measures hereinafter authorized and directed to be taken by the Secretary of Agriculture and the Price Administrator will effectuate the purposes of the Stabilization Program.

Accordingly, pursuant to the authority vested in me by the Stabilization Act of 1942, as amended, and by Executive Order 9250 of October 3, 1942 (7 F.R. 7871), Executive Order 9328 of April 8, 1943 (8 F.R. 4681), Executive Order 9599 of August 18, 1945 (10 F.R. 10155), Executive Order 9651 of October 30, 1945 (10 F.R. 13487), Executive Order 9697 of February 14, 1946 (11 F.R. 1691), and Executive Order 9699 of February 21, 1946 (11 F.R. 1929); *It is hereby ordered:*

The Office of Price Administration is authorized and directed to establish

maximum prices for packed vegetables produced from any of the vegetables designated in Schedule A, attached hereto, which are computed on the basis of actual weighted average prices paid not in excess of the applicable raw material prices set forth in such Schedule A.

When used in this directive, the term "packed" means processed and enclosed in any container, whether or not hermetically sealed. However, the term does not include any product when processed by freezing, drying or dehydrating, nor does it include any of the packed products known as preserves, relishes or pickles packed from other than fresh vegetables.

Issued and effective this 7th day of June 1946.

CHESTER BOWLES,  
Director.

SCHEDULE A  
DESIGNATED AREA AVERAGE GROWER PRICES—VEGETABLES FOR PACKING FOR 1946  
[Maximum raw material costs]

Commodity	State or area	Dollars per ton
1. Asparagus	Oregon and Washington All other States	1942 price plus \$40. <sup>1</sup> 1942 price plus \$30. <sup>1</sup>
2. Beans, fresh lima, other than Fordhook type (see item 6 for Fordhooks).	Washington, Oregon, California, and Idaho other than southeastern. <sup>2</sup> New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia (Eastern Shore). <sup>3</sup> Utah, Wyoming, and Idaho (southeastern). <sup>2</sup> All other States and areas	\$120. \$105. \$100.
3. Mushrooms	All States	\$1.50 per 3-lb. basket.
4. Peas, blackeye (in pods)	Maryland and Virginia All other States east of the Mississippi River All States west of the Mississippi River including all of Louisiana.	\$60. \$55. \$65.
5. Peas, other field in pod (including crowder, cream, purple hulls and other similar varieties used for canning).	Maryland and Virginia All other States east of the Mississippi River All States west of the Mississippi River including all of Louisiana.	\$55. \$50. \$65.
6. Miscellaneous vegetables (including Fordhook lima beans and any other vegetables not designated in items 1-5 above but still under price control).		1942 price plus 20 percent. <sup>1</sup>

<sup>1</sup> These prices are on an individual-processor basis and are at the same levels as those designated in 1945.  
<sup>2</sup> Southeastern Idaho: Franklin, Oneida, Bannock, and Bear Lake Counties.  
<sup>3</sup> Eastern Shore Virginia: Accomac and Northampton Counties.

[F. R. Doc. 46-9831; Filed, June 10, 1946; 2:47 p. m.]

[Directive 121]

PART 4004—PRICE STABILIZATION;  
MAXIMUM PRICES

MAXIMUM RAW MATERIAL COSTS; FROZEN VEGETABLES, 1946

The Secretary of Agriculture and the Price Administrator have submitted to me information with respect to establishing maximum raw material costs to be reflected in maximum prices for frozen vegetables produced from designated vegetables. After careful consideration, I find that the measures hereinafter authorized and directed to be taken by the Secretary of Agriculture and the Price Administrator will effectuate the purposes of the Stabilization Program.

Accordingly, pursuant to the authority vested in me by the Stabilization Act of 1942, as amended, and by Executive Order 9250 of October 3, 1942 (7 F.R.

7871), Executive Order 9328 of April 8, 1943 (8 F.R. 4681), Executive Order 9599 of August 18, 1945 (10 F.R. 10155), Executive Order 9651 of October 30, 1945 (10 F.R. 13487), Executive Order 9697 of February 14, 1946 (11 F.R. 1691), and Executive Order 9699 of February 21, 1946 (11 F.R. 1929); *It is hereby ordered:*

The Office of Price Administration is authorized and directed to establish maximum prices for the 1946 pack of frozen vegetables produced from the vegetables designated in Schedule A, attached hereto, which are computed on the basis of actual weighted average prices paid not in excess of the applicable raw material prices set forth in Schedule A.

Issued and effective this 7th day of June 1946.

CHESTER BOWLES,  
Director.



SCHEDULE A

DESIGNATED AREA AVERAGE GROWER PRICES—VEGETABLES FOR FREEZING—1946

[Maximum raw material costs]

Commodity	State or area	Dollars per ton
1. Asparagus.....	Oregon and Washington.....	1942 price plus \$40. <sup>1</sup>
	All other States.....	1942 price plus \$30. <sup>1</sup>
2. Beans, fresh lima other than Fordhook type (see item 3 for Fordhooks)	New Jersey.....	\$133.
	Arkansas, Washington, Oregon, California, and Idaho other than southeastern. <sup>2</sup>	\$120.
	New York, Pennsylvania, Delaware, Maryland, Virginia's Eastern Shore, <sup>3</sup> Utah, Wyoming, and Idaho southeast. <sup>3</sup>	\$105.
	All other States and areas.....	\$100.
3. Miscellaneous vegetables (including Fordhook lima beans, broccoli, cauliflower, and any other vegetable not designated in Items 1-2 above but still under price control).		1942 price plus 20 percent. <sup>1</sup>

<sup>1</sup> These prices are on an individual processor basis.

<sup>2</sup> Southeastern Idaho; Franklin, Oneida, Bannock, and Bear Lake Counties.

<sup>3</sup> Eastern Shore Virginia; Accomac and Northampton Counties.

[F. R. Doc. 46-9832; Filed, June 10, 1946; 2:47 p. m.]

[Directive 114, Amdt. 1]

PART 4004—PRICE STABILIZATION: MAXIMUM PRICES

DAIRY PRODUCTS

Pursuant to the authority vested in me by the Stabilization Act of 1942, as amended, and by Executive Order 9250 of October 3, 1942 (7 F.R. 7871), Executive Order 9328 of April 8, 1943 (8 F.R. 4681), Executive Order 9599 of August 18, 1945 (10 F.R. 10155), Executive Order 9651 of October 30, 1945 (10 F.R. 13487), Executive Order 9697 of February 14, 1946 (11 F.R. 1691), and Executive Order 9699 of February 21, 1946 (11 F.R. 1929), *It is hereby ordered:*

Section 1 (I) of the directive is revoked.

Issued and effective this 10th day of June 1946.

CHESTER BOWLES,  
Director.

[F. R. Doc. 46-9851; Filed, June 11, 1946; 10:47 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 2,<sup>1</sup> Order 2]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

EXEMPTION OF OFFICE OF CIVILIAN DEFENSE PROPERTY LOANED TO STATE OR LOCAL GOVERNMENTS

Surplus Property Administration Regulation 2, Order 2, November 16, 1945, entitled, "Exemption of Office of Civilian Defense Property Loaned to State or Local Governments" (10 F.R. 14202), is hereby revised and amended as herein set forth as War Assets Administration Regulation 2, Order 2.

During the war, the Office of Civilian Defense loaned to the several States and to their political sub-divisions certain items of property for purposes of air raid protection. A large amount of this prop-

<sup>1</sup> 11 F.R. 5125.

erty remains in the custody of the States and the political subdivisions to which it was loaned, and it will entail heavy expense to the Government to require the preparation of inventories and reports and to offer this property to priority claimants in accordance with this part.

The War Assets Administrator finds that an exemption should be granted from the requirements of this part for all of this property, except motor vehicles and ambulances, on the ground that it is impracticable and uneconomical to require the disposal of this property, except motor vehicles and ambulances, according to such requirements.

Pursuant to the provisions of § 8302.3 (b) (4) of this part and the authority of the Surplus Property Act of 1944 (58 Stat. 765; 50 U.S.C. App. Supp. 1611), Public Law 181, 79th Congress, 1st Session (59 Stat. 533), Executive Order 9689 (11 F.R. 1265), and Public Law 375, 79th Congress, 2d Session, *It is hereby ordered, That:*

1. Except as to motor vehicles and ambulances, which shall continue to be disposed of in accordance with the requirements of this part, the War Assets Administration is hereby authorized to dispose of without regard for the provisions of this part any items of property originally loaned by the Office of Civilian Defense to the States and political sub-divisions thereof.

2. To the extent feasible the War Assets Administration should dispose of property concentrated in cities and large towns in accordance with the order of priorities established under § 8302.5 but without regard for the provisions of § 8302.6.

3. Where property is widely scattered in small towns and rural areas, it should be disposed of to State and local governments without a previous offering to other priority claimants.

4. Whenever property is offered to State and local governments, preference shall be given first to those communities which are now charged with the custody of the property and second to adjacent communities.

This revised order shall become effective June 7, 1946.

E. B. GREGORY,  
Administrator.

JUNE 7, 1946.

[F. R. Doc. 46-9875; Filed, June 11, 1946; 11:33 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Docket 3686]

PARTS 71-85—TRANSPORTATION OF EXPLOSIVES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of June, A. D., 1946.

It appearing that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921 (41 Stat. 1445), and Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles:

It further appearing, that in application received we are asked to amend the aforesaid regulations as set forth in provisions made part hereof;

*It is ordered,* That the aforesaid regulations for transportation of explosives and other dangerous articles be, and are hereby, amended as follows:

Shippers

Amending paragraph (p) (14) section 303, order Aug. 16, 1940, as follows (add):

(p) (14) (m) Until further order of the Commission, Liquefied petroleum gas cylinders constructed in accordance with ICC specification 4B which became due for quinquennial retest between December 7, 1941, and December 31, 1945, must be removed from service on or before January 15, 1947, unless retested as required by section 303 (p) (13) (a), (b) and other pertinent sections of these regulations.

*It is further ordered,* That this order amending the aforesaid regulations shall be effective forthwith; and shall continue in effect until January 15, 1947, or the further order of the Commission;

*And it is further ordered,* That a copy of this order be served upon all parties of record herein; and that notice of this order shall be given 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.

(41 Stat. 1445; 49 Stat. 546; 52 Stat. 1237; 54 Stat. 921; 56 Stat. 176; 59 Stat. 658; 18 U.S.C. 383, 49 U.S.C. 304)

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 46-9874; Filed, June 11, 1946; 11:29 a. m.]

## Notices

### DEPARTMENT OF THE INTERIOR.

#### General Land Office.

[Misc. 1983466]

#### MICHIGAN

#### RESTORATION ORDER 1170 UNDER FEDERAL POWER ACT

MAY 29, 1946.

By Executive order of January 30, 1915, creating Power Site Reserve No. 470, the following described land was withdrawn for power purposes:

#### MICHIGAN MERIDIAN

T. 26 N., R. 1 W.,

Sec. 2, NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

The area described contains 40 acres.

Pursuant to the determination of the Federal Power Commission (DA-2, Michigan) and in accordance with Departmental Order No. 1799 of March 19, 1943, 8 F.R. 3743, the above described land is hereby opened to disposition under applicable public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 838, 846, 16 U.S.C. sec. 818).

FRED W. JOHNSON,  
Commissioner.

[F. R. Doc. 46-9847; Filed, June 11, 1946;  
10:43 a. m.]

[Misc. 2017347]

#### ALASKA

#### RESTORATION ORDER 1181 UNDER FEDERAL POWER ACT

JUNE 3, 1946.

Upon application for Power Project No. 119, filed December 9, 1920, the following described land within the Chugach National Forest was withdrawn for power purposes:

#### KENAI PENINSULA

Homesite No. 59, identified as Lot 8 of the Snug Harbor Group, U. S. Survey No. 2525 (homesite application of Andy John Patrick, Anchorage 010167).

The area described contains 3.42 acres.

Pursuant to the determination of the Federal Power Commission (DA-38, Alaska) and in accordance with Departmental Order No. 1799 of March 19, 1943, 8 F.R. 3743, the above described land is hereby opened to disposition under applicable public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 838, 846, 16 U.S.C. sec. 818).

FRED W. JOHNSON,  
Commissioner.

[F. R. Doc. 46-9848; Filed, June 11, 1946;  
10:43 a. m.]

#### Office of Coal Mines Administrator.

[Order CMAN-2]

#### INTERIM SAFETY REQUIREMENTS FOR MINES IN GOVERNMENT POSSESSION

Interim safety requirements for mines in Government possession under Executive Order 9728 pending formulation of Federal Mine Safety Code pursuant to section 2 (a) of agreement between Coal Mines Administrator and United Mine Workers of America.

Under the provisions of section 2 (a) of the agreement between the Coal Mines Administrator and the United Mine Workers of America, dated May 29, 1946, the Director of the Bureau of Mines is required, after consultation with representatives of the United Mine Workers and such other persons as he deems appropriate, to issue as soon as practicable and not later than 30 days from May 29, 1946, a reasonable code of standards and rules pertaining to safety conditions and practices in the mines. The Coal Mines Administrator is required to put this code into effect at the mines in Government possession and control under Executive Order 9728.

The Director of the Bureau of Mines has appointed a committee to advise and assist him in the formulation of the mine safety code to be issued pursuant to section 2 (a) of the above described agreement. This committee comprises the following: Dr. R. R. Sayers, Director of the Bureau of Mines, who is the Chairman of the Committee; Mr. A. D. Lewis and Mr. Harrison Combs, representing the United Mine Workers of America; Mr. G. H. Sambrook and Mr. A. J. Bartlett, representing the coal operators; and Mr. John E. Jones, representing the Coal Mines Administrator.

The Safety Committee of the Director of the Bureau of Mines has recommended to the Coal Mines Administrator that, pending the formulation and placing into effect of the Federal Mine Safety Code to be issued pursuant to section 2 (a) of the aforementioned agreement, certain safety standards and rules which are recommended for observance from time to time at particular mining properties by inspectors of the United States Bureau of Mines should be made to apply to the mines in the possession of the Government under Executive Order 9728. It is the further opinion of the Committee that, in making any such recommendations with respect to individual mining properties in the possession of the United States, inspectors of the United States Bureau of Mines should be guided by the Inspection Standards for Bituminous-Coal and Lignite Mines contained in Information Circular 7333 of the Bureau of Mines, United States Department of the Interior (revised July, 1945).

Now, therefore, pursuant to authority granted to the undersigned by Executive Order 9728 (11 F.R. 5593) and the orders of the Secretary of the Interior, *It is hereby ordered and directed*, That, pending the formulation and placing into effect of the Federal Mine Safety Code to

be issued pursuant to section 2 (a) of the aforementioned agreement, operating managers for the United States at any and all mines in Government possession under Executive Order 9728 shall observe such safety standards and rules which may be recommended for observance at any particular mining property by inspectors of the United States Bureau of Mines, and which are based upon the Inspection Standards for Bituminous-Coal and Lignite Mines contained in Information Circular 7333 of the Bureau of Mines, United States Department of the Interior (revised July, 1945). *Provided, however*, That if, in the opinion of any operating manager for the United States, any recommendation thus made by an inspector of the United States Bureau of Mines would interfere seriously with the operation of a mine or would result in the closing of a mine, the operating manager shall immediately submit a statement to the Coal Mines Administrator setting forth the reasons why such recommendation should not be placed into effect, and such recommendation shall not become effective except to the extent which the Coal Mines Administrator may thereafter specifically order. *Provided further*, That in those instances where an inspector of the United States Bureau of Mines finds that an imminent danger exists, he shall take immediate action to remove all workmen from the unsafe area until such danger is removed.

This order shall terminate as soon as the Federal Mine Safety Code to be issued pursuant to section 2 (a) of the agreement between the Coal Mines Administrator and the United Mine Workers of America dated May 29, 1946, is placed into effect by the Coal Mines Administrator. Nothing in this order or any action taken by an inspector of the United States Bureau of Mines or the Coal Mines Administrator under this order, shall be construed to require the Director of the Bureau of Mines, in formulating the new Federal Mine Safety Code, to adopt or include in such code any action, recommendation or finding made pursuant to this order or any of the safety rules or standards of the United States Bureau of Mines whether referred to in this order or otherwise.

B. MOREELL,  
Coal Mines Administrator.

JUNE 7, 1946.

[F. R. Doc. 46-9853; Filed, June 11, 1946;  
10:39 a. m.]

### DEPARTMENT OF LABOR.

#### Wage and Hour Division.

#### LEARNER EMPLOYMENT CERTIFICATES

#### ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the



minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective as of the date specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificates. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

*Name and Address of Firm, Industry, Learner Occupations, Number of Learners, Learning Period, Learner Wage, Effective and Expiration Dates*

Forest Lake Academy, Maitland, Florida; Print shop; nine (9) learners, compositor, pressman, office worker and related operations, for a learning period of 1000 hours at 30 cents for the first 500 hours and 35 cents for the remaining 500 hours; effective May 1, 1946, expiring June 30, 1947.

Southwestern Junior College, Keene, Texas, as follows:

Furniture factory; fifty (50) learners, millman, assembler and related operations, for a learning period of 480 hours at 30 cents for the first 300 hours and 35 cents for the remaining 180 hours.

Print shop; ten (10) learners, compositor, pressman and related operations, for a learning period of 1000 hours at 30 cents for the first 500 hours and 35 cents for the remaining 500 hours.

Chenille factory; fifteen (15) learners, serger, cutter, machine operator, trimmer and related operations, for a learning period of 600 hours at 30 cents for the first 400 hours and 35 cents for the remaining 200 hours.

Effective July 1, 1946, expiring June 30, 1947.

Signed at New York, New York, this 7th day of June 1946.

PAULINE C. GILBERT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 46-9844; Filed, June 11, 1946;  
10:42 a. m.]

#### CIVIL AERONAUTICS BOARD.

[Docket No. 337 et al.]

#### TEXAS-OKLAHOMA CASE

#### NOTICE OF ORAL ARGUMENT

In the matter of the applications for certificates and amendments of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-

entitled proceeding is assigned to be held on June 24, 1946, at 10 a. m. (eastern standard time) in Room 5044, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated Washington, D. C., June 10, 1946.

By the Civil Aeronautics Board.

[SEAL]

FRED A. TOOMBS,  
Secretary.

[F. R. Doc. 46-9873; Filed, June 11, 1946;  
11:22 a. m.]

#### FEDERAL COMMUNICATIONS COMMISSION.

#### AM STATION WBBW AND FM STATION WABW<sup>1</sup>

#### PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE

The Commission hereby gives notice that on April 16, 1946, there was filed an application (B4-AL-538) for consent under section 310 (b) of the Communications Act (47 U.S.C.A. 310) to the proposed assignment of the license of AM Station WBBW and FM Station WABW, Indianapolis, Indiana, from Associated Broadcasters, Incorporated, to Evansville On The Air, Incorporated, 519 Vine Street, Evansville 8, Indiana.

On April 5, 1946, the present licensee, in consideration of \$750.00, granted an option to proposed assignee to transfer the equipment and properties of the above indicated AM and FM Stations subject to Commission approval. In return for the assets the licensee is to receive 1,350 shares, at \$20.60 per share, of the Class A voting stock of Curtis Radiocasting Corporation. The option contains a provision permitting assignee to obtain all of the stock of licensee subject to payment of its debts, and in accordance with the terms of the option. Further details concerning the application and negotiations between the parties may be found with the application and papers on file at the offices of the Commission.

In the Commission's decision of September 6, 1945, granting the application for transfer of control of the Crosley Corporation (Docket No. 6767), it was announced that public hearings would be held to consider new rules and regulations for the handling of assignment and transfer applications including provision for public notice by the applicant and by the Commission of the filing of such applications and pertinent details in cases where a controlling interest is involved. Thereafter, on October 3, 1945, the Commission also gave public notice (10 F.R. 12926) that pending the issuance of such proposed new rules, hearing thereon, and final adoption, consideration of such applications would be deferred unless applicants desired to follow the procedure proposed in the Crosley decision and supplement their applications so as to come within the frame-

<sup>1</sup> Section 1.364, Part 1, Rules of Practice and Procedure.

work of the announced procedure, including the provision for public notice. Subsequently, on December 13, 1945, the Commission adopted tentatively a proposed rule of procedure to govern the handling of assignment and transfer applications including the character of notice required of applicants in such cases. Pursuant thereto, the Commission was advised on May 29, 1946, that beginning on May 30, 1946, notice of the proposed assignment would be published in the Indianapolis News in conformity with the provisions of the proposed Rules.

