FEDERAL REGISTER

VOLUME 7 NUMBER 142

Washington, Tuesday, July 21, 1942

The President

PROCLAMATION 2563

[STATE OF WAR BETWEEN UNITED STATES AND HUNGARY, BULGARIA, AND RUMANIA]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Congress of the United States in the exercise of its constitutional authority has declared, by joint resolutions approved by the President of the United States on June 5, 1942, that a state of war exists between the United States of America and Hungary, Rumania, and Bulgaria; and

WHEREAS by sections 21, 22, 23, and 24 of title 50 of the United States Code, provision is made for the regulation of the conduct and apprehension of natives, citizens, denizens, or subjects of a hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby make proclamation to all whom it may concern that a state of war exists between the United States and Hungary, Rumania, and Bulgaria.

And acting under and by virtue of the authority vested in me by the Constitution of the United States and the said sections of the United States Code, I do hereby further proclaim and direct that the conduct to be observed on the part of the United States toward all natives, citizens, denizens, or subjects of Hungary, Rumania, and Bulgaria, being of the age of fourteen years and upward, who shall be within the United States or within any territories in any way subject to the jurisdiction of the United States and not actually naturalized, shall be as follows:

All natives, citizens, denizens, or subjects of Hungary, Rumania, and Bulgaria are enjoined to preserve the peace towards the United States and to refrain from crime against the public safety, and from violating the laws of the United States and of the States and Territories thereof; and to refrain from actual hostility or giving information, aid, or comfort to the enemies of the United States or interfering by word or deed with the defense of the United States or the political processes and public opinions thereof; and to comply strictly with the regulations which may be from time to time promulgated by the President.

All natives, citizens, denizens, or subjects of Hungary, Rumania, and Bulgaria, being of the age of fourteen years or upward, who shall be within the United States and not actually naturalized, who fail to conduct themselves as so enjoined, in addition to all other penalties prescribed by law, shall be liable to restraint, or to give security, or to remove and depart from the United States in the manner prescribed by sections 23 and 24 of title 50 of the United States Code and as prescribed in regulations duly promulgated by the President.

And pursuant to the authority vested in me as aforesaid I hereby declare and prescribe the following regulation, which I find necessary in the premises and for the public safety:

Any native, citizen, denizen, or subject of Hungary, Rumania, or Bulgaria, of the age of fourteen years and upward, and not actually naturalized, who, in the judgment of the Attorney General or the Secretary of War, as the case may be, is aiding, or about to aid, the enemy, or who may be at large to the danger of the public peace or safety, or who, in the judgment of the Attorney General or the Secretary of War, as the case may be, is violating, or is about to violate any regulation adopted and promulgated by the President, or any criminal law of the United States or of the States or Territories thereof, shall be subject to summary arrest as an alien enemy and to confinement in a place of detention, as may be directed by the President or by any executive officer hereafter designated by the President of the United States.

And pursuant to the authority vested in me, I hereby charge the Attorney General with the duty of executing the above regulation and all regulations hereafter adopted and promulgated regard-

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FEDERAL REGISTER

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NOTICES

ing the conduct of natives, citizens, denizens or subjects of Hungary, Rumania, and Bulgaria within continental United States, Puerto Rico, and the Virgin Islands, and the Secretary of War with the duty of executing the above regulation and all regulations hereafter adopted and promulgated regarding the conduct of natives, citizens, denizens, or subjects of Hungary, Rumania, and Bulgaria in Alaska, the Canal Zone, the Hawaiian Islands, and the Philippine Islands. Each of them is specifically directed to cause the apprehension of any native, citizen, denizen, or subject of Hungary, Rumania, or Bulgaria who in the judgment of each is subject to apprehension as an alien enemy under such regulations. In carrying out such regulations within the continental United States, Puerto Rico, and the Virgin Islands, the Attorney General is authorized to utilize such agents, agencies, officers and departments of the United States and of the several states, territories, dependencies, and municipalities thereof and of the District of Columbia as he may select for the purpose. Similarly the Secretary of War in carrying out such regulations in Alaska, the Canal Zone, the Hawaiian Islands, and the Philippine Islands is authorized to use such agents, agencies, officers, and departments of the United States and of the territories, dependencies, and municipalities thereof as he may select for the purpose. All such agents, agencies, officers, and departments are hereby granted full authority for all acts done by them in the execution of such regulations when acting by direction of the Attorney General or the Secretary of War, as the case may be.

For the purposes of entry into and departure from the United States, paragraph (8) of proclamation No. 2525 of December 7, 1941,[1] shall be applicable to natives, citizens, denizens, or subjects of the countries herein mentioned.