In accordance with the procedure proposed in the Crosley decision and that announced in the Commission's release, no action will be had in the instant application for a period of 60 days from May 30, 1946, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U.S.C.A. 310 (b))

[SEAL]

FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 46-9840; Filed, June 11, 1946;  
10:21 a. m.]

#### STATION KMED MEDFORD, OREG.<sup>1</sup>

#### PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE

The Commission hereby gives notice that on May 16, 1946, there was filed with it an application (B5-AL-536) for its consent under section 310 (b) of the Communications Act (47 USCA 310) to the proposed assignment of license of Station KMED, Medford, Oregon from Mrs. W. J. Virgin to "Gibson Broadcasting," a California corporation, 516 Marin Street, Vallejo, California.

The proposed assignment is based upon a contract dated April 9, 1946, under which Blanch Virgin, also known as Mrs. W. J. Virgin, agrees to sell and Luther E. Gibson agrees to buy, in consideration of \$250,000 (with right to transfer to Gibson Broadcasting) all of seller's radio broadcasting business including station KMED with real estate, improvements, equipment, and real estate upon which to locate an FM station. The purchase price is payable by a deposit of \$10,000 in escrow, \$52,500 upon approval of the Commission, and the balance of \$187,500 at the rate of \$2,000 a month beginning one year after approval by the Commission, with interest of 4% on the unpaid balance, payable monthly. Further details concerning the application and negotiations between the parties may be found with the application and papers on file at the offices of the Commission.

In the Commission's decision of September 6, 1945, granting the application for transfer of control of the Crosley Corporation (Docket No. 6767), it was announced that public hearings would

be held to consider new rules and regulations for the handling of assignment and transfer applications including provision for public notice by the applicant and by the Commission of the filing of such applications and pertinent details in cases where a controlling interest is involved. Thereafter, on October 3, 1945, the Commission also gave public notice (10 F.R. 12926) that pending the issuance of such proposed new rules, hearing thereon, and final adoption, consideration of such applications would be deferred unless applicants desired to follow the procedure proposed in the Crosley decision and supplement their applications so as to come within the framework of the announced procedure, including the provision for public notice. Subsequently, on December 13, 1945, the Commission adopted tentatively a proposed rule of procedure to govern the handling of assignment and transfer applications including the character of notice required of applicants in such cases. Pursuant thereto, the Commission was advised May 31, 1946, that beginning on May 20, 1946, notices of the proposed assignment were published in the Medford, Oregon Mail Tribune, in conformity with the provisions of the proposed Rules.

In accordance with the procedure proposed in the Crosley decision and that announced in the Commission's release, no action will be had in the instant application for a period of 60 days from May 10, 1946, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract. (Sec. 310 (b), 48 Stat. 1086; 47 U.S.C.A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 46-9841; Filed, June 11, 1946;  
10:21 a. m.]

**KSAM, HUNTSVILLE, TEX.<sup>1</sup>**

**PUBLIC NOTICE CONCERNING PROPOSED  
ASSIGNMENT OF LICENSE**

The Commission hereby gives notice that on May 31, 1946 there was filed with it an application (B3-AL-539) for its consent under section 310 (b) of the Communications Act (47 U.S.C.A. 310) to the proposed assignment of license of standard broadcast station KSAM, Huntsville, Texas, from W. J. Harpole and J. C. Rothwell, a partnership, d/b as Radio Station KSAM, to J. G. Long, Bay City, Texas. The proposal to assign said license is based upon an agreement of April 26, 1946, between the present licensed partnership and J. G. Long, pursuant to which the former would sell to the latter Station KSAM and all the property and equipment thereof for a total purchase price of \$42,500 of which \$15,000 is placed in escrow with the Houston National Bank. According to the

<sup>1</sup>Section 1364, Part I, Rules of practice and procedure.

contract, adjustments will be made as of May 1, 1946, if the application is approved. Further details concerning the arrangements and as to the application may be found with the papers on file in the offices of the Commission.

In the Commission's decision of September 6, 1945, granting the application for transfer of control of the Crosley Corporation (Docket No. 6767), it was announced that public hearings would be held to consider proposed new rules and regulations for the handling of assignment and transfer applications including provision for public notice by the applicant and the Commission of the filing of such applications and pertinent details in cases where a controlling interest is involved. Thereafter on October 3, 1945, the Commission also gave public notice (10 F.R. 12926) that pending the issuance of such proposed new rules, hearing thereon, and final adoption, such applications would be deferred unless applicants desired to follow the procedure proposed in the Crosley decision and supplement their applications so as to come within the framework of the announced procedure including the provision for public notice. Pursuant thereto the Commission was advised on June 6, 1946, that notice as to the proposed assignment of the license and sale of the station would be inserted in a Houston, Texas, newspaper which has general circulation in Huntsville, Texas, at least twice a week for three weeks beginning June 10, 1946.

In accordance with the procedure proposed in the Crosley decision and that announced in the Commission's release no action will be had upon the KSAM application for a period of 60 days from June 10, 1946, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contracts.

(Sec. 310 (b), 48 Stat. 1086; 47 U.S.C. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 46-9842; Filed, June 11, 1946;  
10:21 a. m.]

**OFFICE OF ALIEN PROPERTY CUSTODIAN.**

[Vesting Order 6335]

**RUDOLF SUHLEDER**

In re: Estate of Rudolf Suhleder, deceased; File D-28-9672; E. T. sec. 13461.

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 finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Antonia Suhleder, Erwin Suhleder, Josef Suhleder, Karl Suhleder, Adolf Suhleder,

Mrs. Anton Leidner, Mrs. Helena Brummer and Rudolf Volk and each of them, in and to the estate of Rudolf Suhleder, deceased, is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely:

*Nationals and Last Known Address*

Antonia Suhleder, Germany.  
Erwin Suhleder, Germany.  
Josef Suhleder, Germany.  
Adolf Suhleder, Germany.  
Karl Suhleder, Germany.  
Mrs. Anton Leidner, Germany.  
Mrs. Helena Brummer, Germany.  
Rudolf Volk, Germany.

That such property is in the process of administration by Ludwina Suhleder, as Executrix of the Estate of Rudolf Suhleder, deceased, acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

And 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 a designated enemy country, Germany;

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. 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 Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 23, 1946.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 46-9756; Filed, June 10, 1946;  
10:21 a. m.]



[Vesting Order 6343]

## EMILIE MAI

In re: Bank account owned by Emilie Mai.

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, finding:

1. That Emilie Mai, whose last known address is Abersfeld, Unterfranken, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to William J. Topken and/or Philip F. Farley, by The Chase National Bank of the City of New York, New York, New York, arising out of an inactive dollar checking account, entitled c/o William J. Topken and/or Philip F. Farley, attorneys in fact for Emilie Mai, maintained at the branch office of the aforesaid bank located at 115 Broadway, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Emilie Mai, the aforesaid national of a designated enemy country;

And determining that to the extent that 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 (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. 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 Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 24, 1946.

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-9757; Filed, June 10, 1946;  
10:21 a. m.]

[Vesting Order 6344]

## EMILY MARTIN

In re: Bank account owned by Emily Martin.

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, finding:

1. That Emily Martin, whose last known address is Potsdam, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Martin Lindsay, Trustee, by The First National Bank of Chicago, Chicago, Illinois, arising out of a Savings Account, Account Number 1,368,667, entitled Martin Lindsay, Trustee for Emily Martin u/w of Hedwig Barth, deceased, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Emily Martin, the aforesaid national of a designated enemy country;

And determining that to the extent that 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 (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that com-

ensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon: 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 Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 24, 1946.

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-9758; Filed, June 10, 1946;  
10:21 a. m.]

[Vesting Order 6351]

## EMMA SCHLEICHER

In re: Bank account owned by Emma Schleicher.

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, finding:

1. That Emma Schleicher, whose last known address is Abersfeld, Unterfranken, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to William J. Topken and/or Philip F. Farley, by The Chase National Bank of the City of New York, New York, New York, arising out of an inactive dollar checking account, entitled c/o William J. Topken and/or Philip F. Farley, attorneys in fact for Emma Schleicher, maintained at the branch office of the aforesaid bank located at 115 Broadway, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Emma Schleicher, the aforesaid national of a designated enemy country;

And determining that to the extent that 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 (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated,

sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. 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 Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 24, 1946.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 46-9759; Filed, June 10, 1946;  
10:21 a. m.]

[Vesting Order 6353]

FERDINAND SPIEGEL

In re: Bank account owned by Ferdinand Spiegel.

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, finding:

1. That Ferdinand Spiegel, whose last known address is Ludwigshafen-Mundenheim, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to William J. Topken and/or Philip F. Farley, by The Chase National Bank of the City of New York, New York, New York, arising out of an inactive dollar checking account, entitled c/o William J. Topken and/or Philip F. Farley, attorneys in fact for Ferdinand Spiegel, maintained at the branch office of the aforesaid bank located at 115 Broadway, New York, New York, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ferdinand Spie-

gel, the aforesaid national of a designated enemy country;

And determining that to the extent that 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 (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. 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 Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 24, 1946.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 46-9760; Filed, June 10, 1946;  
10:21 a. m.]

[Vesting Order 6354]

LUDWIG SPIEGEL

In re: Bank account owned by Ludwig Spiegel.

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, finding:

1. That Ludwig Spiegel, whose last known address is Frankenthal, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to William J. Topken and/or Philip F. Farley, by The Chase National Bank of the City of New York, arising

out of an inactive dollar checking account, entitled c/o William J. Topken and/or Philip F. Farley, attorneys in fact for Ludwig Spiegel, maintained at the branch office of the aforesaid bank located at 115 Broadway, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ludwig Spiegel, the aforesaid national of a designated enemy country;

And determining that to the extent that 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 (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. 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 Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 24, 1946.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 46-9761; Filed, June 10, 1946;  
10:21 a. m.]

[Vesting Order 6359]

HEINRICH ZITTEL

In re: Debt owing to Heinrich Zittel.  
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, finding:

1. That Heinrich Zittel, whose last known address is Zell, Palatinate, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All those debts or other obligations owing to Heinrich Zittel, by Richter & Kaiser, Inc., 186 Remsen Street, Brooklyn 2, New York, including particularly but not limited to a portion of the sum of money on deposit with Manufacturers Trust Company, 55 Broad Street, New York, New York, in a dollar account, entitled Richter & Kaiser, Inc. Special, Blocked as German Nationals, maintained at the branch office of the aforesaid bank located at 209 Montague Street, Brooklyn, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that 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 (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. 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 Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 24, 1946.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 46-9762; Filed, June 10, 1946; 10:21 a. m.]

#### OFFICE OF PRICE ADMINISTRATION.

[Rev. SO 119, Amdt. 1 to Order 165]

##### RUTENBER ELECTRIC Co.

##### ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 15 and 16 of Revised Supplementary Order No. 119, it is ordered:

That Order No. 165 under Revised Supplementary Order No. 119 be amended in the following respect:

1. In paragraph (b) (1) and paragraph (b) (2) the model numbers are changed as follows:

Model No. 324 is changed to Model No. 524.

Model No. 324 with clock and timer is changed to Model No. 524 with clock and timer.

Model No. 345 is changed to Model No. 545.

Model No. 345 with clock and timer is changed to Model No. 545 with clock and timer.

Model No. 350 is changed to Model No. 550.

Model No. 350 with clock and timer is changed to Model No. 550 with clock and timer.

This amendment shall become effective on the 11th day of June 1946.

Issued this 10th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9809; Filed, June 10, 1946; 11:51 a. m.]

[Rev. SO 119, Order 246]

##### ELLWOOD Co.

##### ADJUSTMENT OF MAXIMUM PRICES

Order No. 246 under Revised Supplementary Order No. 119. Docket No. 6123-SO 119-131. Adjustments of maximum prices for enameled cast iron plumbing fixtures manufactured by Ellwood Co., Ellwood City, Pennsylvania.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 13 of Revised Supplementary Order No. 119; it is ordered:

(a) *Maximum prices for Ellwood Co., Ellwood City, Pa.* (1) The above manufacturer may determine his maximum prices for his line of enameled cast iron plumbing fixtures by increasing by 18.2 percent his prices on these items in effect on October 1, 1941 to each class of purchaser.

(2) Since the provisions of this order are not intended to reduce properly established maximum prices, the manufac-

turer may continue to use as his maximum prices to each class of purchaser his properly established prices in effect under Maximum Price Regulation No. 591 in the event that such prices exceed the prices in effect to each class of purchaser on October 1, 1941 plus the increase provided for in (1) above.

(3) The maximum prices set forth above shall be subject to discounts and allowances including transportation allowances and price differentials which are at least as favorable as those the manufacturer extended or rendered or would have extended or rendered to each class of purchaser on commodities in the same general category during March 1942.

(b) *Resellers' maximum prices.* All resellers of the commodities covered by this order (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their presently established maximum prices the actual dollars-and-cents increase in cost resulting from the adjustment granted the manufacturer by this order.

(c) *Notification to all purchasers.* The manufacturer shall send the following notice to every purchaser of the commodities covered by this order at or before the time of the first invoice after the adjustment granted by this order is put into effect:

Order No. 246 under Revised Supplementary Order No. 119 authorizes an 18.2 percent increase in October 1, 1941 net prices for sales of enameled cast iron plumbing fixtures manufactured by this company.

Resellers (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their existing maximum prices the actual dollars-and-cents increase in cost resulting from the adjustment granted by Order No. 246.

(d) All prayers for relief not granted herein are denied.

(e) This order may be amended or revoked by the Price Administrator at any time.

This order shall become effective June 11, 1946.

Issued this 10th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9810; Filed, June 10, 1946; 11:51 a. m.]

[Rev. SO 119, Order 247]

##### RELiance DISTRIBUTING Co.

##### ADJUSTMENT OF MAXIMUM PRICES

Order No. 247 under Revised Supplementary Order No. 119. Docket No. 6123-SO 119-136, adjustments of maximum prices for aluminum and copper stove connectors manufactured by the Reliance Distributing Company, Cleveland, Ohio.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 13 of Revised Supplementary Order No. 119, it is ordered:

(a) *Maximum prices for Reliance Distributing Company, Cleveland, Ohio.*

(1) The above manufacturer may determine his maximum prices for his line of aluminum and copper stove connectors by increasing by 24.3 percent his prices on these items in effect on October 1, 1941 to each class of purchaser.

(2) Since the provisions of this order are not intended to reduce properly established maximum prices, the manufacturer may continue to use as his maximum prices to each class of purchaser his properly established prices in effect under Maximum Price Regulation No. 591 in the event that such prices exceed the prices in effect to each class of purchaser on October 1, 1941, plus the increase provided for in (1) above.

(3) The maximum prices set forth above shall be subject to discounts and allowances including transportation allowances and price differentials which are at least as favorable as those the manufacturer extended or rendered or would have extended or rendered to each class of purchaser on commodities in the same general category during March 1942.

(b) *Resellers' maximum prices.* All resellers of the commodities covered by this order (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their presently established maximum prices the actual dollars-and-cents increase in cost resulting from the adjustment granted the manufacturer by this order.

(c) *Notification to all purchasers.* The manufacturer shall send the following notice to every purchaser of the commodities covered by this order at or before the time of the first invoice after the adjustment granted by this order is put into effect:

Order No. 647 under Revised Supplementary Order No. 119 authorizes a 24.3 percent increase in October 1, 1941 net prices for sales of aluminum and copper stove connectors manufactured by this company.

Resellers (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their existing maximum prices the actual dollars-and-cents increase in cost resulting from the adjustment granted by Order No. 647.

(d) All prayers for relief not granted herein are denied.

(e) This order may be amended or revoked by the Price Administrator at any time.

This order shall become effective June 11, 1946.

Issued this 10th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9811; Filed, June 10, 1946; 11:51 a. m.]

[SO 133, Rev. Order 16]

PETERSON ART FURNITURE CO.  
ADJUSTMENT OF MAXIMUM PRICES

Order No. 16 under Supplementary Order No. 133 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith, and filed

with the Division of the Federal Register, and pursuant to Supplementary Order No. 133; it is ordered:

(a) *Manufacturer's maximum prices.* Peterson-Art Furniture Company, Faribault, Minn., may increase its maximum prices properly established under Maximum Price Regulation No. 188 (exclusive of any adjustment charges), for articles of household furniture which it manufactures by 13.6 percent of each such maximum price.

(b) *Resellers' ceiling prices.* Resellers of articles which the manufacturer has sold at an adjusted ceiling price determined under this order shall determine their maximum prices as follows:

(1) A retailer who must determine his ceiling price under Maximum Price Regulation No. 580 and a wholesaler who must determine his ceiling prices under Maximum Price Regulation No. 590, shall compute their ceiling prices in the manner provided by these regulations. However, if the supplier's invoice states both an "unadjusted maximum price" and a selling price, the reseller shall compute his ceiling prices under these regulations as they have been modified by Order No. 4800 under § 1499.159b of Maximum Price Regulation No. 188.

(2) A reseller who determines his maximum resale price under the General Maximum Price Regulation, and whose supplier's invoice states both an "unadjusted maximum price" and a selling price, shall compute his ceiling prices under that regulation as modified by Order No. 4800 under § 1499.159b of Maximum Price Regulation No. 188.

If his supplier's invoice does not state an "unadjusted maximum price", the reseller shall calculate his ceiling prices by adding to his invoice cost the same percentage mark-up which he had on the "most comparable article" for which he has a properly established ceiling price. For this purpose, the "most comparable article" is the one which meets all of the following tests:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same class of supplier.

(iii) Both it and the article being priced belong to a class of article to which, according to customary trade practices, an approximately uniform percentage mark-up is applied.

(iv) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form 620-759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

If the maximum resale price cannot be determined under the above method, the reseller shall apply to the Office of Price Administration for the establishment of a ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's

prices as adjusted in accordance with this order.

(3) The provisions of Supplementary Order No. 153 shall not apply to the determination of ceiling prices for resales of articles covered by this order.

(c) *Terms of sale.* Ceiling prices adjusted by this order are subject to each seller's terms, discounts, and allowances on sales to each class of purchaser in effect during March 1942, or thereafter, properly established under Office of Price Administration regulations.

(d) *Notification.* At the time of, or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted maximum prices for resale of the articles. This notice may be given in any convenient form.

(e) The manufacturer shall file the report described in Section 5 of Supplementary Order No. 133 with the Office of Price Administration, Washington 25, D. C., and shall comply with the invoicing and reporting provisions of Order No. 4800 under Maximum Price Regulation No. 188.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) This order shall become effective on the 10th day of June 1946.

Issued this 10th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9812; Filed, June 10, 1946; 11:49 a. m.]

[MPR 168, Order 503]

PACIFIC MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *it is ordered:*

(a) This order establishes maximum prices for sales and deliveries of the model 50 WA portable air conditioner manufactured by the Pacific Manufacturing Company, 5308 Blanche Avenue, Cleveland 4, Ohio.

(1) For all sales and deliveries to the following classes of purchasers by all sellers the maximum prices are those set forth below:

Article	Maximum prices to—			
	Wholesalers	Retailers		Ultimate consumers
		Class A	Class B	
Model 50 WA 1/2 H. P. self-contained air conditioner.....	\$175	\$189	\$210	\$350

The ceiling prices for sales by the manufacturer to persons other than consumers are f. o. b. factory. The ceiling prices for sales by wholesalers are f. o. b. seller's city.



The ceiling price for sales to ultimate consumers includes delivery, installation and a one year warranty against all defects in parts and workmanship, and a three-year warranty on the compressor unit and motor.

These maximum prices are for the articles described in the manufacturer's application dated April 30, 1946.

A Class A retailer is a retailer who also acts as a wholesaler in areas not served by wholesalers and who carries a stock of air conditioners in order to fill the needs of other retailers to whom he resells. A Class B retailer is any retailer not in Class A.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. These prices are subject to each seller's customary terms and conditions of sales on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. The tag or label shall contain the manufacturer's name, the model designation of the machine, its OPA retail ceiling price and a statement that the price includes delivery, installation and a one year warranty against all defects in parts and workmanship and a three year warranty on the compressor unit and motor, and a statement that the tag or label may not be removed until the air conditioner is sold to an ultimate consumer.

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 11th day of June 1946.

Issued this 10th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9798; Filed, June 10, 1946; 11:44 a. m.]