This proclamation and the regulations contained herein and hereafter adopted shall extend and apply to all land and water, continental or insular, in any way within the jurisdiction of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 17th day of July, in the year of our Lord nineteen hundred and forty-two, and of the Independence of the United States of America the one hundred and sixty-seventh.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 42–6874; Filed, July 20, 1942; 10:32 a. m.]

[1] 6 F.R. 6321.

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

[1942 C.C.C. Rye Form 1—Instructions; 1942 C.C.C. Barley Form 1—Instructions; 1942 C.C.C. Grain Sorghums Form 1—Instructions]

PART 231—1942 RYE, BARLEY, AND GRAIN SORGHUMS LOANS

INSTRUCTIONS CONCERNING LOANS ON 1942 RYE, BARLEY, AND GRAIN SORGHUMS

Commodity Credit Corporation has authorized the making of loans and the purchase of eligible paper secured by 1942 rye, barley, or grain sorghums stored on farms or in approved public grain warehouses. These instructions state the requirements of Commodity Credit Corporation with reference to making such loans and purchases.

PART 231—1942 RYE, BARLEY, AND GRAIN SORGHUMS LOANS

Sec.

AUTHORITY: §§ 231.1 to 231.17 inclusive issued under sec. 302 (a) 52 Stat. 43; 7 U.S.C., 1302.

§ 231.1 *Definitions.* For the purpose of these instructions and the notes and loan agreements or mortgages relating thereto, the following terms shall be construed, respectively, to mean:

(a) *Grain.* Rye, barley, and grain sorghums.

(b) *Producer eligibility.* Any person, partnership, association, or corporation producing rye, barley, or grain sorghums as landlord, landowner, or tenant upon whose farm: (1) the sum of the 1942 acreages of wheat, cotton, corn, and tobacco does not exceed the sum of the allotments or permitted acreages of such crops determined for the farm under the 1942 Agricultural Conservation Program, and (2) 20 percent or more of the cropland is devoted to the conservation uses as defined in section I (i) (1) of the 1942 Agricultural Conservation Program, or 25 percent or more of the cropland is devoted to erosion-resisting use, or 60 percent or more of the soil building allowance for the farm under the 1942 Agricultural Conservation Program is earned.

(c) *Eligible grain.* (1) Eligible rye shall be rye grading No. 2 or better or grading No. 3 solely on the factor of test weight, but otherwise grading No. 2 or better, produced in 1942, the beneficial interest to which is and always has been in the eligible producer. Rye grading tough, light smutty, smutty, light garlicky, garlicky, or rye containing in excess of 1 percent ergot shall not be eligible for a loan. Rye containing in excess of three-tenths of 1 percent, but not in excess of 1 percent ergot, shall be eligible for a loan at discounts set out in § 231.3 (a) hereof.

(2) Eligible barley shall be barley of any class grading No. 5 or better, the beneficial interest to which is and always has been in the eligible producer. Barley grading tough, stained, blighted, smutty, garlicky, weevily, ergoty, or bleached shall not be eligible for loan.

(3) Eligible grain sorghums shall be grain sorghums grading No. 4 or better except that grain sorghums grading weevily or smutty, or containing in excess of 13 percent moisture when stored on the farm or in excess of 14 percent when stored in a warehouse, shall not be eligible for a loan.

(d) *Eligible storage.* Eligible storage shall include public grain warehouses and farm storage meeting the following requirements:

(1) Public grain warehouses which have met the requirements of Commodity Credit Corporation and have executed the Uniform Grain Storage Agreement.

(2) Farm storage shall consist of farm bins and granaries which are of such substantial and firm construction as to afford safe storage for the grain for a period of 2 years and permit effective fumigation for the destruction of insects and afford protection against rodents, other animals, thieves, and weather as determined by the county agricultural conservation committee.

(e) *Lending agency.* Any bank, cooperative marketing association or other corporation, partnership, or person making loans in accordance with these instructions which has executed the Contract to Purchase on 1940 C.C.C. Form E.

(f) *Eligible paper.* Eligible paper shall consist of notes of the producer secured by chattel mortgages or warehouse receipts representing grain in existence and undamaged executed in accordance with these instructions and approved by a member of the county agricultural conservation committee, with State documentary revenue stamps affixed thereto where required by law. Notes executed by an administrator, executor, or trustee will be acceptable only where valid in law.

§ 231.2 *Area in which loans will be made.* Loans will be made on eligible grain when stored in (a) approved warehouses or (b) when stored in private bins or granaries approved by county agricultural conservation committees. State agricultural conservation committees may declare counties ineligible for farm storage in the event such storage is hazardous because of insect infestation.