[MPR 591, Order 587]

ZER-O-AIRE Co.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed

with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; It is ordered:

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following Farmer Freezer manufactured by the Zer-O-Aire Company of Des Moines, Iowa and as described in the application dated April 17, 1946 which is on file with the Prefabrication and Building Equipment Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

	On sales to—		
	Distributors	Dealers	Consumers
Model 17-FS: 17 cu. ft. 1/2 h. p. condensing unit.....	\$297.50	\$357.00	\$595.00

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: \$6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class of comparable sales of similar commodities in the same general category on October 1, 1941.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except dealers, including allowable transportation and crating charges.

(f) The Zer-O-Aire Company of Des Moines, Iowa shall stencil on the inside of lid or cover of the farm freezer covered by this order, substantially the following:

OPA Maximum Retail Price \$595.00

Plus freight and crating as provided in Order No. 587 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 11, 1946.

Issued this 10th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9801; Filed, June 10, 1946; 11:50 a. m.]

[MPR 591, Order 588]

C. F. CHURCH Mfg. Co.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 13 of Maximum Price Regulation No. 591; It is ordered:

(a) The maximum net prices, f. o. b. point of shipment on sales by any person to plumbing and heating contractors, installers, commercial and industrial users for the following toilet seats manufactured by the C. F. Church Manufacturing Company of Holyoke, Mass., shall be:

Plate No.:	
800.....	\$5.70
840.....	6.40
850.....	5.10
860.....	7.20
870.....	5.70
880.....	7.95
885.....	6.60
890.....	8.70
895.....	7.40

(b) The maximum net prices, f. o. b. point of manufacture, for sales by any person to plumbing and heating jobbers of the toilet seats covered by this order shall be the maximum prices set forth in (a) above less a discount of 20 percent.

(c) In addition to the discount provided for in (b) above, the maximum prices established by this order are subject to discounts, allowances including transportation allowances, and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(d) The maximum prices for sales on an installed basis of the commodities covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(e) Each seller of the commodities covered by this order, except on sales to consumers, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order and the maximum prices established for such purchasers upon resale.

This order shall become effective June 11, 1946.

Issued this 10th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9802; Filed, June 10, 1946; 11:50 a. m.]

[MPR 591, Order 589]

NATIONAL MFG. Co.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; It is ordered:

(a) The maximum prices for sales by any person to consumers of the following water softeners manufactured by National Manufacturing Company of Van-

port City, Oreg., and described in its application dated April 16, 1946, shall be:

Twin unit, solo valve, water softener, 40,000 grains capacity, welded steel tanks..... \$209.00

(b) The maximum net price f. o. b. point of shipment for sales by any person shall be the maximum price specified in (a) above less the following discounts:

(1) On sales to dealers, a discount of 40 percent;

(2) On sales to jobbers, successive discounts of 40% and 20%.

(c) The maximum prices established by this order are subject to such further cash discounts, transportation allowances and price differentials at least as favorable as those which each seller extended or rendered or would have extended or rendered during March 1942 on sales of commodities in the same general category.

(d) The maximum prices on an installed basis of the commodities covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(e) Each seller covered by this order, except on sales to consumers shall notify each of his purchasers, in writing at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers except dealers upon resale.

(f) National Manufacturing Company shall attach to each water softener covered by this order a tag containing the following:

OPA Maximum Retail Price—  
Not Installed \$-----  
(Do Not Detach)

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 11, 1946.

Issued this 10th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9803; Filed, June 10, 1946; 11:50 a. m.]

[MPR 599, Order 20]

GENERAL MOTORS CORP.

APPROVAL OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 11a of Maximum Price Regulation No. 599; *It is ordered:*

(a) This order establishes ceiling prices for sales of automobile radios sold by the Cadillac Motor Car Division of General Motors Corporation which are already installed or are to be installed in motor cars of its manufacture.

(b) The ceiling prices for sales of the Cadillac Motor Car Division of General Motors Corporation, its distributors and dealers, of the radios listed below are the prices set forth opposite the radio for sales to each class of purchaser under the terms and conditions of sale specified.

Article	Model No.	Ceiling prices to—					
		Distributors		Dealers		Consumers	
		Un-installed	In-stalled	Un-installed	In-stalled	Un-installed	In-stalled
Auto radio.....	7253207	Each \$42.09	Each \$45.79	Each \$46.60	Each \$50.30	Each \$66.44	Each \$70.14

These ceiling prices are subject to the same terms and conditions of sale including provision for transportation charges to which ceiling prices of extra or optional equipment or accessories sold by the Cadillac Motor Car Division of General Motors Corporation, are subject under the provisions of Maximum Price Regulation 594, 452, 453 and orders thereunder. If those regulations or orders do not expressly cover a particular type of sale, these ceiling prices are subject to the seller's customary terms, discounts, allowances, and other differentials for such a sale. The ceiling prices on an installed basis include all allowable installation charges for the radio alone. The ceiling prices on an installed and uninstalled basis do not cover the cost of installation charges for the antenna.

(c) The ceiling prices fixed by this order are exclusive of Federal excise taxes. In addition to these ceiling prices each seller may collect the amount of the Federal excise taxes. State and local taxes may also be collected.

(d) Sellers of the radios covered by this order are not required to comply with the tagging requirements of Maximum Price Regulation No. 599 but at the time of or prior to the first invoice to a purchaser for resale of such radio each seller shall notify the purchaser of the ceiling prices, terms and conditions of sale established by the order.

(e) *Description.* (1) Auto radio, Model No. 7253207 is a 7 tube, battery power radio with an 8" permanent magnet type of speaker, all in a metal case, 9 1/8 x 9 27/32" x 8 21/32", designed for installation in an automobile manufactured by the Cadillac Motor Car Division of General Motors Corporation.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 10th of June 1946.

Issued this 10th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9806; Filed, June 10, 1946; 11:52 a. m.]

[SO 142, Order 134]

LANDIS MACHINE CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 134 under Supplementary Order 142. Adjustment provisions for sales of industrial machinery and equipment. Docket No. 6083-SO 142-136-444.

For the reasons set forth in an opinion issued simultaneously, herewith and filed with the Division of the Federal Register

and pursuant to section 2 of Supplementary Order No. 142; *It is ordered:*

(a) The maximum prices for sales by Landis Machine Company, St. Louis, Mo., of all its products, which are covered by any of the regulations listed in Supplementary Order No. 142, shall be determined by increasing by 5.3% the maximum prices for these products in effect just prior to the issuance of this order.

(b) The maximum prices for sales by resellers of the products described in paragraph (a) above shall be determined as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class, just prior to the issuance of this order, by the percentage by which his net invoiced cost has been increased by reason of this order.

(c) The Landis Machine Company, St. Louis, Mo., shall notify each purchaser, who buys the products listed in paragraph (a) above for resale of the percentage by which his order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 11, 1946.

Issued this 10th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9813; Filed, June 10, 1946; 11:51 a. m.]

[Rev. SO 119, Order 249]

CHICAGO ELECTRIC MFG. CO.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 15 and 16 of Revised Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's ceiling prices.* The Chicago Electric Manufacturing Company, 6333 West 65th Street, Chicago, Illinois, may compute its adjusted ceiling prices for all articles of its electric fan line which it manufactures, as follows:

(1) For an article in its line during June 1941, the adjusted ceiling price is the highest price charged during that month to each class of purchaser increased by 40 percent.

(2) For an article not in its line during June 1941, but which has a properly established ceiling price, in effect before



the effective date of this order, the adjusted ceiling price is the article's properly established ceiling price for the particular sale (exclusive of all permitted increases or adjustment charges) increased by the percentage determined in accordance with "Note 3" in section 8 of Revised Supplementary Order No. 119.

(3) For an article which is first offered for sale after the effective date of this order, the adjusted ceiling price is the maximum price hereafter properly determined or established in accordance with Maximum Price Regulation No. 188; and prices so fixed may not be increased under this order.

(4) The manufacturer's adjusted ceiling price fixed in accordance with this order is his new ceiling price if it is higher than his previously established ceiling price including all increases and adjustments otherwise authorized for him individually or for his industry.

(b) *Ceiling prices of purchasers for resale.* Ceiling prices of purchasers for resale of electric fans whose ceiling prices were determined in accordance with paragraph (a) of this order shall be determined by Chicago Electric Manufacturing Company in accordance with Order No. 6 under § 1499.159e of Maximum Price Regulation No. 188.

(c) The provisions of Supplementary Order No. 153 shall have no application to any sale or delivery of any article whose manufacturer's ceiling price was established under this order.

(d) All requests contained in the application for price adjustment filed by Chicago Electric Manufacturing Company on February 14, 1946, and all

amendments and additions thereto, not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 10th day of June 1946.

Issued this 10th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9838; Filed, June 10, 1946; 4:39 p. m.]

[MPR 64, Rev. Order 286]

AMERICAN STOVE CO.

APPROVAL OF MAXIMUM PRICES

Order 286 under Maximum Price Regulation No. 64 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 11 of Maximum Price Regulation No. 64; *It is ordered:*

(a) This order establishes maximum prices for sales of certain models of gas ranges manufactured by the American Stove Company, 4301 Perkins Avenue, Cleveland 3, Ohio.

(1) For sales in each zone by retail dealers to ultimate consumers the maximum prices, including the Federal excise tax but not including any State or local taxes imposed at the point of sale, are those set forth below:

Model and article	Maximum price for sales to ultimate consumers			
	Zone 1	Zone 2	Zone 3	Zone 4
37101-14 without covers—gas range.....	\$178.50	\$183.00	\$185.00	\$202.00
37201-14 without covers—gas range.....	190.50	195.25	197.25	214.50
37201-13 without covers—gas range.....	219.50	224.25	226.25	244.00
37201-44 without covers—gas range.....	202.50	207.00	209.25	226.50
37201-54 without covers—gas range.....	202.50	207.00	209.25	226.50
37201-53 without covers—gas range.....	231.50	236.25	238.25	255.50
37301-14 without covers—gas range.....	136.50	139.75	142.50	156.00
37301-13 without covers—gas range.....	166.00	167.75	172.00	185.25
7101-14 without covers—gas range.....	180.50	185.00	187.00	197.50
7201-14 without covers—gas range.....	162.50	167.25	169.25	180.25
7201-44 without covers—gas range.....	174.50	179.00	181.25	192.00
7301-14 without covers—gas range.....	122.50	124.75	128.50	135.75
5501-4 without covers—gas range.....	88.00	92.50	92.75	93.25
5701-4 without covers—gas range.....	101.50	106.50	107.00	107.75
5801-14 without covers—gas range.....	115.75	121.00	121.50	123.25
8001-0 without covers—bungalow.....	164.75	169.75	174.50	183.25
8406-11 without covers—combination.....	231.00	235.75	244.50	247.00
8206-0 without covers—combination.....	219.25	224.00	232.75	235.50

These prices include delivery and installation. If the retail dealer does not provide installation he shall compute his maximum price by subtracting \$9.00 in the case of gas bungalow or combination ranges and \$6.00 in the case of gas ranges not of the bungalow or combination type from his maximum price as shown above for sales on an installed basis. In all other respects these prices are subject to each seller's customary terms, discounts, allowances (other than trade-in allowances) and other price differentials in effect on sales of similar articles.

(b) The manufacturer shall, before delivering any range covered by this order, after the effective date thereof, attach securely to the inside oven door panel a label which plainly states the OPA retail ceiling prices established by

this order for sales of the range to ultimate consumers in each zone together with a list of the States included in each zone. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation, and that if the seller does not provide installation, the maximum price is \$9.00 less than the price shown on the label if the range is of the bungalow or combination type and \$6.00 less than the price shown on the label if the range is not of the bungalow or combination type.

(c) For purposes of this order Zones 1, 2, 3, and 4 comprise the following states:

Zone 1. Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Maryland, Delaware, Virginia, West Virginia,

Ohio, Indiana, Michigan, Kentucky, Illinois, Wisconsin, Iowa, Missouri and the District of Columbia.

Zone 2. North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota and Minnesota.

Zone 3. Montana, Idaho, Wyoming, Utah, Colorado and New Mexico.

Zone 4. Washington, Oregon, California, Nevada and Arizona.

(d) This revised order may be revoked or amended by the Price Administrator at any time.

(e) This revised order shall become effective on the 17th day of June, 1946.

Issued this 10th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9835; Filed, June 10, 1946; 4:38 p. m.]

[MPR 592, Amdt. 45 to Order 1]

VITRIFIED CLAY SEWER PIPE AND ALLIED PRODUCTS

ADJUSTMENT OF MAXIMUM PRICES

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. 1 is amended in the following respects:

1. Section 3.1 (c) is amended to delete all references to the state of Texas, and that part of Louisiana, West of the Mississippi River.

2. Section 3.1 (c) (2) is amended to delete all references to section 9.4 of Revised Maximum Price Regulation 206.

3. A new section 3.1 (d) is added to read as follows:

(d) *Maximum prices for manufacturers in the South Central Area.* A manufacturer's maximum prices for vitrified clay sewer pipe and allied products, except as covered by Revised Maximum Price Regulation 206, produced in the state of Texas, and that part of Louisiana, West of the Mississippi River, shall be increased in accordance with either of the following pricing methods.

(1) By adding an amount not in excess of 16.7 percent to the highest prices charged during the month of March 1942 for the same quality, kind and quantity of sewer pipe products, delivered to purchasers of the same class, or,

(2) By adding amounts not in excess of such amounts as may be required to maintain discount differentials between prices established under this subdivision and those established by section 9.4 of Revised Maximum Price Regulation No. 206, as amended, at least as favorable as those existing during the month of March 1942 for the same quality, kind and quantity of sewer pipe products delivered to producers of the same class.

This amendment shall become effective June 10, 1946.

Issued this 10th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9837; Filed, June 10, 1946; 4:38 p. m.]

[MPR 61, Order 13]

**LEATHER PRODUCED FROM RAW GOAT OR RAW KID SKINS IMPORTED INTO THE CONTINENTAL UNITED STATES AND PURCHASED BY RECONSTRUCTION FINANCE CORPORATION UNDER A PUBLIC PURCHASE PLAN**

**ADJUSTMENT OF MAXIMUM PRICES**

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 19 of Maximum Price Regulation 61, *It is ordered:*

(a) Except as provided in paragraph (2) of this order, the maximum prices of leather produced from raw goat or raw kid skins imported into the continental United States and purchased by the Reconstruction Finance Corporation under a public purchase plan, may be adjusted by adding a surcharge as follows:

(1) For all leather sold and delivered on or after June 7, 1946:

(i) A producer shall compute his adjusted maximum price in the following manner:

*Step 1.* Take his unit price not exceeding the maximum price established under section 4 or 11 of Maximum Price Regulation 61 and multiply it by the number of units sold to determine his invoice price for each item of such leather.

*Step 2.* Add all invoice prices of each item of such leather being sold and for which he is authorized to adjust his price pursuant to the terms of this order to determine his total invoice price for all of such items being sold.

*Step 3.* Add to the total invoice price determined under Step 2 an amount equal to 10% of such price.

To illustrate: *Example 1.*

Assume a sale by a producer of certain leather produced from raw goat or raw kid skins and other leather as follows:

Cowhide leather G	3,000 sq. ft. @ 30¢ ft.	.....	\$900
Calfskin leather H	2,000 sq. ft. @ 40¢ ft.	.....	\$800
Kidskin leather X	5,000 sq. ft. @ 20¢ ft.	.....	\$1,000
Kidskin leather Y	6,000 sq. ft. @ 25¢ ft.	.....	\$1,500
Goatskin leather Z	1,000 sq. ft. @ 50¢ ft.	.....	\$500
Total Invoice price for adjustment		.....	3,000
OPA surcharge of 10 percent for raw goat and raw kid skin cost increase		.....	300 3,300
Total		.....	5,000

<sup>1</sup> No adjustment on these items.

<sup>2</sup> Invoice price for adjustment.

(ii) A seller (other than a producer) whose maximum price is established under section 6 (other than paragraph 6 (d)), 7 (other than paragraph 7 (a)), 9 or 11 of Maximum Price Regulation 61 may add an amount equal to 9% of his total invoice price for the leather covered by this order, determined in the same manner as specified in (i), above.

(iii) A seller who pursuant to section 6 (d) of Maximum Price Regulation 61 sells or delivers any leather covered by this order shall compute his adjusted maximum price in the following manner:

*Step 1.* Determine the net invoice cost of such leather before term discounts and exclusive of the surcharge permitted to his supplier under the provisions of this order. Net invoice cost shall not exceed his supplier's maximum price established under section 4 or 7 (d) of Maximum Price Regulation 61.

*Step 2.* Add to the amount determined under step 1 a markup of 1 cent per pound

or per square foot of such leather or per pair of cut soles or 7½% of his invoice cost as determined in step 1 to get his total invoice price.

*Step 3.* Add to the amount determined under step 2 an amount equal to 9% of the total invoice price.

To illustrate: *Example 2.*

Assume that the leather in Example 1 was sold to a jobber who wishes to resell a portion of such leather at 7½% markup under section 6 (d) as follows:

[No adjustment on this item]	
Cowhide leather G 1000 sq. ft.	
@ 30¢/ft.....	\$300.00
Markup of 7½%.....	22.50
Kidskin leather X 2000 sq. ft.	
@ 20¢/ft.....	\$400.00
(net invoice cost to jobber of leather on which adjustment is to be made)	
Markup of 7½%.....	30.00
	430.00
OPA surcharge of 9% for raw goat and raw kid skin cost increase.....	38.70 468.70
Total.....	791.20

(2) No seller may sell or deliver leather covered by this order at a maximum price adjusted under paragraph (a) (1), above, unless, in connection with each sale or delivery, the seller furnishes to the purchaser an invoice or similar document showing, in addition to all the information required by section 12, of Maximum Price Regulation 61, the following:

(i) The total invoice price exclusive of the surcharge authorized by this order.

(ii) The percentage by which he has increased the total invoice price in accordance with the terms of paragraph (1) of this order. This percentage must be designated on the invoice as: "OPA surcharge of —% for raw goat and raw kid skin cost increase" (the proper percentage shall be inserted in the blank space). Such percentage shall be stated at the foot of the invoice for the item, or, if there is more than one item, then for the entire group of items for which an adjustment is made, in which case the item or entire group of items increased by the same percentage shall be clearly indicated.

(iii) The dollar-and-cents amount of the surcharge added and stated as a separate item.

(3) Term discounts shall be deducted from the total amount of the adjusted invoice price.

(b) This order may be amended or revoked at any time by the Office of Price Administration.

(c) This Order No. 13 shall become effective June 7, 1946.

Issued this 7th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9718; Filed, June 7, 1946; 4:10 p. m.]

[RMPR 161, Order 54]

WEST COAST LOGS

ADJUSTABLE PRICING ORDER

The Housing Expediter has announced that a premium payment program will

be put into effect during the month of June, 1946, for peeler grade logs of the species covered by RMPR 161 delivered to plywood manufacturers. The provisions of this program will be effective June 1, 1946. The Housing Expediter has advised the Price Administrator that there is a strong likelihood that this program will permit plywood manufacturers participating in this program to pay their peeler grade log suppliers a bonus over the presently existing maximum prices for this commodity. Peeler logs are urgently needed for construction under the emergency housing program. It appears that authorization to suppliers of peeler logs of species covered by RMPR 161 to use adjustable pricing, pending action by the Office of Price Administration amending RMPR 161 to provide a method by which maximum prices will be in line with the Housing Expediter's program, is necessary to promote the production and distribution of peeler grade logs to manufacturers of plywood. The granting of such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

After due consideration of the foregoing and pursuant to § 1381.159 (b) of Revised Maximum Price Regulation 161 (West Coast Logs); *It is ordered:*

(a) Any person may sell and deliver peeler grade logs subject to RMPR 161 to plywood manufacturers who qualify under the Housing program and such plywood manufacturers may buy and receive such logs from such persons, at prices adjustable upward in accordance with action taken by the Office of Price Administration after delivery.

(b) Persons who make sales of peeler grade logs under this order may collect and plywood manufacturers may pay no higher than the maximum prices currently in effect for such logs pending action by the Office of Price Administration establishing new maximum prices.

(c) This order shall be automatically revoked upon the establishment by the Office of Price Administration of a provision in line with the Housing Expediter's program.

(d) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective as of June 1, 1946.

Issued this 10th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9836; Filed, June 10, 1946; 4:38 p. m.]

[MPR 220, Amdt. 1 to Rev. Order 117]

CERTAIN RUBBER COMMODITIES

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1315.1560c of Maximum Price Regulation 220, *It is ordered:*

Paragraph (c) (2) (i) (a) is amended to read as follows:

(a) The maximum prices for sales by the manufacturer shall be the prices



specified for sales to the indicated classes of purchasers for the basic cap described in paragraph (b) above, plus the dollar-and-cents difference in the manufacturer's sales prices to each class of purchaser between that cap and the comparable basic cap as of March 1, 1942. For example, if the manufacturer on March 1, 1942, sold his basic aviator cap to chain stores at \$2.50 per dozen and his specialty aviator cap to chain stores at \$4.00 per dozen, his maximum price for sales to chain stores of the specialty aviator cap would be \$1.50, plus \$3.78, or \$5.28.

Where the difference in current factory costs between the basic cap and the cap being priced is greater than the dollar-and-cents base period difference in the manufacturer's sales prices of the basic cap and the cap being priced, the manufacturer may, as an alternative to the above price determining method, compute his maximum price by adding the dollar-and-cents difference between the current factory costs of the basic cap and the cap being priced, to the maximum prices established for such basic cap to each class of purchaser.

In determining prices under this subdivision (a), the cap being priced must be compared with the same type basic cap, price-wise or cost-wise as the case may be. Thus if the cap being priced is an aviator cap, it must be compared with the basic aviator cap.

This order shall become effective June 11, 1946.

Issued this 11th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9890; Filed, June 11, 1946;  
11:30 a. m.]

[MPR 594, Order 28]

CROSLY MOTORS, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 8 of Maximum Price Regulation 594, it is ordered:

(a) *Company sales to resellers.* Crosley Motors, Inc., Cincinnati, Ohio, hereinafter called "Company," is authorized to sell and deliver f. o. b. Marion, Indiana, to resellers, each new Crosley passenger automobile at a price not to exceed the total of the following applicable charges:

(1) *Charge for new automobile.* A charge for the new automobile not to exceed the applicable net wholesale price in the following schedule:

Description:	Net wholesale price
2-door Sedan.....	\$607

(2) *Charge for freight.* A charge for freight when prepaid by the Company not to exceed the rail freight charge at carload rates (except that when truckaway is used the charge may be the truckaway charge at truckload rate) for the transportation of the new automobile from Marion, Indiana by the most direct route to the point at which delivery is

made to the reseller including transportation tax at the current legal rate.

(3) *T & D expense.* A combination charge billed as "T & D" to cover Federal Excise Taxes and factory handling and delivery not to exceed \$50.00.

(4) *Advertising.* A charge for advertising not to exceed \$8.00.

(5) *Charge for retail drive-out servicing.* A charge not to exceed \$5.00 when the new automobile is prepared and conditioned for delivery at the factory to the purchaser from a dealer at retail.

(6) *Charge for State and local taxes.* A charge not to exceed State and local taxes, if any, directly imposed on the sale or delivery of the new automobile.

(7) *Charge for gas, oil and anti-freeze.* A charge for gasoline, oil and anti-freeze when supplied with the new automobile not to exceed the applicable maximum prices.

(b) The Company is authorized to sell to users each new passenger automobile described in paragraph (c) below at a price not to exceed the maximum price that a reseller in the area in which Company makes delivery is permitted to charge under paragraph (c).

(c) *Sales by resellers in the continental United States.* A reseller may sell and deliver at its place of business each of the new Crosley passenger automobiles listed in subparagraph (1) below at a price not to exceed the total of the following charges:

(1) *Charge for new automobile.* A charge for the new automobile not to exceed the applicable list price in the following schedule:

Description:	List price
2-door Sedan.....	\$749

(2) *Charge for freight—(i) When the transportation charge to reseller is prepaid.* A charge not to exceed the net invoice transportation charge for the new automobile including transportation tax at the current legal rate; or

(ii) *When transportation charge to reseller is not prepaid—(a) When delivery is by truckaway for the greater part of distance to place of delivery.* A charge not to exceed either the rail freight charge permitted by paragraph (b) below or a charge not to exceed the truckaway charge, at truckload rates, for the transportation of the new automobile by the most direct route from Marion, Indiana to the place at which delivery is made to the purchaser including transportation tax at the current legal rate; or

(b) *All other methods of delivery.* A charge not to exceed the rail freight charge at carload rate for the transportation of the new automobile by the most direct route from Marion, Indiana to the place at which delivery is made to the purchaser including transportation tax at the current legal rate.

(3) *T & D expense.* A combination charge billed as "T & D" to cover Federal Excise Taxes and factory handling and delivery not to exceed \$50.00.

(4) *Charge for preparing and conditioning.* A charge for preparing and conditioning the new automobile for delivery not to exceed \$10.00.

(5) *Charge for State and local taxes.* A charge for State and local taxes not to

exceed the reseller's expense for State and local taxes directly imposed on the sale and delivery of the new automobile.

(6) *Charge for gasoline, oil and anti-freeze.* A charge for gasoline, oil and anti-freeze supplied with the new automobile not to exceed applicable maximum prices.

(d) *Resellers in territories and possessions.* A reseller is authorized to sell each passenger automobile listed in paragraph (c) in a territory or possession of the United States at a price not to exceed the maximum price permitted by paragraph (c) for sales at retail, to which he may add a sum not to exceed the expense incurred by or charged to him for: Payment of territorial and insular taxes on the purchase, sale or introduction of the new automobile in the territory or possession, when not charged under paragraph (c); export premiums; boxing and crating for export purposes; assembly costs, if any; marine and war risk insurance; landing, wharfage and terminal operations; ocean freight; freight to port of embarkation, when not charged under paragraph (c); and inland territorial freight from port of embarkation to reseller's place of business by the most direct route.

(e) *Posting maximum prices and completing certificates of transfer.* In posting maximum prices in accordance with section 16 of Maximum Price Regulation 594, a reseller shall list a "Charge for T and D" (Federal Excise Taxes and factory handling and delivery) instead of a "Charge for Federal Excise Tax". In completing a certificate of transfer in accordance with section 15 of Maximum Price Regulation 594, a reseller shall insert in the space on that form reciting "Charge for Excise Tax", the charge for "T and D" (Federal Excise Taxes and factory handling and delivery) and shall substitute on the form in said space, the term "T and D" for the term "Excise Tax".

(f) All requests not granted herein are denied.

(g) This order may be amended or revoked by the Administrator at any time.

This order shall become effective June 11, 1946.

NOTE: All reporting and record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 11th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9897; Filed, June 11, 1946;  
11:28 a. m.]

[MPR 580, Amdt. 3 to Order 71]

NORTH STAR WOOLEN MILL CO.

ESTABLISHMENT OF MAXIMUM PRICES

MPR 580, Amendment 3 to Order No. 71. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-685.

For the reasons set forth in the opinion issued simultaneously herewith, Order 71 issued under section 13 of Maximum Price Regulation 580 on application

of North Star Woolen Mill Company, Minneapolis, Minnesota, is amended in the following respect:

1. The style name of the North Star blanket listed in paragraph (a), as amended, is changed from "Yukon" to "Itasca", the retail ceiling price remaining unchanged.

This amendment shall become effective June 12, 1946.

Issued this 11th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9891; Filed, June 11, 1946;  
11:30 a. m.]

[SO 94, Order 128]

USED BOOTS AND SHOES

SPECIAL MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *What this order does.* This order establishes maximum prices at which the used boots and shoes hereinafter described may be sold and delivered by the War Assets Administration or any other United States Government agency, and by any subsequent reseller.

(b) *Maximum prices.* The maximum prices per pair (f. o. b. shipping point) for the boots and shoes herein described shall be:

Description	Price for all sales to wholesaler	Price for all sales to retailer	Price for all sales to consumers
Used service boots, combat, full length composition sole, rebuilt, 10½" high, flesh cut leather, full rubber heel, natural color.....	\$1.55	\$1.95	\$3.25
Used service shoes, class "O" rebuilt (prisoner of war type), welt construction, blucher pattern, ½ bellows tongue, outside counter pocket, full toe, vamp unlined, grain cut (Federal Stock No. 72-S-68).....	1.80	2.25	3.75

(c) *Notification.* Any person who sells the boots or shoes described in paragraph (b) to a retailer shall furnish the retailer with an invoice of sale setting forth the maximum prices for sales at retail, and stating that the retailer is required by this order to attach to each pair of boots and shoes before sale a tag or label which plainly states a selling price not in excess of the appropriate ceiling price.

(d) *Tagging.* Any person who sells the boots or shoes described in paragraph (b) at retail shall attach to each pair of boots and shoes before sale a tag or label which plainly states a ceiling price not in excess of the appropriate ceiling price.

(e) *Relation to other regulations and orders.* This order with respect to the commodities it covers supersedes any other regulation or order previously issued by the Office of Price Administration.

(f) *Definitions.* (1) "Wholesaler" means any person who sells to purchasers for resale.

(2) "Retailer" means any person who sells to ultimate consumers.

(g) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective June 12, 1946.

Issued this 11th day of June 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-9898; Filed, June 11, 1946;  
11:30 a. m.]

Regional and District Office Orders.

[Region II 2d Rev. Order G-15 Under RMPR 122, Amtd. 2.]

SOLID FUELS IN BALTIMORE CITY AND BALTIMORE AND ANNE ARUNDEL COUNTIES, MD.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122; it is hereby ordered:

1. Paragraphs (d), (e) (1) and (e) (2) are amended by revising the schedule on prices for Briquettes to read as follows:

(d) *Schedule I: Sales on a "direct-delivery" basis.*

FOR SALES OF COAL OF THE KINDS AND SIZES, AND IN THE QUANTITIES SPECIFIED

Kind and size of coal	Per net ton	Per net ½ ton	Per 100 lbs. (for sales of 100 lbs. or more but less than ½ ton)
District VIII (high volatile)			
Briquettes (anthracite).....	\$13.05	\$7.05	\$0.75

Discounts and service charges remain the same.

(e) *Schedule II: "Yard sales".* (1) Sales at dealer's yard to consumers:

Kind and size of coal	Per net ton for sales of ½ ton or more	Per 100 lbs. (for sales of 100 lbs. or more but less than ½ ton)
District VIII (high volatile)		
Briquettes (anthracite).....	\$12.05	\$0.70

Discounts and service charges remain the same.

2. Sales at dealer's yard to other dealers for resale:

Kind and size of coal	Maximum price per net ton
District VII (low volatile):	
Briquettes (anthracite).....	\$9.35

This Amendment No. 2 to Second Revised Order No. G-15 shall become effective as of May 17, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued May 22, 1946

LEO F. GENTNER,  
Regional Administrator.

[F. R. Doc. 46-9739; Filed, June 7, 1946;  
4:17 p. m.]

[Buffalo Adopting Order 41 Under Basic Order 1 Under Gen. Order 68]

BUILDING AND CONSTRUCTION MATERIALS IN ROCHESTER, N. Y., AREA

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Regional Administrator of Region 2 by the Emergency Price Control Act of 1942 as amended, by General Order No. 68 as amended, and by Revised Procedural Regulation No. 1, which authority has been duly delegated by such Regional Administrator to the District Director, Buffalo District Office, it is hereby ordered:

SECTION 1. *What this order covers.* This adopting order under Basic Order No. 1 as amended, under General Order No. 68 as amended, covers sales by all persons to ultimate users or to purchasers for resale on an installed basis, of certain building materials listed in Schedule A hereto annexed and generally known as "hard mason materials". All provisions of Basic Order No. 1 as amended, under General Order 68 as amended, are adopted in this order and are just as much a part of this order as if specifically set forth herein. If Basic Order No. 1 as amended, is further amended in any respect, the provisions of said order as amended, shall likewise without further action, become part of this order. All persons subject to this adopting order are also subject to Basic Order No. 1 as amended under General Order 68 as amended, and should be familiar with the provisions of said order.

SEC. 2. *Territory covered by this order.* The geographical area covered by this order is the Rochester area consisting of the county of Monroe in the State of New York.

SEC. 3. *Maximum prices.* The maximum prices for the building materials covered by this order are set forth in Schedule A hereto annexed and made a part of this order. The prices fixed in Schedule A cover all sales in the territory covered by this order, regardless of the location of the place of business of the seller.

SEC. 4. *Discounts, allowances, and terms of sale.* Schedule A, annexed to and made a part of this order, fixes maximum yard prices and maximum delivered prices to purchasers for resale on an installed basis, and maximum delivered prices to ultimate users. All customary allowances, discounts, and differentials must be preserved.

SEC. 5. *Relationship of this order to Basic Order No. 1 as amended, under General Order No. 68 as amended, and to General Maximum Price Regulation, and other maximum price regulations.* As previously stated, all provisions of Basic Order No. 1 as amended, are



adopted by this order. The maximum prices fixed by this order supersedes any maximum price or pricing method previously established by the General Maximum Price Regulation, or by any other applicable regulation or order. Except to the extent that they are inconsistent with the provisions of this order, all other provisions of the General Maximum Price Regulation, or of any other applicable regulation or order shall remain applicable to sales covered by this order.

SEC. 6. Posting of maximum prices. Every seller making sales covered by this order shall post a copy of the list of maximum prices fixed by this order in each place of business within the area covered by this order.

SEC. 7. Record and sales slips—(a) Required information. The provisions of Section (e) of Basic Order No. 1 as amended, covering sales slips and records are adopted in and applicable to this order, as if specifically set forth herein, and also on any sale of \$25 or more, each seller, regardless of previous custom, must keep records showing at least the following:

- (1) Name and address of buyer.
- (2) Date of transaction.
- (3) Place of delivery.
- (4) Complete description of each item sold and price charged.

(b) Maximum prices for insufficiently described items. Where the seller's records or sales slip upon a sale of any commodity covered by this order in the area covered by this order, do not contain a sufficiently complete description to identify the exact nature, type, size, or quantity of the commodity, and thus determine the maximum price fixed by Schedule A of this order, the maximum price applicable to such sale shall be the lowest maximum price which can be computed under Schedule A of this order in accordance with the incomplete description.

SEC. 8. Revocation or amendment. This order may be revised, amended, revoked or modified at any time by the Office of Price Administration.

This order shall become effective May 13, 1946.

Issued this 7th day of May 1946.

T. J. REESE,  
District Director.

[Fort Worth SO 1 Under Gen. Order 68]

CERTAIN BUILDING MATERIALS IN FORT WORTH, TEX., DISTRICT

For the reasons set forth in the opinion issued simultaneously herewith and pursuant to the authority vested in the District Director of the Fort Worth District Office of the Office of Price Administration by General Order No. 68 and Regional Order of Delegation No. 126; It is ordered:

A. All persons making retail sales of certain commodities subject to general orders issued by the District Director of the Fort Worth District Office under General Order No. 68, which General Orders are listed in paragraph B of this order, may increase the maximum prices described in said order for commodities described in paragraph C of this order in the amount therein specified.

B. Orders affected. The provisions of this Supplementary Order shall apply to the following orders, as amended or revised, issued by the District Director of the Fort Worth District Office, such orders having been issued pursuant to the authority delegated by the Regional Administrator under General Order No. 68.

Order No.

(revised):	Area covered
G-1-----	Tarrant County, Tex.
G-2-----	Tom Green, Coke, Runnels, Irion, and Sterling Counties, Tex.
G-3-----	Taylor County, Tex.
G-4-----	Potter County, Tex.
G-5-----	Brown County, Tex.
G-6-----	Lubbock County, Tex.

C. The following amounts may be added to maximum prices established for commodities hereinafter specified by general orders named in paragraph B.

Description of commodity and unit of sales	Amount of increase which may be added
Felt, 15-lb. asphalt or tarred; roll, 432 sq. ft.	\$0.22
Felt, 30-lb. asphalt or tarred; roll, 216 sq. ft.	.22
Felt, 14-lb. asphalt or tarred; roll, 432 sq. ft.	.22
Felt, 12-lb. asphalt or tarred; roll, 432 sq. ft.	.19
Felt, 24-lb. asphalt or tarred; roll, 216 sq. ft.	.19
Roofing, asphalt, mineral surface:	
90-lb. roll; roll, 108 sq. ft.	.18
75-lb. roll; roll, 108 sq. ft.	.08
Roofing, asphalt, black smooth surface:	
75-lbs.; roll, 108 sq. ft.	.08
105-lbs.; roll, 108 sq. ft.	.10
35-lbs.; roll, 108 sq. ft.	.04
45-lbs.; roll, 108 sq. ft.	.04
55-lbs.; roll, 108 sq. ft.	.06
65-lbs.; roll, 108 sq. ft.	.08
Shingles, asphalt, 167-lb., 2 or 3 tab hexagon; 167-lb. square.	.16
Shingles, asphalt, 210-lb. to 220-lb. (3 in 1) thickbutt; 210-220 lbs. square.	.20
Shingles, asphalt, 250-lb., 15", thickbutt strips; 250-lb. square.	.23
Shingles, asphalt, 162-lb., Dutch lap, giant, with clips or staples; 162-lb. square.	.16
Insulation board, fibre, 2 1/2" asphalt sheathing; 100 sq. ft.	.40

SCHEDULE A—MAXIMUM PRICES FOR CERTAIN BUILDING AND CONSTRUCTION MATERIALS IN THE ROCHESTER AREA CONSISTING OF THE COUNTY OF MONROE IN THE STATE OF NEW YORK, ON SALES BY ALL PERSONS TO ULTIMATE USERS OR TO PURCHASERS FOR RESALE ON AN INSTALLED BASIS

Items	Maximum prices to purchasers for resale on an installed basis. (This includes contractors)		Maximum delivered prices to ultimate users. (This includes consumers)
	Delivered prices	Yard prices	
1. Plaster, hard wall.....	\$16.40 (ton) less 100 bags... \$15.90 (ton) 100 bags and over.	\$15.90 (ton).....	\$0.87 (bag 100 lb.).
2. Plaster, gauging.....	\$1.62 (bag).....	\$1.62 (bag).....	\$1.62 (bag).
3. Plaster, moulding.....	\$1.62 (bag).....	\$1.62 (bag).....	\$1.62 (bag).
4. Keene's cement.....	\$2.37 (bag).....	\$2.37 (bag).....	\$2.37 (bag).
5. Gypsum lath 3/8-inch.....	\$23.00 (per M ft.).....	\$23.00 (M ft.).....	\$0.75 (bundle 132 sq. ft.).
6. Finishing lime.....	\$21.00 (ton).....	\$19.00 (ton).....	\$0.60 (bag 50 lb.).
7. Metal lath 2.25 pounds.....	\$0.265 (yd.).....	\$0.265 (yd.).....	\$0.265 (yd.).
8. Metal lath 3.4 pound galvanized.....	\$0.295 (sq. yd.).....	\$0.295 (sq. yd.).....	\$0.295 (sq. yd.).
9. Metal lath 3.4 lb. painted diamond mesh.....	\$0.29 (sq. yd.).....	\$0.29 (sq. yd.).....	\$0.29 (sq. yd.).
10. Metal lath 2.5 lb. painted diamond mesh.....	\$0.245 (sq. yd.).....	\$0.245 (sq. yd.).....	\$0.245 (sq. yd.).
11. Waterproof cement (gray).....	\$4.00 (bbl.).....	\$3.80 (bbl.).....	\$1.00 (94 lb.).
12. Mason's hydrated lime.....	\$18.00 (ton).....	\$16.00 (ton).....	\$0.50 (50 lb. bag)
13. Masonry mortar (paper sacks).....	\$2.80 (bbl.).....	\$2.70 (bbl.).....	\$0.70 (bag 94 lb.).
14. Portland cement, standard.....	\$3.20 (bbl.).....	\$3.00 (bbl.).....	\$0.80 (bag 94 lb.).
15. Metal lath corner bead.....	\$0.05 (per ft.).....	\$0.05 (per ft.).....	\$0.05 (per ft.).
16. Gypsum block-partitions 3" hollow.....	\$0.09 (sq. ft.).....	\$0.09 (sq. ft.).....	\$0.09 (sq. ft.).
17. Gypsum block-partitions 4" hollow.....	\$0.095 (sq. ft.).....	\$0.095 (sq. ft.).....	\$0.095 (sq. ft.).
18. Clay Drain Tile—3".....	\$0.07 (ft.).....	\$0.07 (ft.).....	\$0.07 (ft.).
19. Clay Drain Tile—4".....	\$0.085 (ft.).....	\$0.085 (ft.).....	\$0.085 (ft.).
20. Clay Drain Tile—6".....	\$0.16 (per ft.).....	\$0.16 (per ft.).....	\$0.16 (per ft.).
21. Fire clay.....	\$1.25 (bag 100 lb.).....	\$1.25 (bag 100 lb.).....	\$1.25 (bag 100 lb.).
22. Fire brick 9" straight.....	\$85.00 (per M).....	\$85.00 (per M).....	\$0.09 (each)
23. Concrete block 8 x 8 x 16 (sand).....	\$0.15 (each).....	\$0.15 (each).....	\$0.15 (each)
24. Concrete block 8 x 8 x 16 (cinder).....	\$0.15 (each).....	\$0.15 (each).....	\$0.15 (each)
25. Flue lining 9 x 9.....	\$0.71 (each) 2 ft. length.....	\$0.71 (each) 2 ft. length.....	\$0.71 (each) 2 ft. length.
26. Flue lining 9 x 13.....	\$1.06 (each) 2 ft. length.....	\$1.06 (each) 2 ft. length.....	\$1.06 (each) 2 ft. length.
27. Flue lining 13 x 13.....	\$1.31 (each) 2 ft. length.....	\$1.31 (each) 2 ft. length.....	\$1.31 (each) 2 ft. length.
28. Gypsum wallboard 3/8".....	\$40.00 (per M ft.).....	\$40.00 (per M ft.).....	\$40.00 (per M ft.).
29. Gypsum wallboard 1/2".....	\$42.00 (per M ft.).....	\$42.00 (per M ft.).....	\$42.00 (per M ft.).
30. Vitrified clay sewer pipe No. 1SS-4".....	\$0.175 (per ft.).....	\$0.175 (per ft.).....	\$0.175 (per ft.).
31. Vitrified clay sewer pipe No. 1SS-6".....	\$0.265 (per ft.).....	\$0.265 (per ft.).....	\$0.265 (per ft.).
32. Fibre insulation board 1/2" lath and board.....	\$47.50 (per M ft.).....	\$47.50 (per M ft.).....	\$47.50 (per M ft.).
33. Thermal insulation batts (paper backed) 2" thick.....	\$42.00 (per M sq. ft.).....	\$42.00 (per M sq. ft.).....	\$42.00 (per M sq. ft.).
34. Thermal insulation batts (paper backed) full thick.....	\$58.00 (M sq. ft.).....	\$58.00 (M sq. ft.).....	\$58.00 (M sq. ft.).
35. Thermal insulation loose.....	\$1.30 (bag 35-40#).....	\$1.30 (bag 35-40#).....	\$1.30 (bag 35-40#)

D. Wherever applicable, the definition set forth in general orders, as amended or revised, described in paragraph B, are incorporated by reference and made a part of this order.