§ 231.3 *Amount of loans.* The following loan rates apply to grain stored on the farm or in approved warehouses when evidence is submitted that storage charges have been prepaid through the maturity date of the note. Evidence of prepaid storage must be a stamped or typed legend on or attached to the warehouse receipt which is signed by the warehouseman and substantially stating:

Storage charges for the period ending (April 30, 1943, for rye and barley) (June 30, 1943, for grain sorghums) on the grain represented by this warehouse receipt have been paid or otherwise provided for and lien for such charges will not be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of this warehouse receipt.

---------- Signed ----------
Address Warehouseman

Seven cents will be deducted from the applicable loan rate for grain stored in warehouses for which evidence of prepaid storage is not submitted.

(a) The loan value for eligible rye grading No. 2 or better, or rye grading No. 3 solely on the factor of test weight but otherwise grading No. 2 or better, shall be 60 cents per bushel, except that the loan value for eligible rye containing in excess of three-tenths of 1 percent (0.3 percent) but not in excess of 1 percent (1 percent) shall be discounted 1 cent for each one-tenth of 1 percent (0.1 percent) ergot in excess of three-tenths of 1 percent (0.3 percent).

(b) Loan values on barley except Mixed Barley (Class IV) shall be based for all classes on the numerical grades as provided in the Official Grain Standards of the United States, in accordance with the following:

	For all States except when stored in Arizona, California, Idaho, Nevada, Oregon, Washington, and Utah	Stored in Arizona, California, Idaho, Nevada, Utah, Oregon, and Washington
	Cents per bushel	*Cents per bushel*
No. 1 barley	55	60
No. 2 barley	54	59
No. 3 barley	52	57
No. 4 barley	49	54
No. 5 barley	45	50

Mixed Barley shall be discounted 2 cents per bushel.

(c) Loan values on grain sorghums will be based on the numerical grade, irrespective of subclass, except Mixed Grain Sorghums (Class V) in accordance with the following:

	Cents per bushel
No. 1 grain sorghums	55
No. 2 grain sorghums	53
No. 3 grain sorghums	50
No. 4 grain sorghums	45

Mixed Grain Sorghums shall be discounted 2 cents per bushel.

§ 231.4 *Maturity and interest rate.* Rye and barley loans will mature on demand but not later than April 30, 1943. Grain sorghums loans will mature on demand but not later than June 30, 1943. Rye and barley loans must be dated on or prior to December 31, 1942. Grain sorghums loans must be dated on or prior

to January 31, 1943. All loans will bear interest at the rate of 3 percent per annum.

§ 231.5 *Determination of quantity of grain.* Loans shall be made at values expressed in cents per bushel, a bushel being determined to be 48 pounds of clean barley and 56 pounds of clean rye or grain sorghums, free of dockage, when determined by weight, or 1.25 cubic feet of grain having test weight of 48 pounds for barley or 56 pounds for rye or grain sorghums when determined by measurement. In determining the quantity of grain in farm storage by measurement fractional pounds of the bushel test weight will be disregarded and the quantity determined shall be adjusted by the following respective percentages:

(a) For rye and grain sorghums testing—

	Percent
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95
52 pounds or over, but less than 53 pounds	93
Grain sorghums testing—	
51 pounds or over, but less than 52 pounds	91
50 pounds or over, but less than 51 pounds	89
49 pounds or over, but less than 50 pounds	87

(b) For barley testing—

48 pounds or over	100
47 pounds or over, but less than 48 pounds	98
46 pounds or over, but less than 47 pounds	96
45 pounds or over, but less than 46 pounds	94
44 pounds or over, but less than 45 pounds	92
43 pounds or over, but less than 44 pounds	90
42 pounds or over, but less than 43 pounds	88
41 pounds or over, but less than 42 pounds	85
40 pounds or over, but less than 41 pounds	83
39 pounds or over, but less than 40 pounds	81
38 pounds or over, but less than 39 pounds	79
37 pounds or over, but less than 38 pounds	77
36 pounds or over, but less than 37 pounds	75
35 pounds or over, but less than 36 pounds	73

§ 231.6 *Farm storage.* Grain stored on the farm must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by State committee and regional directors of the Agricultural Adjustment Agency. In accordance with regulations issued by the Secretary of Agriculture, the State and county agricultural conservation committees will arrange for the inspection and approval of storage structures and the measuring, sampling, grading, and sealing of the collateral grain. Chattel mortgages covering the grain must be executed and filed in accordance with the applicable State law. In the event the borrower is a tenant and the collateral grain is stored on the farm, the expiration date of the lease must be shown in the chattel mortgage, and if such date is prior to a date 60 days beyond the maturity date of the note (June 30, 1943, for rye and barley, and August 30, 1943, for grain sorghums) the Consent for Storage section of the chattel mortgage must be executed by the owner of the premises and any other party that might be entitled to possession of the premises. Each producer must designate in the chattel mortgage a shipping point reasonably convenient for the delivery of the collateral grain as determined by the county committee. A separate note and chattel mortgage must be submitted for grain stored on each quarter section of land.