This Supplementary Order No. 1 may be amended or revoked at any time.

This Supplementary Order No. 1 shall become effective on the 23d day of May 1946.

Issued at Fort Worth, Texas, this 23d day of May 1946.

E. B. HOLLOWAY,  
District Director.

[F. R. Doc. 46-9740; Filed, June 7, 1946; 4:17 p. m.]

[Newark Order G-1 Under MPR 592 and Adopting Order 42 Under Basic Order 1 Under Gen. Order 68]

CONCRETE AND CINDER BLOCKS IN NORTHERN NEW JERSEY AREA

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942 as amended, by General Order 68 as amended, by section 23 of MPR 592, and by Revised Procedural Regulation No. 1, which authority has been duly delegated to such Regional Administrator to the District Director, Newark District Office, it is hereby ordered:

SECTION 1. *What this order covers.* This adopting order under Basic Order No. 1 as amended, under General Order 68 as amended, covers sales by all persons to ultimate users or to purchasers for resale on an installed basis, of concrete and cinder blocks. All provisions of Basic Order No. 1, as amended under General Order No. 68 as amended are adopted in this order and are just as much a part of this order as if specifically set forth herein. If said Basic Order No. 1, as amended, is further amended in any respect the provisions of said order as amended, shall likewise without further action become part of this order. All persons subject to this adopting order are also subject to Basic Order No. 1, as amended, under General Order 68 as amended and should be familiar with the provisions of said order. This order also covers sales by manufacturers of concrete and cinder blocks to resellers.

SEC. 2. *Territory covered by this order.* The geographical area covered by this order consists of the counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren, all in the State of New Jersey.

SEC. 3. *Maximum prices.* The maximum prices for concrete and cinder blocks of the types and sizes specified therein are set forth in Schedule A hereto annexed and made a part of this order. The prices stated in this Schedule are applicable to all sales in the area

covered by this order regardless of the location of the seller's place of business.

SEC. 4. *Discounts, allowances, and terms of sale.* The delivery conditions, terms of sale, discounts and differentials, are set forth in Schedule A hereto annexed.

SEC. 5. *Relationship of this order to Basic Order No. 1 as amended, under General Order 68 as amended, and to Maximum Price Regulation 592, the General Maximum Price Regulation, and other maximum price regulations.* As to sales by all persons to ultimate users or to purchasers for resale on an installed basis, all provisions of Basic Order No. 1 as amended, are adopted by this order. The maximum prices fixed by this order supersede any maximum prices or pricing previously established by MPR 592, the General Maximum Price Regulation or any other applicable regulation. Except to the extent that they are inconsistent with the provisions of this order, all other provisions of MPR 592, the GMPR, or any other applicable regulation shall remain applicable to sales covered by this order.

SEC. 6. *Posting of maximum prices.* Every seller making sales covered by this order shall post a copy of the applicable list of maximum prices fixed by this order in each of his places of business within any of the counties covered by this order.

SEC. 7. *Records and sales slips—(a) Required information.* The provisions of section (e) of Basic Order No. 1, as amended, covering sales slips and records are adopted in and applicable to this order as though specifically set forth herein, and also, on any sale of \$25.00 or more, each seller, regardless of previous custom, must keep records showing at least the following:

- (1) Name and address of buyer.
- (2) Date of transaction.
- (3) Place of delivery.
- (4) Complete description of each item sold and price charged.

(b) *Maximum prices for insufficiently described items.* Where the seller's records or sales slips upon a sale of concrete or cinder blocks covered by this order do not contain a sufficiently complete description to identify the size and type of block, and thus determine the maximum price fixed by Schedule A of this order, the maximum price applicable to such sale shall be the maximum price of the lowest price, size and type of block listed in Schedule A, to which the incomplete description could apply. In the absence of any description, the maximum price shall be the lowest price that can be computed under Schedule A of this order.

SEC. 8. *Revocation or amendment.* This order may be revised, amended, revoked or modified at any time by the Office of Price Administration.

This order shall become effective June 10, 1946.

Issued this 23th day of May 1946.

R. J. TARRANT,  
District Director.

SCHEDULE A—MAXIMUM PRICES FOR SALES BY ALL PERSONS TO ULTIMATE USERS OR TO PURCHASERS FOR RESALE ON AN INSTALLED BASIS

Block size (inches)	Cinder blocks (lightweight units)		Concrete block (heavyweight units)	
	Yard	Delivered	Yard	Delivered
<b>8 x 8 x 16</b>				
Regular.....	\$0.16	\$0.18	\$0.16	\$0.18½
Corner.....	.18	.20	.18	.20½
Steel sash.....	.20	.22	.20	.22½
Double corner.....	.22	.24	.22	.24½
Corner sash.....	.22	.24	.22	.24½
Semisolid.....	.22	.25	.22	.25½
Solid.....	.25	.29	.25	.31
Rock face.....			.30	.32½
Rock face corner.....			.32	.34½
Rock face double corner.....			.35	.37½
<b>8 x 8 x 8</b>				
Regular.....	.12	.13	.12	.13½
Corner.....	.13	.14	.13	.14½
Steel sash.....	.14	.15	.14	.15½
Corner sash.....	.15	.16	.15	.16½
Rock face.....			.18	.19½
Rock face corner.....			.20	.21½
<b>10 x 8 x 16</b>				
Regular.....	.20	.22½	.20	.23
Corner.....	.22	.24½	.22	.25
Steel sash.....	.24	.26½	.24	.27
Corner sash.....	.26	.28½	.26	.29
Semi solid.....	.26	.30	.26	.31
Solid.....	.29	.34	.29	.33
<b>10 x 8 x 8</b>				
Regular.....	.14	.15½	.14	.15½
Corner.....	.15	.16½	.15	.16½
Steel sash.....	.16	.17½	.16	.17½
Corner sash.....	.17	.18½	.17	.18½
<b>12 x 8 x 16</b>				
Regular.....	.22	.25	.22	.25½
Corner.....	.24	.27	.24	.27½
Steel sash.....	.26	.29	.26	.29½
Corner sash.....	.28	.31	.28	.31½
Semi solid.....	.28	.32	.28	.33
Solid.....	.32	.37	.32	.38
<b>12 x 8 x 8</b>				
Regular.....	.15	.16½	.15	.16½
Corner.....	.16	.17½	.16	.17½
Steel sash.....	.17	.18½	.17	.18½
Corner sash.....	.18	.19½	.18	.19½
<b>8 x 8 x 15</b>				
Regular.....	.18	.20		
Corner.....	.20	.22		
Steel sash.....	.22	.24		
Double corner.....	.24	.26		
Corner sash.....	.26	.28		
Semisolid.....	.26	.29		
Solid.....	.29	.33		
Unit bucket.....	.22	.24		
<b>8 x 8 x 9</b>				
Regular.....	.13	.14		
Corner.....	.14	.15		
Steel sash.....	.15	.16		
Corner sash.....	.16	.17		
<b>10 x 8 x 18</b>				
Regular.....	.22	.24½		
Corner.....	.24	.26½		
Steel sash.....	.26	.28½		
Corner sash.....	.28	.30½		
Semisolid.....	.28	.32		
Solid.....	.31	.36		
<b>10 x 8 x 9</b>				
Regular.....	.15	.17½		
Corner.....	.16	.17½		
Steel sash.....	.17	.18½		
Corner sash.....	.18	.19½		
<b>Miscellaneous sizes</b>				
2 x 8 x 18 split.....	.07	.07½	.07	.08
2 x 8 x 18 solid.....	.09	.10½	.09	.11
3 x 8 x 18 hollow.....	.11	.12½	.11	.13
4 x 8 x 12 solid.....	.14	.15½	.14	.16½
4 x 8 x 16 hollow.....	.11	.12½	.11	.13
4 x 5 x 16 solid.....	.16	.18	.16	.18½
4 x 8 x 18 hollow.....	.11	.12½	.11	.13



SCHEDULE A—MAXIMUM PRICES FOR SALES BY ALL PERSONS TO ULTIMATE USERS OR TO PURCHASERS FOR RESALE ON AN INSTALLED BASIS—Continued

Block size (inches)	Cinder blocks (lightweight units)		Concrete blocks (heavyweight units)	
	Yard	Delivered <sup>1</sup>	Yard	Delivered <sup>1</sup>
<b>Miscellaneous Sizes—Continued</b>				
4 x 8 x 18 solid	\$.17	\$.19	\$.17	\$.19½
6 x 8 x 18 hollow	.16	.18	.16	.18½
12 x 8 x 12 pier	.28	.31	.28	.31½
½ chimney block, 8" flue	.30	.32	.30	.32½
Full chimney block, 8" flue	.60	.64	.60	.64½
Lintels 4 x 8, reinforced, per ft.	.55	.57		
<b>12 x 8 x 18</b>				
Regular	.24	.27		
Corner	.26	.29		
Steel sash	.28	.31		
Corner sash	.30	.33		
Semi solid	.30	.34		
Solid	.35	.40		
<b>12 x 8 x 9</b>				
Regular	.16	.17½		
Corner	.17	.18½		
Steel sash	.18	.19½		
Corner sash	.19	.20½		

NOTE: The above prices, delivery charges and terms of sale apply to all sales by manufacturers to dealers who purchase for resale, except that such prices are subject to a trade discount of 10% on all prices.

<sup>1</sup> Delivered prices within 10 miles of the seller's yard. Additional charge of one-half cent per block for each additional 5 miles.

[F. R. Doc. 46-9736; Filed, June 7, 1946; 4:16 p. m.]

[Region VI Order G-3 Under RMPR 251, Amdt. 2]

**INSTALLED MINERAL WOOL INSULATION IN CHICAGO REGION**

An opinion accompanying this amendment has been issued simultaneously herewith, Order G-3 under Revised Maximum Price Regulation No. 251 is amended in the following respect:

Section 4, *Maximum prices for sales of mineral wool insulation on an installed basis and incidental construction work*, is amended by increasing the maximum prices set forth therein by 4½ per cent: *Provided*, That when the work listed in categories 30 to 42, in Table I, inclusive, is performed by a subcontractor but sold by the installer, the 4½ per cent increase shall not apply.

This amendment may be revised, amended, or revoked at any time by the Office of Price Administration.

This Amendment No. 2 to Order G-3 under Revised Maximum Price Regulation No. 251 shall become effective immediately.

Issued this 27th day of May 1946.

R. E. WALTERS,  
Regional Administrator.

[F. R. Doc. 46-9735; Filed, June 7, 1946; 4:15 p. m.]

[Fort Worth Order G-4 Under Gen. Order 68]  
**CERTAIN BUILDING MATERIALS IN POTTER COUNTY, TEX.**

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68, it is hereby ordered:

**SECTION I. What this order does.** This order establishes maximum prices for all retail sales of certain building materials specifically described in Appendix A of this order when such sales are made in the geographical area comprising Potter County, Texas.

**SEC. II. Definitions.** 1. The term "retail sale" as used in this order means any sale of the building materials covered by this order to an ultimate user or to a contractor who will resell the same on an installed basis.

2. The term "delivery zone" as used in this order includes all points within a radius of five miles from the place from which delivery is made and all points within the corporate limits of the city or town in which the seller is located.

**SEC. III. Maximum prices.** Maximum prices for commodities subject to this order are those set forth in Appendix A which is specifically made a part of this order, subject to the terms and conditions of sale and other limitations set forth therein.

**SEC. IV. The relation of this order to other regulations.** The maximum prices fixed by this order supersede any maximum prices or price determining method previously established by any other regulation or order issued by the Office of Price Administration for the commodities and sales covered by this order.

**SEC. V.** Each seller making sales subject to this order shall post a copy of Appendix A of this order plainly visible to all purchasers in each of his places of business located in the area covered by this order.

**SEC. VI. Invoices and notification.** Each seller making sales subject to this order shall, if requested by any purchaser of commodities subject hereto, make available to such purchaser for inspection a copy of this order. Each seller covered by this order is required to furnish each purchaser with an invoice at the time of sale, which must contain the following information:

1. Name and address of the purchaser.
2. A description of each commodity sold.
3. The quantity of each commodity sold.
4. The price charged for each commodity sold.
5. The type of sale, whether f. o. b. railroad car, f. o. b. seller's yard or store, delivered to job site in delivery area, or delivered outside delivery area.
6. If delivery is made outside the seller's delivery zone, the amount of any delivery charges made stated separately on the invoice.
7. A statement of cash discounts allowed for prompt payment.
8. A separate statement of any amount added for the extension of credit.

Each seller is required to keep a duplicate of such invoice in his place of business, and make it available for inspection by the Office of Price Administration during regular business hours.

**SEC. VII. Addition of increase in supplier's prices prohibited.** The maximum prices set out by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the District Director.

**SEC. VIII. What this order prohibits.** Regardless of any obligation no person shall:

1. Sell, or in the course of trade or business, buy building materials at higher prices than the maximum prices set by this order; but less than the maximum prices may at any time be charged, paid or offered.

2. Obtain higher than maximum prices by:

(i) Making a charge higher for the extension of credit than was made in March 1942 under the same or similar conditions.

(ii) Failure to give the discounts as established by your March 1942 practices.

(iii) Using any tying agreement or requiring that the buyer purchase anything in addition to the building materials requested by him; or

(iv) Using any other device by which a higher than maximum price is obtained directly or indirectly.

**SEC. IX. Enforcement.** 1. Persons violating any provisions of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

2. Persons who have any evidence of any violation of this order are urged to communicate with the Fort Worth District Office of the Office of Price Administration.

**SEC. X. Building materials not covered by this order.** There are building materials sold and delivered in the area covered by this order which are not included in, and for which prices are not established in this order. The maximum prices for such building materials, when sold by any person covered by this order, shall continue to be determined under the applicable Maximum Price Regulation. Sellers who are in doubt as to the regulation applicable to such building materials should consult the Fort Worth District Office of the Office of Price Administration.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective May 15, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued at Fort Worth, Texas, this 10th day of May 1946.

E. B. HOLLOWAY,  
District Director.

APPENDIX A

Name of Item	Sold in quantities of—	Selling unit	Maximum price f. o. b. plant, yard, or store f. o. b. R. R. car in case of C/L sales	Maximum price when delivered in city-limits and within a 5-mile radius of place from which delivery is made	Name of Item	Sold in quantities of—	Selling unit	Maximum price f. o. b. plant, yard, or store f. o. b. R. R. car in case of C/L sales	Maximum price when delivered in city-limits and within a 5-mile radius of place from which delivery is made
Asphalt roofing, 100-lb. sack or ctn.	100 to 1,900 lbs.	100-lb. sack or ctn.	\$2.35	\$2.40	Lath, metal, 2.5 lbs.—Con. Noncopper bearing, painted diamond mesh.	Any	1 sq. yd.	\$0.31	\$0.32
Brick, face, textured or smooth, red to black, A-1 to A-8, CB-2, CB-3.	1 ton or more... 1 to 4,999... 5M to 11,999... C/L or more...	per ton..... 1,000..... 1,000..... 1,000.....	40.00 48.20 42.20 40.20	40.00 53.20 47.20	Galvanized	Any	1 sq. yd.	.34	.35
Brick, face, textured or smooth, creams, buffs, grays and iron spots, B-1 to B-8, C-1 to C-3, D-1 to D-6.	1 to 4,999... 5M to 11,999... C/L or more...	1,000..... 1,000..... 1,000.....	50.00 44.00 42.00	55.00 49.00	Plaster, hard wall	LCL	100-lb. bag	1.20	1.25
Brick, common	1 to 4,999... 5M to 11,999... C/L or more... Any	1,000..... 1,000..... 1,000..... 1,000.....	28.75 24.75 22.00 90.00	33.75 29.75	Plaster, gauging	C/L or more	Per ton	18.60	18.60
Brick, fire, 2700° everlast or equal.	Any	1,000	90.00	95.00	Plaster, moulding	LCL	100-lb. bag	1.80	1.85
Cement, Keene's, paper bags.	LCL	100-lb. bag	2.90	2.85	Roofing, asphalt:	C/L or more	Per ton	31.70	31.70
Cement, masonry, trinity mix or equal.	C/L or more	Per ton	43.00		75-lb. mineral surface	LCL	100-lb. bag	1.20	1.25
Cement, portland, standard in paper bags.	LCL	67-lb. sack	.75	.80	90-lb. mineral surface	C/L or more	Per ton	1.80	1.85
Cement, quikset, paper bags.	C/L or more	Bbl. (268 lbs.)	2.60		Roofing, black, smooth surface:	LCL	100-lb. bag	1.80	1.85
Cement, white	LCL	94-lb. bag	.90	.95	Third quality:	C/L or more	Per ton	30.75	
Clay, fire, 100-lb. bags	C/L or more	Bbl. (376 lbs.)	3.25		35 lbs.	Any	Roll, 108 sq. ft.	1.50	1.55
Clay, building tile, 5" x 8" x 12"	LCL	94-lb. sack	1.10	1.15	45 lbs.	Any	Roll, 108 sq. ft.	1.70	1.75
Felt, asphalt or tarred:	C/L or more	Bbl. (376 lbs.)	4.00		55 lbs.	Any	Roll, 108 sq. ft.	1.95	2.00
15 lbs.	Any	100-lb. bag	3.00	3.05	First quality:	Any	Roll, 108 sq. ft.	2.20	2.25
30 lbs.	Any	Each	.115	1.80	45 lbs.	Any	Roll, 108 sq. ft.	2.35	2.40
Hardboard, all brands:	Any	Each	.115	1.80	65 lbs.	Any	Roll, 108 sq. ft.	2.70	2.75
3/4" standard, 4 x 6 to 4 x 12.	Any	Roll, 432 sq. ft.	3.00	3.05	Sheathing, gypsum, 1/2", plain gyplap or equal.	Any	100 sq. ft.	4.20	4.35
Gray asbestos flex-board, 3/8" 4' x 4' scored.	Any	Roll, 216 sq. ft.	3.00	3.05	Shingles, asphalt, 167 lbs., 2 or 3 tab, 11 1/2" x 36", hexagon.	Any	167-lb. square	5.50	5.55
3/8" tempered, 4' x 6' to 4' x 12', 4' x 8', 9' and 10'.	Any	100 sq. ft.	9.00	9.15	210 lbs. to 220 lbs. (3 in 1), thickbutt.	Any	210-lb. square	7.50	7.60
3/8" tempered shorts, 4' x 2', 3' and 4'.	Any	100 sq. ft.	9.00	9.15	Siding, asbestos cement, 12 x 24 x 27" white or std. colors.	Any	100 sq. ft.	10.50	10.65
3/8" tempered hardboard tile, all lengths, 4 x 12 and 4 x 10 and 4 x 8.	Any	100 sq. ft.	13.50	13.65	Stucco, 100-lb. bag	Any	100-lb. bag	2.50	2.55
Gray asbestos flex-board, 3/4" x 4 x 8, plain.	Any	100 sq. ft.	10.00	10.15	Tile, T & G or bevel lap tile, all brands, 1/2" 16 x 32, 16 x 48, old ivory or variegated colors.	Any	100 sq. ft.	7.25	7.40
Insulation, thermal, batts, paper backed, all brands:	Any	100 sq. ft.	5.95	6.10	1/2" 6 x 12, 12 x 12, 16 x 16, 24 x 24.	Any	100 sq. ft.	7.60	7.75
2" thick	Any	100 sq. ft.	7.75	7.90	Tile, T & G or bevel lap tile, all brands, 1/2" planking, 6" to 16" and 8" to 10".	Any	100 sq. ft.	7.75	7.90
4" thick	Any	100 sq. ft.	4.50	4.65	Wallboard, fibre, first quality, Atlas, Beaver, Cornell, Plastagon, Square Deal, or similar.	Any	100 sq. ft.	5.25	5.40
3/8" standard lath and board.	Any	100 sq. ft.	6.00	6.15	Wallboard, fibre, second quality, Commander, Bison, Economy, or similar.	Any	100 sq. ft.	4.50	4.65
3/2" asphalt sheathing.	Any	100 sq. ft.	8.00	8.15	Wallboard, 3/4", 4' x 8', 10' and 12', upson (blue center) or equal.	Any	100 sq. ft.	6.85	7.00
Lime, Mason's hydrated, 50-lb. paper bags.	LCL	50-lb. bag	.75	.80	Wallboard, fibre, 1/4", 4' x 8', 12' x 12', upson (blue center) or equal.	Any	100 sq. ft.	5.90	6.05
Lath, gypsum, 3/8" rock lath or equal.	C/L	Per ton	22.50	2.90	Wallboard, fibre, double thick, upson tile.	Any	100 sq. ft.	7.50	7.65
Lath, metal, 2.5 lbs.: Copper bearing, painted diamond mesh.	Any	1 sq. yd.	.32	.33	Wallboard, 3/4" thick gypsum.	Any	100 sq. ft.	4.00	4.15
					3/4" thick, gypsum.	Any	100 sq. ft.	4.50	4.65

1. Terms of sale. Maximum prices hereinabove established are subject to the following cash discounts:

(a) For sellers who were in business during March 1942, the same cash discount they had in effect during March 1942 for each quantity and type of sale made.

(b) For sellers who were not in business during March 1942, the cash discount which their most competitive seller who was in business during March 1942 is required to make under the provisions of this order.

2. Additions for the extension of credit. The following additions for the maximum prices hereinabove established may be made for the extension of credit beyond 30 days.

(a) Sellers who were in business during March 1942 are permitted to add to prices established hereinabove for the extension of credit beyond a period of 30 days the same additions that they had in effect during

March 1942 for the same type and quantity of sale. If no extra charges were made for the extension of credit during March 1942, none may be added.

(b) Sellers who were not in business during March 1942, are permitted to make the same charge for the extension of credit which their most closely competitive seller is permitted to make under the provisions of this order.

3. Delivery zone defined. The delivery zone, as pertains to this order, and on which delivery charges may be made, as set forth in Appendix A, above, includes the city limits of the town or city, and a 5-mile radius from the point from which delivery is made.

When delivery is made outside of the town or city limits and a 5-mile radius from the point from which delivery is made, an additional charge may be made as follows: \$.25 per truck mile, one way; mileage to be cal-

culated from the outer perimeter of the above described zone; or \$.05 per hundred-weight, whichever results in the lesser charge.

[F. R. Doc. 46-9742; Filed, June 7, 1946; 4:18 p. m.]

[Fort Worth Order G-2 Under Gen. Order 68, Amdt. 1]

CERTAIN BUILDING MATERIALS IN TOM GREEN, COKE, RUNNELS, IRION, AND STERLING COUNTIES, TEX.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68, it is ordered that page 5 of Appendix A of Order No. G-2 under General Order No. 68 be amended so that page 5



of Appendix A shall hereafter read as follows:

APPENDIX A

Name of Item	Sold in quantities of	Selling unit	Maximum prices when sold f. o. b. R. R. car	Maximum prices when delivered to job site in free delivery zone
Wallboard, gypsum, 3/8" thick.	Any.	Sq. ft.	-----	\$0.04
Wallboard, gypsum, 1/2" thick.	Any.	Sq. ft.	-----	.045

ARTICLE I

\$0.10 per 94 lb. bag or \$0.40 per 376 lb. bbl. may be added to the price in Appendix A when sold in the cities of Robert Lee, Bronte, and Sterling City, for Cement—White.

\$0.05 per 67 lb. bag or \$0.20 per 268 lb. bbl. for Cement—Masonry, Trinity Mix or equal, may be added to the price in Appendix A when sold in Irion County.

\$0.10 per bag (67 lb.) or \$0.40 per 268 lb. bbl. for Cement—Masonry, Trinity Mix or equal, may be added to the price in Appendix A when sold in Sterling City, or Christoval.

\$0.10 per 94 lb. bag or \$0.40 per 376 lb. bbl. may be added to the price in Appendix A for Cement—Portland, Standard, when sold in Cooke or Sterling Counties.

\$0.05 per 94 lb. bag or \$0.20 per 376 lb. bbl. may be added to the price in Appendix A for Cement—Portland, Standard, when sold in the city of Christoval, Tom Green County, Texas.

\$0.10 per 100 lb. bag or \$0.40 per 400 lb. bbl. may be added to the price in Appendix A for Cement—Keene's, when sold in Sterling County.

\$0.05 per 94 lb. bag, or \$0.20 per 376 lb. bbl. may be added to the price listed in Appendix A for Cement—Portland, Standard, when sold in Irion County, Texas.

ARTICLE II

1. Free-delivery zone defined: The term "free-delivery zone", as used in this order, includes all points within a radius of five (5) miles from the place from which delivery is made and all points within corporate limits of San Angelo, Texas.

2. Dealers other than those in the city of San Angelo, which are covered by this order, may negotiate with and engage an independent non-affiliated contract carrier to make deliveries; the actual charges, not to exceed regular ceilings made by such carrier, must be stated as a separate item on the customer's invoice or sales slip.

3. For sellers who operate their own delivery equipment, a charge for delivery outside of the free-delivery zone, as defined in this order, may be made as follows: A maximum charge of \$0.25 per truck-mile, one way; mileage to be calculated from the outer perimeter of the above described zone, or \$0.05 per hundredweight of materials delivered—whichever results in the smaller charge.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective May 15, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250; 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued at Fort Worth, Texas, this 15th day of May 1946.

E. B. HOLLOWAY,  
District Director.

[F. R. Doc. 46-9741; Filed, June 7, 1946; 4:17 p. m.]

[Fort Worth Order G-5 Under Gen. Order 68]  
BUILDING MATERIALS IN BROWN COUNTY,  
TEX.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68, it is hereby ordered:

SECTION I. *What this order does.* This order establishes maximum prices for all retail sales of certain building materials specifically described in Appendix A of this order when such sales are made in the geographical area comprising Brown County, Texas.

SEC. II. *Definitions.* (1) The term retail sale as used in this order means any sale of the building materials covered by this order to an ultimate user or to a contractor who will resell the same on an installed basis.

SEC. III. *Maximum prices.* Maximum prices for commodities subject to this order are those set forth in Appendix A, which is specifically made a part of this order, subject to the terms and conditions of sale and other limitations set forth therein.

SEC. IV. *The relation of this order to other regulations.* The maximum prices fixed by this order supersede any maximum prices or price determining method previously established by any other regulation or order issued by the Office of Price Administration for the commodities and sales covered by this order.

SEC. V. Each seller making sales subject to this order shall post a copy of Appendix A of this order plainly visible to all purchasers in each of his places of business located in the area covered by this order.

SEC. VI. *Invoices and notification.* Each seller making sales subject to this order shall, if requested by any purchaser of commodities subject hereto, make available to such purchaser for inspection a copy of this order. Each seller covered by this order is required to furnish each purchaser with an invoice at the time of sale, which must contain the following information:

1. Name and address of the purchaser.
2. A description of each commodity sold.
3. The quantity of each commodity sold.
4. The price charged for each commodity sold.
5. The type of sale, whether f. o. b. railroad car, f. o. b. seller's yard or store, or delivered to job site.
6. A statement of cash discounts allowed for prompt payment.
7. A separate statement of any amount added for the extension of credit.

Each seller is required to keep a duplicate of such invoice in his place of busi-

ness, and make it available for inspection by the Office of Price Administration during regular business hours.

SEC. VII. *Addition of increase in supplier's prices prohibited.* The maximum prices set out by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the District Director.

SEC. VIII. *What this order prohibits.* Regardless of any obligation no person shall:

1. Sell, or in the course of trade or business, buy building materials at higher prices than the maximum prices set by this order; but less than the maximum prices may at any time be charged, paid or offered.

2. Obtain higher than maximum prices by:

(i) Making a charge higher for the extension of credit than was made in March 1942 under the same or similar conditions.

(ii) Failure to give the discounts as established by your March 1942 practices.

(iii) Using any tying agreement or requiring that the buyer purchase anything in addition to the building materials requested by him; or

(iv) Using any other device by which a higher than maximum price is obtained directly or indirectly.

SEC. IX. *Enforcement.* 1. Persons violating any provisions of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

2. Persons who have any evidence of any violation of this order are urged to communicate with the Fort Worth District Office of the Office of Price Administration.

SEC. X. *Building materials not covered by this order.* There are building materials sold and delivered in the area covered by this order which are not included in, and for which prices are not established in this order. The maximum prices for such building materials, when sold by any person covered by this order, shall continue to be determined under the applicable Maximum Price Regulation. Sellers who are in doubt as to the regulation applicable to such building materials should consult the Fort Worth District Office of the Office of Price Administration.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective May 15, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250; 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued at Fort Worth, Texas, this 10th day of May 1946.

E. B. HOLLOWAY,  
District Director.

APPENDIX A

Name of item	Sold in quantities of—	Selling unit	Maximum prices f. o. b. plant, yard or store (or f. o. b. railroad car in case of c/l sales)	Name of item	Sold in quantities of—	Selling unit	Maximum prices f. o. b. plant, yard or store (or f. o. b. railroad car in case of c/l sales)
Asphalt, roofing 100-lb. sack or carton.	100 to 1,900 lbs.	100-lb. sack or carton.	\$2.50	Plaster, hard wall.....	LCL.....	100-lb. bag.....	\$1.10
Cement, Keene's, paper bags.....	LCL.....	Ton.....	40.00	Plaster moulding.....	C/L or more.....	Per ton.....	18.00
Cement, masonry, Trinity mix or equal.	C/L or more.....	100-lb. bag.....	2.50	Roofing, asphalt mineral surface, 75-lb. roll.	LCL.....	100-lb. sack.....	1.50
Cement, portland, paper bags.....	C/L or more.....	Per ton.....	43.50	Roofing, asphalt mineral surface, 90-lb. roll.	C/L or more.....	Per ton.....	24.75
Cement, quickset.....	LCL.....	67-lb. bag.....	.75	Roofing, asphalt, black, smooth surface, 35-lbs., 3d quality.	Any.....	108 sq. ft.....	2.75
Cement, white.....	C/L or more.....	Per bbl. (268 lbs.).....	2.55	Roofing, asphalt, black, smooth surface, 45 lbs., 2d quality.	Any.....	108 sq. ft.....	1.45
Fire clay, 100-lb. bag.....	LCL.....	94-lb. bag.....	.75	Roofing, asphalt, black, smooth surface, 45 lbs., 3d quality.	Any.....	108 sq. ft.....	1.65
Felt, 15-lb. asphalt or tarred.....	C/L or more.....	Per bbl. (376 lbs.).....	2.70	Roofing, asphalt, black, smooth surface, 55 lbs., 2d quality.	Any.....	108 sq. ft.....	1.95
Felt, 30-lb. asphalt or tarred.....	LCL.....	94-lb. bag.....	1.10	Roofing, asphalt, black, smooth surface, 55 lbs., 3d quality.	Any.....	108 sq. ft.....	1.75
Hardboard, all brands, 1/8" standard.	C/L or more.....	Per bbl. (376 lbs.).....	4.20	Roofing, asphalt, black, smooth surface, 65 lbs., 1st quality.	Any.....	108 sq. ft.....	2.00
Hardboard, all brands, 1/8" tempered.	LCL.....	94-lb. sack.....	3.00	Roofing, asphalt, black, smooth surface, 65 lbs., 2d quality.	Any.....	108 sq. ft.....	2.40
Hardboard, all brands, 1/8" tempered tile.	C/L or more.....	Bbl.....	10.00	Roofing, asphalt, black, smooth surface, 55 lbs., 1st quality.	Any.....	408 sq. ft.....	2.50
Hardboard, all brands, 1/8" standard.	Any.....	100-lb. bag.....	1.50	Roofing, asphalt, black, smooth surface, 65 lbs., 1st quality.	Any.....	108 sq. ft.....	3.00
Insulation board, fibre 1/2" (celotex or similar).	Any.....	Roll (432 sq. ft.).....	2.90	Sheathing, gypsum, water repellent, 3/8".	Any.....	Sq. ft.....	.0425
Insulation board, fibre 1/2" (celotex or similar).	Any.....	Roll (216 sq. ft.).....	2.90	Shingles, asphalt, thick-butt, 210 lbs.	Any.....	210 lb., sq.....	6.40
Insulation tile 1/2", all sizes T & G.	Any.....	100 sq. ft.....	6.50	Shingles, asphalt, hexagon 167-lb. 2 or 3 tab 11 1/4" x 36".	Any.....	167-lb. sq.....	5.50
Insulation tile 1/2", planking T & G.	Any.....	100 sq. ft.....	7.00	Stucco, 100-lb. bag.....	Any.....	100-lb. bag.....	2.50
Lath, metal, 2.5 lb. noncopper bearing, painted diamond mesh.	Any.....	1 sq. yd.....	.29	Wallboard, fibre, 3/8", beaver, Armour or Bison.	Any.....	100 sq. ft.....	4.50
Lath, metal, 2.5 lb. copper bearing, painted diamond mesh.	Any.....	1 sq. yd.....	.30	Wallboard, fibre, 1/2" beaver, Armour or Bison.	Any.....	100 sq. ft.....	5.75
Lath, metal, 2.5 lb. galvanized.....	Any.....	1 sq. yd.....	.33	Wallboard, gypsum:			
Lath, metal, 3.4 lb. copper bearing, painted diamond mesh.	Any.....	1 sq. yd.....	.35	1/4".....	Any.....	100 sq. ft.....	3.60
Line, Mason's, hydrated, 10-lb. paper bags.	Any.....	10-lb. bag.....	.25	3/8".....	Any.....	100 sq. ft.....	4.20
Line, Mason's, hydrated, 50-lb. paper bags.	LCL.....	50-lb. bag.....	.65	1/2".....	Any.....	100 sq. ft.....	4.50
	C/L or more.....	Per ton.....	20.90				

1. Terms of sale. Maximum prices hereinabove established are subject to the following cash discount:

(a) For sellers who were in business during March 1942, the same cash discount they had in effect during March 1942 for each quantity and type of sale made.

(b) For sellers who were not in business during March 1942, the cash discount which their most competitive seller who was in business during March 1942 is required to make under the provisions of this order.

2. Additions for the extension of credit. The following additions for the maximum prices hereinabove established may be made for the extension of credit beyond 30 days.

(a) Sellers who were in business during March 1942 are permitted to add to prices established hereinabove for the extension of credit beyond a period of 30 days the same additions that they had in effect during March 1942 for the same type and quantity of sale. If no extra charges were made for the extension of credit during March 1942, none may be added.

(b) Sellers who were not in business during March 1942 are permitted to make the same charge for the extension of credit which their most closely competitive seller is permitted to make under the provisions of this order.

3. The seller may continue to negotiate with and engage a cartage company or other common carrier to make delivery of the commodities sold and may add as a separate item to customers' invoices the actual amount of cartage charged by the company so engaged to make delivery.

[F. R. Doc. 46-9743; Filed, June 7, 1946; 4:18 p. m.]

[Fort Worth Order G-6 Under Gen. Order 68]

BUILDING MATERIALS IN LUBBOCK COUNTY, TEX.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68, it is hereby ordered:

SECTION I. What this order does. This order establishes maximum prices for all retail sales of certain building materials specifically described in Appendix A of this order when such sales are made in the geographical area comprising Lubbock County, Texas.

SEC. II. Definitions. 1. The term retail sale as used in this order means any sale of the building materials covered by this order to an ultimate user or to a contractor who will resell the same on an installed basis.

2. The term delivery zone as used in this order includes all points within a radius of ten miles from the place from which delivery is made and all points within the corporate limits of the city or town in which the seller is located.

SEC. III. Maximum prices. Maximum prices for commodities subject to this order are those set forth in Appendix A which is specifically made a part of this order, subject to the terms and conditions of sale and other limitations set forth therein.

SEC. IV. The relation of this order to other regulations. The maximum prices fixed by this order supersede any maximum prices or price determining method

previously established by any other regulation or order issued by the Office of Price Administration for the commodities and sales covered by this order.

SEC. V. Each seller making sales subject to this order shall post a copy of Appendix A of this order plainly visible to all purchasers in each of his places of business located in the area covered by this order.

SEC. VI. Invoices and notification. Each seller making sales subject to this order shall, if requested by any purchaser of commodities subject hereto, make available to such purchaser for inspection a copy of this order. Each seller covered by this order is required to furnish each purchaser with an invoice at the time of sale, which must contain the following information:

1. Name and address of the purchaser.
2. A description of each commodity sold.
3. The quantity of each commodity sold.
4. The price charged for each commodity sold.
5. The type of sale, whether f. o. b. railroad car, f. o. b. seller's yard or store, delivered to job site in delivery area, or delivered outside delivery area.
6. If delivery is made outside the seller's delivery zone, the amount of any delivery charges made must be stated separately on the invoice.
7. A statement of cash discounts allowed for prompt payment.
8. A separate statement of any amount added for the extension of credit.



Each seller is required to keep a duplicate of such invoice in his place of business, and make it available for inspection by the Office of Price Administration during regular business hours.

**SEC. VII. Addition of increase in supplier's prices prohibited.** The maximum prices set out by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the District Director.

**SEC. VIII. What this order prohibits.** Regardless of any obligation no person shall:

1. Sell, or in the course of trade or business, buy building materials at higher prices than the maximum prices set by this order; but less than the maximum prices may at any time be charged, paid or offered.

2. Obtain higher than maximum prices by:

(i) Making a charge higher for the extension of credit than was made in March 1942 under the same or similar conditions.

(ii) Failure to give the discounts as established by your March 1942 practices.

(iii) Using any tying agreement or requiring that the buyer purchase anything in addition to the building materials requested by him; or

(iv) Using any other device by which a higher than maximum price is obtained directly or indirectly.

**SEC. IX. Enforcement.** 1. Persons violating any provisions of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

2. Persons who have any evidence of any violation of this order are urged to communicate with the Fort Worth District Office of the Office of Price Administration.

**SEC. X. Building materials not covered by this order.** There are building

materials sold and delivered in the area covered by this order which are not included in, and for which prices are not established in this order. The maximum prices for such building materials, when sold by any person covered by this order, shall continue to be determined under the applicable Maximum Price Regulation. Sellers who are in doubt as to the regulation applicable to such building materials should consult the Fort Worth District Office of the Office of Price Administration.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective May 20, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong., E. O. 9250; 7 F. R. 7871; and E. O. 9328, 8 F. R. 4681)

Issued at Fort Worth, Texas, this 15th day of May 1946.

E. B. HOLLOWAY,  
District Director.

APPENDIX A

Recommended Maximum Prices for Retail Sales to Building Contractors and Ultimate Users of Specified Building Materials When Sold in Lubbock County, Texas

Name of item	Sold in quantities of—	Selling unit	Maximum price f. o. b. plant, yard, or store; f. o. b. R. R. car in case of C/L sales	Maximum price when delivered in city-limits and within a 5-mile radius of place from which delivery is made	Name of item	Sold in quantities of—	Selling unit	Maximum price f. o. b. plant, yard, or store; f. o. b. R. R. car in case of C/L sales	Maximum price when delivered in city-limits and within a 5-mile radius of place from which delivery is made
Asphalt roofing, 100-lb. sack or etc.	100-lb sack	100-lb sack or carton	\$2.65	\$2.70	Noncopper bearing painted diamond mesh.	Any	Sq. yd.	\$0.31	\$0.32
Face brick, textured or smooth, red to black, A-1 to A-8, CB-2, CB-3.	1 to 4,999 5M to 11,999 C/L (12,000 or more)	1,000 1,000 1,000	46.25 40.25 38.25	51.25 45.25 43.25	Lath, metal, 2.5 lbs. copper bearing, painted diamond mesh.	Any	Sq. yd.	.30	.31
Face brick, textured or smooth, creams, buffs, grays, and iron spots, B-1 to B-8, C-1 to C-3, D-1 to D-6.	1 to 4,999 5M to 11,999 C/L (12,000 or more)	1,000 1,000 1,000	47.25 41.25 39.25	52.25 46.25	Noncopper bearing painted diamond mesh.	Any	Sq. yd.	.29	.30
Brick, fire, 2700° everlast or equal.	Any	1,000	93.75	98.75	Lath, gypsum, 3/8"	Any	100 sq. ft.	3.00	3.15
Brick, common	1 to 4,999 5M to 11,999 C/L (12,000 or more)	1,000 1,000 1,000	28.75 24.75 22.00	33.75 29.75 27.00	Lime, Mason's hydrated	Any	10-lb. sack	.25	.25
Cement, Keene's, paper bag.	LCL or more	100-lb. bag	2.00	2.05	Plaster, hard wall	LCL	50-lb. sack	.75	.80
Cement, Masonry, Trinity Mix or equal.	LCL or more	Per ton	33.00	.80	C/L	100-lb. bag	1.10	1.15	1.15
Cement, portland, standard, in paper bags.	LCL or more	Per 268-lb. bbl.	2.60	.85	C/L or more	Ton	18.00	18.00	19.00
Cement, quickset, paper bags.	LCL or more	Per 376-lb. bbl.	2.87	1.15	Roofing, asphalt, black smooth surface:				
Cement, white	LCL	94-lb. sack	3.00	3.05	Third quality:				
Clay, fire, 100-lb. bag	C/L or more	Per 376-lb. bbl.	10.10	1.55	35 lb.	Any	Roll, 108 sq. ft.	1.35	1.40
Felt, 15-lb. asphalt or tarred.	Any	100-lb. bag	1.50	3.05	45 lb.	Any	Roll, 108 sq. ft.	1.55	1.60
Felt, 30-lb. asphalt or tarred.	Any	Roll, 432 sq. ft.	3.00	3.05	55 lb.	Any	Roll, 108 sq. ft.	1.80	1.85
Hardboard, all brands: 1/2" standard lengths 4' x 6'-4' x 12'.	Any	100 sq. ft.	8.00	8.15	Second quality:				
1/2" tempered 4' x 6' to 4' x 12'.	Any	100 sq. ft.	10.00	10.15	45 lb.	Any	Roll, 108 sq. ft.	2.00	2.05
1/2" tempered 4' x 8', 9' and 10'.	Any	100 sq. ft.	10.00	10.15	55 lb.	Any	Roll, 108 sq. ft.	2.25	2.30
1/2" tempered hardboard tile, 4' x 12', 4' x 10'.	Any	100 sq. ft.	12.50	12.65	65 lb.	Any	Roll, 108 sq. ft.	2.65	2.70
1/2" tempered, hardboard tile, 4' x 8'.	Any	100 sq. ft.	12.50	12.65	First quality:				
Gray asbestos board, 3/16" x 4' x 8' plain.	Any	100 sq. ft.	12.00	12.15	55 lb.	Any	Roll, 108 sq. ft.	2.45	2.50
Gray asbestos flex-board, 1/8" 4' x 4' scored.	Any	100 sq. ft.	15.00	15.15	65 lb.	Any	Roll, 108 sq. ft.	2.85	2.90
Insulation, batts, thermal, 4" full thick.	Any	100 sq. ft.	7.50	7.65	Roofing, asphalt:				
Insulation batts, paper backed, 2" thick.	Any	100 sq. ft.	5.50	5.65	75-lb. mineral surface.	Any	Roll, 108 sq. ft.	2.50	2.55
Insulation board, fibre 3/8" standard lath and board.	Any	100 sq. ft.	4.50	4.65	90-lb. mineral surface.	Any	Roll, 108 sq. ft.	2.75	2.80
Insulation lath, plaster base, 16" x 40" and 18" x 48", 1/2".	Any	100 sq. ft.	4.00	4.15	Sheathing, gypsum, 1/2"	Any	100 sq. ft.	4.00	4.15
Lath, metal, 3.4 lbs. copper bearing, painted diamond mesh.	Any	Sq. yd.	.32	.33	Shingles, asphalt:				
					167-lb. 2or3 tab hexagon.	Any	167-lb. square	5.20	5.25
					210-lb. (3 in 1) thick butt.	Any	210-lb. square	6.60	6.70
					Siding, asbestos cement, 12" x 24" or 27" standard colors.	Any	100 sq. ft.	10.50	10.65
					Stucco, 100-lb. bags.	Any	100-lb. bag	2.50	2.55
					Tile, T and G or bevel lap, all brands 1/2" planking 6" to 16" and 8' to 10'.	Any	100 sq. ft.	7.50	7.65
					Tile, T and G or bevel lap, all brands, 1/2", 12" x 12", 16" x 16", 24" x 24", old Ivory.	Any	100 sq. ft.	7.50	7.65
					Tile, T and G or bevel lap, all brands, 1/2", 16" x 32", 16" x 48", old Ivory or variegated colors.	Any	Each	.10	.11
					Tile, clay building, 5" x 8" x 12".	Any	100 sq. ft.	5.00	5.15
					Wallboard, fibre, 3/8", 4' x 6', 7', 8', 10' and 12".	Any	100 sq. ft.	3.00	3.15
					Wallboard, gypsum:	Any	100 sq. ft.	3.50	3.65
					1/2"	Any	100 sq. ft.	4.00	4.15
					3/4"	Any	100 sq. ft.	4.50	4.65
					1"	Any	100 sq. ft.	7.50	7.65
					Wallboard, fibre, double thick, upson tile.	Any	100 sq. ft.	7.50	7.65

1. *Terms of sale.* Maximum prices hereinabove established are subject to the following cash discount:

(a) For sellers who were in business in March 1942, the same cash discount they had in effect during March 1942 for each quantity and type of sale made.

(b) For sellers who were not in business during March 1942, the cash discount which their most competitive seller who was in business during March 1942 is required to make under the provisions of this order.

2. *Additions for the extension of credit.* The following additions for the maximum prices hereinabove established may be made for the extension of credit beyond 30 days.

(a) Sellers who were in business during March 1942 are permitted to add to prices established hereinabove for the extension of credit beyond a period of 30 days the same additions that they had in effect during March 1942 for the same type and quantity of sale. If no extra charges were made for the extension of credit during March 1942, none may be added.

(b) Sellers who were not in business during March 1942 are permitted to make the same charge for the extension of credit which their most closely competitive seller is permitted to make under the provisions of this order.

3. *Delivery zone defined.* The delivery zone, as pertains to this order, on which delivery charges may be made, as set forth in Appendix A above, includes the town or city limits and a 10-mile radius from the point from which delivery is made.

When delivery is made outside of the town or city limits and a 10-mile radius from the point from which delivery is made, an additional charge may be made as follows: \$0.25 per truck mile, one way; mileage to be calculated from the outer perimeter of the above described zone, or \$0.05 per hundred-weight; whichever results in the lesser charge.

[F. R. Doc. 46-9744; Filed, June 7, 1946; 4:19 p. m.]

[San Antonio Order G-4 Under Gen. Order 68]

#### CERTAIN BUILDING MATERIALS IN EL PASO COUNTY, TEX.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the provisions of General Order No. 68, it is hereby ordered:

**SECTION I. What this order does.** This order establishes maximum prices for all retail sales of certain building materials specifically described in Appendix A of this order when such sales are made in the geographical area comprising El Paso County, Texas.

**Sec. II. Definition of retail sales.** The term retail sale as used in this order means any sale of the building materials covered by this order to an ultimate user or to a contractor who will resell the same on an installed basis.

**Sec. III. Maximum prices.** Maximum prices for commodities subject to this order are those set forth in Appendix A, which is specifically made a part of this order, subject to the terms and conditions of sale and other limitations set forth therein. Receipt of notice of permitted increase from suppliers will not automatically authorize increases in ceiling prices set forth in Appendix A of this order. Such ceiling prices will only be changed by Amendment to this order issued by the District Director.

**SEC. IV. The relation of this order to other regulations.** The maximum prices fixed by this order supersede any maximum prices or price determining method previously established by any other regulation or order issued by the Office of Price Administration for the commodities covered by this order. Items and specifications not specifically priced in this order remain subject to the applicable maximum price regulations.

**SEC. V. Posting.** Each seller making sales subject to this order shall post a copy of Appendix A of this order plainly visible to all purchasers in each of his places of business located in the area covered by this order.

**SEC. VI. Invoices and notification.** Each seller making sales subject to this order shall, if requested by any purchaser of commodities subject hereto, make available to such purchaser for inspection a copy of this order. Each seller covered by this order is required to furnish each purchaser with an invoice at the time of sale, which must contain the following information:

1. Name and address of the purchaser.
2. A description of each commodity sold.
3. The quantity of each commodity sold.
4. The price charged for each commodity sold.
5. The type of sale, whether f. o. b. railroad car, f. o. b. seller's yard or store, delivered to job site in free delivery area, or delivered outside free delivery area.
6. If delivery is made outside the seller's free delivery zone, the amount of any delivery charges made stated separately on the invoice.
7. A statement of cash discounts allowed for prompt payment.

Each seller is required to keep a duplicate of such invoice in his place of business, and make it available for inspection by the Office of Price Administration during regular business hours.

**SEC. VII. Evasion.** The price limitations set forth in this order shall not be evaded by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of any commodities covered by this order or by way of commissions, services, transportation or other charges, or by tying agreement or other trade understanding, or by making the terms and conditions of sale more onerous to buyers than they were during March 1942 (except as specifically permitted by this order).

**SEC. VIII. Enforcement and penalties.** Persons violating any provisions of this order 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.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective May 22, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued at San Antonio, Texas, this 15th day of May 1946.

C. T. GIESEN,  
District Director.

#### APPENDIX A

Maximum prices for sales of specified items of Building Materials when such sales are made in El Paso County, Texas, to building contractors or other ultimate users.

Maximum Price F. O. B. Plant, Yard, Siding or Store, or Delivered in Free Delivery Zone

Name of item and basic unit	
Plaster, hard wall (in carload lots) ton	\$17.00
Plaster, hard wall, bag (100-lb.)	.90
Plaster, gauging, bag (100-lb.)	1.50
Plaster, moulding, bag (100-lb.)	1.50
Keene's cement, bag (100-lb.)	2.00
Finishing lime, bag (50-lb.)	.65
Portland cement, paper bag (94-lb.)	.75
Portland cement (paper bags in carload lots), bbl.	2.53
Portland cement, cloth bag (94-lb.)	.85
Waterproof cement (grey), bag	.95
Masonry mortar, bag	.75
Mason's hydrated lime, ton	20.00
Mason's hydrated lime, bag (50-lb.)	.65
Clay drain tile, 4", ft.	.15
Vitrified clay sewer pipe, 4", 24" joint	.50
Rock lath, 16 x 48, 1,000 sq. ft.	25.00
Gypsum wallboard, 3/8", 1,000 sq. ft.	52.50
Gypsum wallboard, 1/2", 1,000 sq. ft.	55.00
Gypsum exterior sheathing (waterproof), 1,000 sq. ft.	50.00
Roof units, 1", 1,000 sq. ft.	100.00
Asphalt roofing, mineral surface, 90-lbs., roll	3.00
Asphalt or tarred felt, 15-lbs., roll	3.00
Asphalt or tarred felt, 30-lbs., roll	3.00
Asphalt shingles, 210-lbs., (3 in 1), thickbutt, square	7.50
Asphalt shingles, 167-lbs., 2 tab hexagon, square	6.50
Asphalt roll roofing, smooth surface, 35-lbs., roll (first grade)	1.35
Asphalt roll roofing, smooth surface, 45-lbs., roll (first grade)	1.70
Asphalt roll roofing, smooth surface, 55-lbs., roll (first grade)	2.10
Asphalt roll roofing, smooth surface, 65-lbs., roll (first grade)	2.55
Fibre insulation board, 1/2" standard lath and board, 1,000 sq. ft.	57.50
Fibre insulation board, 2 1/2", asphalt sheathing, 1,000 sq. ft.	67.50
Standard density synthetic fibre board, 3/16", (4 x 8), 1,000 sq. ft.	77.50
Standard density fibre board, 1/2" tempered, standard, 1,000 sq. ft.	95.00
Thermal insulation blankets, paper backed, medium 2", 1,000 sq. ft.	52.50
Thermal insulation blankets, (PB) full thick, 1,000 sq. ft.	71.25
Thermal insulation, loose in bags, nodulated, 25-lb. bag	.88
Knotty pine, walnut and bleached mahogany gypsum wallboard, sq. ft.	.06
Metal lath, black copper bearing, 2.5-lb., sq. yd.	.35
Metal lath, galvanized, 3.4-lb., sq. yd.	.40
Gypsum lath, 3/8", 1,000 sq. ft.	25.00
Metal lath, 2.2-lb. painted diamond mesh, sq. yd.	.30
Metal lath, 2.5-lb. painted diamond mesh, sq. yd.	.34
Metal lath, 2.5-lb., galvanized, sq. yd.	.36
Metal lath, 3.4-lb. painted diamond mesh, sq. yd.	.36
Metal lath, 3.4-lb., 3/8", high rate, painted, sq. yd.	.43
Metal lath, corner bond, expanded type, sq. yd.	.06

Name of item	Basic unit	Maximum price f. o. b. plant
Concrete Block:		
4 x 8 x 12.....	1,000	\$74.50
4 x 6 x 12.....	1,000	63.50
4 x 4 x 12.....	1,000	47.50

1. *Terms of sale.* Terms of sale for all commodities covered by this Appendix shall be net 30 days.

2. *Free delivery zone.* The term "free delivery zone" as used in this order for items other than concrete blocks includes all points within the corporate limits of El Paso, Texas, and all points within a 5 mile radius of the place from which delivery is made. The free delivery zone described in this order does not apply to concrete blocks and no delivery charges are established in this order for concrete blocks.

3. The following delivery charges may be made when a delivery is made outside the free delivery zone hereinabove described for items other than concrete blocks:

(a) For sellers who were in business during March 1942, the same delivery charge they had in effect during March 1942, for each type and quantity of sale made.

(b) For sellers who were not in business during March 1942, the delivery charge which their most competitive seller, who was in business during March 1942, may make under the provisions of this order.

4. *Additions for the extension of credit.* The following additions to the maximum prices hereinabove established may be made for the extension of credit beyond 30 days in the case of all items covered by this Appendix:

(a) Sellers who were in business during March 1942, are permitted to add to prices established hereinabove for the extension of credit beyond a period of 30 days in the case of all items covered by this Appendix, the same additions that they had in effect during March 1942, for the same type and quantity of sale. If no extra charges were made for the extension of credit during March 1942, none may be added.

(b) Sellers who were not in business during March 1942, are permitted to make the same charge for the extension of credit which their most closely competitive seller is permitted to make under the provisions of this order.

5. *Maintenance of customary discounts.* (a) Sellers who were in business during March 1942, are required to maintain their customary discounts and allowances, such as cash discounts, contractor's discounts, and discounts for pickup by the customer as required by the maximum price regulations which were controlling for those commodities prior to the issuance of this order.

(b) Sellers who were not in business during March 1942, are required to adopt and maintain the customary yard, quantity, and class of purchaser discounts which their most closely competitive sellers had in effect during March 1942.

[F. R. Doc. 46-9745; Filed, June 7, 1946; 4:20 p. m.]

[Region VII 3d Rev. Order G-24 Under RMPR 122, Amdt. 16]

**SOLID FUELS IN DENVER REGION**

Third Revised Order No. G-24 under Revised Maximum Price Regulation No. 122, Amendment No. 16. Solid fuels sold and delivered by dealers. Adjustment of specific maximum prices of dealers in Region VII to compensate for increases in supplier's price under

Amendment 74 to Maximum Price Regulation No. 120. Docket No. 7-122-260-19.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 16 is issued.

1. Third Revised Order No. G-24, as amended, is hereby further amended by deleting from Amendment No. 4 thereto, issued August 7, 1945, all of Mine Price Categories (6), (8), (9), (10), (11), (12), (13) and (14).

2. *Effective date.* This Amendment No. 16 shall become effective as of May 24, 1946.

Issued this 23d day of May 1946.

RICHARD Y. BATTERTON,  
Regional Administrator.

[F. R. Doc. 46-9734; Filed, June 7, 1946; 4:14 p. m.]

[Region VII Order G-65 Under 18 (c)]

**CEMENT IN SALT LAKE CITY, UTAH, DISTRICT**

Order No. G-65 under § 1499.18 (c) of the General Maximum Price Regulation, adjusted maximum prices for cement when sold at wholesale and at retail in the Salt Lake City, Utah, district. Docket No. 7-18 (c)-50.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion this Order No. G-65 is issued.

(a) *What this order does.* This Order No. G-65 adjusts the maximum prices for cement sold at wholesale and at retail in the Salt Lake City, Utah District which includes all counties in the State of Utah, and the north 5% of Coconino County, Arizona, the north 5% of Mohave County, Arizona, and all of Franklin County, Idaho.

(b) *Adjusted maximum prices.* On and after the effective date hereof, the maximum prices for cement sold in the Salt Lake City, Utah District shall be as follows:

(1) The maximum price for sales of cement made at wholesale shall be the seller's present duly established maximum price plus a transportation allowance equal to the difference between the cost of transportation from his normal source of supply and the cost of transportation from the source of supply to which he has been compelled to resort.

(2) The maximum prices for sales of cement made at retail shall be the seller's present duly established maximum price plus a transportation allowance equal to the difference between the cost of transportation from his normal source of supply and the cost of transportation from the source of supply to which he has been compelled to resort; but if the transportation allowance so determined is more than 5¢ per sack the seller may add to his present maximum price only the amount in excess of 5¢ per sack.

(c) *Established differentials and allowances must be maintained.* Both wholesalers and retailers must continue to maintain and allow all customary discounts and differentials and, as used in this order, "wholesale sale" includes sales to industrial users, contractors and builders who do not purchase the cement in question for the purpose of resale.

(d) *Applicability of other regulations.* Insofar as the same is contradictory or inconsistent therewith, this Order No. G-65 supersedes the General Maximum Price Regulation.

(e) *Records.* In addition to any other records required to be kept, dealers subject to this order shall keep records relating to the sale of cement covered by this order, showing for each sale the date thereof, the name and address of the purchaser, the quantity sold, the price charged, and the additional amount authorized to be charged under this order by reason of the fact that the amount so sold has been obtained from other than the normal source of supply.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or by the Regional Administrator.

*Effective date.* This Order No. G-65 shall become effective on the 23d day of May 1946.

Issued this 23d day of May 1946.

RICHARD Y. BATTERTON,  
Regional Administrator.

[F. R. Doc. 46-9732; Filed, June 7, 1946; 4:14 p. m.]

[Region VII Order G-97 Under MPR 188, Amdt. 1]

**WELCH INDUSTRIES, INC., ET AL.**

**AUTHORIZATION OF MAXIMUM PRICES**

Order No. G-97 under Maximum Price Regulation No. 188, Amendment No. 1. Authorized maximum prices for certain durable goods manufactured by Welch Industries, Inc., Colorado Springs, Colo., when sold by the manufacturer and specified resellers. Docket No. 7-183-158-221.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1499.158 and 1499.158a of Maximum Price Regulation No. 188, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Paragraph (b) of Order No. G-97 under Maximum Price Regulation No. 188 is hereby amended by adding to the price categories therein set forth two new price categories, to read as follows:



	Model No.	When sold by—		
		Manufacturer to wholesaler or jobber	Manufacturer, wholesaler or jobber to retailer	Any seller to ultimate consumer
(12) Toilet paper holder.....	TPH-1	Each \$1.08	Each \$1.35	Each \$2.25
(13) Glass shelf.....	GS-1	1.44	1.80	3.00

2. *Effective date.* This Amendment No. 1 shall become effective on the 21st day of May 1946.

Issued this 21st day of May 1946.

RICHARD Y. BATTERTON,  
Regional Administrator.

[F. R. Doc. 46-9733; Filed, June 7, 1946;  
4:14 p. m.]

[Region VIII Order G-8 Under MPR 592]

#### READY MIX CONCRETE IN SAN FRANCISCO REGION

For the reasons set forth in the accompanying opinion under the authority vested in the Regional Administrator of the Office of Price Administration by section 17 of Maximum Price Regulation No. 592; *It is hereby ordered:*

(a) The adjusted maximum prices for sales of ready-mix concrete by producers in the Counties of Los Angeles, San Bernardino, Riverside, Orange, and Kern, California, shall be the sum of such producers' present maximum prices plus an amount equal to 7½ cents for each sack of Portland Cement entering into the particular mix delivered on each job: *Provided, however,* That this allowance of 7½ cents per sack of cement shall apply only to the extent to which the acquisition cost of such cement has increased on or after October 14, 1944.

(b) This order may be amended, revoked, or corrected at any time.

This order shall become effective May 15, 1946.

Issued this 10th day of May 1946.

BEN C. DUNIWAY,  
Regional Administrator.

[F. R. Doc. 46-9738; Filed, June 7, 1946;  
4:16 p. m.]

#### LIST OF COMMUNITY PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register June 6, 1946.

##### REGION I

Hartford Order 5-F, Amendment 59, covering fresh fruits and vegetables in Waterbury and Watertown. Filed 10:12 a. m.

Hartford Order 6-F, Amendment 59, covering fresh fruits and vegetables in the Hartford area. Filed 10:12 a. m.

Hartford Order 7-F, Amendment 59, covering fresh fruits and vegetables in the New Haven area. Filed 10:12 a. m.

Hartford Order 8-F, Amendment 59, covering fresh fruits and vegetables in the Bridgeport area. Filed 10:12 a. m.

Hartford Order 1-M, Amendment 1, covering bottled beer and ale in the entire State of Connecticut. Filed 10:12 a. m.

##### REGION II

Pittsburgh Order 9-F, Amendment 19, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 10:11 a. m.

Pittsburgh Order 10-F, Amendment 18, covering fresh fruits and vegetables in Allegheny county, Pennsylvania. Filed 10:11 a. m.

Pittsburgh Order 11-F, Amendment 18, covering fresh fruits and vegetables in Erie and Warren county, Pennsylvania. Filed 10:11 a. m.

Pittsburgh Order 12-F, Amendment 18, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 10:12 a. m.

##### REGION III

Indianapolis Order 8-O, Amendment 3, covering eggs in certain counties in Indiana. Filed 10:10 a. m.

Indianapolis Order 9-O, Amendment 3, covering eggs in certain counties in Indiana. Filed 10:10 a. m.

Indianapolis Order 38, Amendment 11-A, covering dry groceries in certain areas in Indiana. Filed 10:12 a. m.

Indianapolis Order 39, Amendment 11-A, covering dry groceries in certain areas in Indiana. Filed 10:10 a. m.

Indianapolis Order 40, Amendment 12, covering dry groceries. Filed 10:10 a. m.

Indianapolis Order 19-W, Amendment 11-A, covering dry groceries in certain areas in Indiana. Filed 10:11 a. m.

Indianapolis Order 20-W, Amendment 11-A, covering dry groceries in certain areas in Indiana. Filed 10:09 a. m.

##### REGION IV

Atlanta Order 21, Amendment 15, covering eggs in Zone 19. Filed 10:09 a. m.

##### REGION V

Fort Worth Order 13-F, Amendment 46, covering fresh fruits and vegetables in Tarrant county, Texas. Filed 10:19 a. m.

Fort Worth Order 13-F, Amendment 48, covering fresh fruits and vegetables in Tarrant county, Texas. Filed 10:20 a. m.

Fort Worth Order 19-F, Amendment 35, covering fresh fruits and vegetables in Taylor, Tom Green and Wichita counties, Texas. Filed 10:20 a. m.

Fort Worth Order 23-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Texas. Filed 10:20 a. m.

Fort Worth Order 25-F, Amendment 4, covering fresh fruits and vegetables in Brown, Eastland, Haskell and Jones counties, Texas. Filed 10:20 a. m.

Fort Worth Order 26-F, Amendment 2, covering fresh fruits and vegetables. Filed 10:21 a. m.

Fort Worth Order 26-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Texas. Filed 10:21 a. m.

Fort Worth Orders 5-C and 1-O, covering poultry and eggs in Tarrant county, Texas. Filed 10:21 a. m.

Houston Order 24, Amendment 1, covering dry groceries in certain areas in Texas. Filed 10:19 a. m.

St. Louis Orders 3-C and 2-O, covering poultry and eggs in the city of St. Louis and county of St. Louis, Missouri. Filed 10:10 a. m.

St. Louis Order 26, Amendment 2, covering dry groceries. Filed 10:09 a. m.

St. Louis Order 28, Amendment 2, covering dry groceries. Filed 10:09 a. m.

##### REGION VI

Chicago Order 2-F, Amendment 116, covering fresh fruits and vegetables in certain counties in Illinois and Lake county, Indiana. Filed 10:14 a. m.

Chicago Order 6-C, Amendment 19, covering poultry in Cook county, Illinois. Filed 10:14 a. m.

Chicago Orders 14 and 15, Amendments 6 and 3, covering dry groceries. Filed 10:14 a. m.

Chicago Order 6-W, Amendment 6, covering dry groceries. Filed 10:13 a. m.

Des Moines Order 4-F, Amendment 36, covering fresh fruits and vegetables in certain counties in Iowa and South Sioux City in Nebraska. Filed 10:13 a. m.

Des Moines Order 5-F, Amendment 36, covering fresh fruits and vegetables in certain areas in Iowa. Filed 10:13 a. m.

Des Moines Order 6-F, Amendment 36, covering fresh fruits and vegetables in certain counties in Iowa. Filed 10:13 a. m.

Des Moines Order 7-F, Amendment 36, covering fresh fruits and vegetables in certain counties in Iowa and the cities of Moline, East Moline, Rock Island, Silvis and Milan in Illinois. Filed 10:13 a. m.

Fargo Order 4-F, Amendment 3, covering fresh fruits and vegetables in Cass county, North Dakota and Clay county, Minnesota. Filed 10:14 a. m.

Green Bay Order 7-F, Amendments 33 and 34, covering fruits and vegetables in certain areas in Wisconsin. Filed 10:14 a. m. and 10:15 a. m.

Green Bay Order 8-F, Amendments 33 and 34, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 10:15 a. m.

Green Bay Order 9-F, Amendments 33 and 34, covering fresh fruits and vegetables in Florence, Forest and Marinette, counties, Wisconsin. Filed 10:15 a. m.

Green Bay Order 12-F, Amendments 19 and 20, covering fresh fruits and vegetables in certain areas in Wisconsin. Filed 10:15 a. m.

Green Bay Order 13-F, Amendments 4 and 5, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 10:16 a. m.

Milwaukee Order 14-F, Amendment 6, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 10:16 a. m.

Milwaukee Order 15-F, Amendment 6, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 10:16 a. m.

Milwaukee Order 16-F, Amendment 6, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 10:16 a. m.

Milwaukee Order 17-F, Amendment 6, covering fresh fruits and vegetables in

certain counties in Wisconsin. Filed 10:16 a. m.

Milwaukee Order 7-W, Amendment 5, covering dry groceries in Milwaukee county and Racine and Kenosha cities, Wisconsin. Filed 10:16 a. m.

Omaha Order 15-F, Amendment 20, covering fresh fruits and vegetables in certain counties in Nebraska and the city of Council Bluffs, Iowa. Filed 10:17 a. m.

Omaha Order 16-F, Amendment 20, covering fresh fruits and vegetables in certain counties in Nebraska. Filed 10:17 a. m.

Omaha Order 17-F, Amendment 20, covering fresh fruits and vegetables in certain counties in Nebraska. Filed 10:17 a. m.

Omaha Order 37, Amendment 3, covering dry groceries sold by Groups 3 and 4 stores in the State of Nebraska. Filed 10:17 a. m.

Peoria Order 16-F, Amendment 18, covering fresh fruits and vegetables in certain counties in Illinois. Filed 10:17 a. m.

Peoria Order 17-F, Amendment 18, covering fresh fruits and vegetables in certain areas in Illinois. Filed 10:17 a. m.

Peoria Order 18-F, Amendment 18, covering fresh fruits and vegetables in certain counties in Illinois. Filed 10:17 a. m.

Peoria Order 19-F, Amendment 18, covering fresh fruits and vegetables in certain counties in Illinois. Filed 10:17 a. m.

Peoria Adopting Order 13, Amendment 3, covering dry groceries in certain counties in Illinois. Filed 10:18 a. m.

Peoria Orders 4-W and 21, Amendment 3, covering dry groceries in certain counties in Illinois. Filed 10:18 a. m.

Sioux Falls Order 5-F, Amendment 19, covering fresh fruits and vegetables in the county of Minnehaha, South Dakota. Filed 10:18 a. m.

Sioux Falls Order 9-W, Amendment 3, covering dry groceries in counties of South Dakota, Iowa and Minnesota. Filed 10:18 a. m.

Springfield Order 24-F, Amendment 13, covering fresh fruits and vegetables in certain counties in Illinois. Filed 10:18 a. m.

Springfield Order 62 and 35-W, Amendment 3, covering dry groceries. Filed 10:19 a. m.

REGION VIII

San Francisco Order 4-P, Amendment 2, covering fish in certain counties in California. Filed 10:14 a. m.

San Francisco Order 5-P, Amendment 2, covering fish in Monterey, San Benito, and Santa Cruz counties, California. Filed 10:20 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,  
Secretary.

[F. R. Doc. 46-9792; Filed, June 10, 1946; 11:44 a. m.]

LIST OF COMMUNITY PRICE ORDERS

The following orders under Revised General Order 51 were filed with the

Division of the Federal Register June 7, 1946.

REGION I

Concord Order 17, Amendment 9, covering dry groceries in the State of New Hampshire. Filed 9:53 a. m.

Concord Order 4-W, Amendment 9, covering dry groceries in the State of New Hampshire. Filed 9:53 a. m.

New England Order 7-F, Amendment 58, covering fresh fruits and vegetables in the Boston area. Filed 9:52 a. m.

New England Order 8-F, Amendment 54, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 9:52 a. m.

New England Order 9-F, Amendment 55, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 9:52 a. m.

Concord Order 9-F, Amendment 59, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 9:53 a. m.

New England Order 10-F, Amendment 53, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 9:52 a. m.

New England Order 11-F, Amendment 54, covering fresh fruits and vegetables in certain defined areas in Massachusetts. Filed 9:52 a. m.

New England Order 13-F, Amendment 35, covering fresh fruits and vegetables in the Brockton area. Filed 9:52 a. m.

New England Order 14-F, Amendment 16, covering fresh fruits and vegetables in cities and towns of Barnstable county, Massachusetts. Filed 9:53 a. m.

Providence Order 3-W, Amendment 5, covering dry groceries in the State of Rhode Island except the town of New Shoreham. Filed 9:54 a. m.

REGION II

Newark Order 21, Amendment 4, covering dry groceries in certain counties in New Jersey. Filed 9:54 a. m.

Newark Order 22, Amendment 4, covering dry groceries in certain counties in New Jersey. Filed 9:54 a. m.

Newark Order 23, Amendment 4, covering dry groceries in certain counties in New Jersey. Filed 9:55 a. m.

Newark Order 24, Amendment 4, covering dry groceries in certain counties in New Jersey. Filed 9:55 a. m.

Newark Order 25, Amendment 4, covering dry groceries in certain counties in New Jersey. Filed 9:55 a. m.

Newark Order 26, Amendment 4, covering dry groceries in certain counties in New Jersey. Filed 9:55 a. m.

Newark Order 7-W, Amendment 4, covering dry groceries in certain counties in New Jersey. Filed 9:55 a. m.

Newark Order 8-W, Amendment 4, covering dry groceries in certain counties in New Jersey. Filed 9:56 a. m.

Scranton Order 21, Amendment 2, covering dry groceries in certain counties in Pennsylvania. Filed 9:51 a. m.

Scranton Order 22, Amendment 3, covering dry groceries in certain counties in Pennsylvania. Filed 9:51 a. m.

Scranton Order 23, Amendment 2, covering dry groceries in certain counties in Pennsylvania. Filed 9:51 a. m.

Scranton Orders 7-W and 25, Amendment 3, covering dry groceries in certain counties in Pennsylvania. Filed 9:50 and 9:51 a. m.

Scranton Order 20, Amendment 3, covering dry groceries in certain counties in Pennsylvania. Filed 9:51 a. m.

Syracuse Order P-5, covering fresh fish sold at retail. Filed 9:50 a. m.

Wilmington Order 5-F, Amendment 18, covering fresh fruits and vegetables in the entire State of Delaware. Filed 9:50 a. m.

REGION II

REGION III

Charleston Order 7-F, Amendment 64, covering fresh fruits and vegetables in certain areas in West Virginia. Filed 9:38 a. m.

Charleston Order 14-C, Amendment 6, covering poultry in all the counties in West Virginia. Filed 9:38 a. m.

Cincinnati Order 4-F, Amendment 52-A, covering fresh fruits and vegetables in Hamilton county, Ohio. Filed 9:38 a. m.

Cincinnati Order 8-F, Amendment 22, covering fresh fruits and vegetables in certain areas in Ohio. Filed 9:38 a. m.

Cincinnati Order 16-F, Amendment 3, covering fresh fruits and vegetables in certain counties in Ohio. Filed 9:38 a. m.

Cincinnati Orders 24 and 25, Amendment 5, covering dry groceries in the entire Cincinnati Ohio area. Filed 9:47 a. m.

Cincinnati Order 27, Amendment 3, covering dry groceries in certain areas in Ohio. Filed 9:42 a. m.

Cincinnati Order 29, Amendment 3, covering dry groceries in certain counties in Ohio. Filed 9:42 a. m.

Cincinnati Order 9-W, Amendment 5, covering dry groceries in the entire Cincinnati, Ohio area. Filed 9:43 a. m.

Cleveland Order 3-F, Amendment 50, covering fresh fruits and vegetables in certain counties and townships in Ohio. Filed 9:43 a. m.

Cleveland Order 6-F, Amendment 28, covering fresh fruits and vegetables in Cuyahoga county, Ohio. Filed 9:43 a. m.

Cleveland Order 7-F, Amendment 29, covering fresh fruits and vegetables in certain counties in Ohio. Filed 9:43 a. m.

Cleveland Order 8-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Ohio. Filed 9:44 a. m.

Cleveland Order 5-W, Amendment 11, covering dry groceries in certain areas in Ohio. Filed 9:44 a. m.

Cleveland Order 6-W, Amendment 10, covering dry groceries in Cuyahoga county Ohio. Filed 9:45 a. m.

Cleveland Order 7-W, Amendment 3, covering dry groceries in certain areas in Ohio. Filed 9:45 a. m.

Cleveland Order 37, Amendment 10, covering dry groceries in Cuyahoga county Ohio. Filed 9:44 a. m.

Cleveland Order 38, Amendment 11, covering dry groceries in certain areas in Ohio. Filed 9:44 a. m.

Cleveland Order 39, Amendment 3, covering dry groceries in certain areas in Ohio. Filed 9:44 a. m.

Cleveland Order 40, Amendment 2, covering dry groceries in all counties in

the Cleveland, Ohio area. Filed 9:45 a. m.

Detroit Order 10-F, Amendment 55, covering fresh fruits and vegetables in Wayne and Macomb counties, Michigan. Filed 9:48 a. m.

Detroit Order 10-F, Amendment 56, covering fresh fruits and vegetables in certain counties in Michigan. Filed 9:48 a. m.

Detroit Order 10-F, Amendment 57, covering fresh fruits and vegetables in certain counties in Michigan. Filed 9:48 a. m.

Detroit Order 21-W, Amendment 3, covering dry groceries in certain counties in Michigan. Filed 9:49 a. m.

Detroit Order 22-W, Amendment 2, covering dry groceries in certain counties in Michigan. Filed 9:49 a. m.

Detroit Order 32, Amendment 3, covering dry groceries in certain counties in Michigan. Filed 9:48 a. m.

Detroit Order 32, Amendment 4, covering dry groceries in certain counties in Michigan. Filed 9:56 a. m.

Indianapolis Order 14-F, Amendment 70, covering fresh fruits and vegetables in Marion, Vigo, and Tippecanoe counties, Indiana. Filed 9:49 a. m.

#### REGION IV

Atlanta Order 9-O, Amendment 6, covering eggs in Zone 16. Filed 9:39 a. m.

Atlanta Order 10-O, Amendment 4, covering eggs in Zone 16. Filed 9:39 a. m.

Atlanta Order 11-O, Amendment 7, covering eggs in Zone 17. Filed 9:39 a. m.

Birmingham Order 7-W, Amendment 6, covering dry groceries in the Birmingham area. Filed 9:40 a. m.

Birmingham Order 8-W, Amendment 5, covering dry groceries in the Birmingham area. Filed 9:40 a. m.

Birmingham Order 26, Amendment 6, covering dry groceries in the Birmingham area. Filed 9:39 a. m.

Birmingham Order 28, Amendment 5, covering dry groceries in the Birmingham area. Filed 9:39 a. m.

Columbia Order 8-F, Amendments 30 and 31, covering fresh fruits and vegetables in the State of South Carolina. Filed 9:47 a. m.

Columbia Orders 21 and 22, Amendments 5 and 4, covering dry groceries in the South Carolina area. Filed 9:36 a. m.

Columbia Orders 23-C and 24-C, Amendment 7, covering poultry sold by Groups 1 and 2 and 3 and 4 stores in the South Carolina area. Filed 9:37 a. m.

Columbia Order 25-C and 26-C, Amendment 7, covering poultry sold by Groups 1 and 2 and 3 and 4 stores in the South Carolina area. Filed 9:37 a. m.

Columbia Order 7-W, Amendment 5, covering dry groceries in the South Carolina area. Filed 9:36 a. m.

Jackson Orders 24 and 25, Amendment 4, covering dry groceries sold by Groups 1 and 2 and 3 and 4 stores in the Mississippi area. Filed 9:40 a. m.

Jackson Order 26, Amendment 4, covering dry groceries sold by Groups 3A and 4A stores in the Mississippi area. Filed 9:41 a. m.

Jackson Order 7-W, Amendment 3, covering dry groceries in the Mississippi area. Filed 9:41 a. m.

Jacksonville Order 14-F, Amendment 30, covering fresh fruits and vegetables in the city of Jacksonville, Florida. Filed 9:54 a. m.

Jacksonville Order 15-F, Amendment 5, covering fresh fruits and vegetables in the city of Pensacola, Florida. Filed 9:49 a. m.

Memphis Orders 29 and 30, Amendment 5, covering dry groceries sold by Groups 1 and 2 and 3 and 4 stores in the Memphis area. Filed 9:49 and 9:35 a. m.

Memphis Order 11-W, Amendment 4, covering dry groceries in the Memphis area. Filed 9:36 a. m.

Raleigh Order 13-F, Amendment 30, covering fresh fruits and vegetables in certain counties in North Carolina. Filed 9:36 a. m.

Raleigh Order 14-F, Amendment 18, covering fresh fruits and vegetables in certain counties in North Carolina. Filed 9:36 a. m.

Richmond Order 5-O, Amendments 1 and 5, covering eggs in Chesterfield, Hanover, Henrico and Powhatan counties in Richmond, Virginia. Filed 9:46 a. m.

Richmond Order 5-O, Amendments 4 and 6, and 8 covering eggs in Chesterfield, Hanover, Henrico and Powhatan counties, in Richmond, Virginia. Filed 9:46 a. m.

Richmond Order 6-O, Amendments 1 and 3, covering eggs in city of Roanoke and Roanoke county, Virginia. Filed 9:46 a. m.

Richmond Order 8-F, Amendment 32, covering fresh fruits and vegetables in certain cities, counties and towns in Virginia. Filed 9:54 a. m.

#### REGION V

New Orleans Order 7-O, Amendment 25, covering eggs sold by Groups 1 and 2 stores. Filed 9:54 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,  
Secretary.

[F. R. Doc. 46-9834; Filed, June 10, 1946; 4:38 p. m.]