Commodity Credit Corporation will accept delivery of all the producer's grain in the bin or bins in which all or a portion of the grain therein was placed under loan: *Provided,* That such delivery will be limited to the number of bushels that was in the bin at the time the loan was made, less any amount which has been previously removed. The producer will be given credit for the number of bushels so delivered at the loan rate applicable to the quality of grain delivered. In the event a loan rate has not been established for the quality of grain delivered the regional director of Commodity Credit Corporation will determine the value.

§ 231.7 *Public warehouses.* Commodity Credit Corporation will accept only insured negotiable warehouse receipts representing eligible grain issued by any public grain warehouse which has executed the Uniform Grain Storage Agreement and has been approved by the Commodity Credit Corporation. Warehousemen desiring approval are advised to communicate with the regional director of Commodity Credit Corporation serving the area in which the warehouse is located. Uniform storage and handling charges and terms of the storage agreement are outlined in the Uniform Grain Storage Agreement. All grain pledged as security for a loan must be stored in the same warehouse. Grain moved by rail freight to a warehouse will not command a higher loan value than grain stored on farms or in warehouses located at country points.

§ 231.8 *Warehouse receipts.* Warehouse receipts must be dated on or prior to the date of the related note and must be properly assigned by an endorsement in blank so as to vest title in the holder, or issued to bearer and must be issued by approved warehouses. Unless the warehouse receipts are stamped or printed "insured" or "fully insured" there must be attached thereto or included in a certificate of the warehouseman a statement that the grain is insured for not less than the market value against the hazards of fire, lightning, inherent explosion, windstorms, cyclone and tornado. Commodity Credit Corporation will not accept warehouse receipts indicating any lien for charges prior to unloading in or delivery to the warehouse issuing such receipts. Lien for storage charges, unless prepaid through maturity, will be recognized only from June 1, 1942, or the date of the warehouse receipt, whichever is later. Receipts must set out in their written or printed terms, the gross weight or bushels, the grade, test weight, and all other factors and statements required to be stated in the written or printed terms of a negotiable warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act, or are to be accompanied by a certificate of the warehouseman, identified to such warehouse receipt, including such information. Warehouse receipts for No. 3 rye, to be eligible, must contain a statement that the rye grades No. 2 or better except for test weight. Receipts for grain sorghums, other than No. 1, must bear statement that the moisture content does not exceed 14 percent.

§ 231.9 *Liens.* The grain collateral must be free and clear of all liens, or if liens exist on the collateral, proper waivers must be secured from each lienholder. The names of the holders of all existing liens on the pledged or mortgaged grain such as landlord, laborers, threshers, or mortgagees, must be listed in the space provided in the chattel mortgage or note and loan agreement. The waiver and consent to pledge or mortgage the grain and the payment of the proceeds of the loan and the proceeds of the sale of the grain solely to the producer as contained in the mortgage or note and loan agreement must be signed personally by all lienholders listed or by their duly authorized agents; or, if corporation, by an officer authorized to execute such instruments. Lienholders may sign C.C.C. Form AB, completely identifying the related note, in lieu of signing the appropriate section of the chattel mortgage or note and loan agreement. The proceeds of the loan may be made payable to the producer and/or such other person or concern as the producer may direct in the space provided on the note. Producer should be sure that grain offered as collateral for a loan is not covered by previous real estate or other mortgages. The producer shall be held personally liable for the amount of the loan and subject to the provisions of the United States Criminal Code for any fraudulent representation of fact made in the execution of the note and mortgage or loan agreement.

§ 231.10 *Insurance*—(a) *Grain stored on farms.* Commodity Credit Corporation will not require producers to insure their 1942 farm-stored grain placed under loan. In case of a total loss of collateral resulting from an external cause, with the exception of a loss caused by conversion, negligence, or vermin, the Commodity Credit Corporation will mark the note "paid" and return it to the borrower. In case of a partial loss of collateral resulting from an external cause, with the exception of a loss caused by conversion, negligence, or vermin, the note will be credited at the loan value, plus interest, for the number of bushels on which the loss occurred. No loss will

be assumed if it is determined that there is fraudulent representation on the part of the borrower in connection with the loan.

(b) *Grain stored in approved warehouse.* The warehouseman shall provide insurance against the perils of fire, lightning, inherent explosion, and windstorm, cyclone, and tornado for the full market value of grain stored in their warehouses as long as receipts are outstanding.

§ 231.11 *Approval of loans by a member of the county committee.* C.C.C. Grain Form A (Revised) and C.C.C. Grain Form B must be approved by a member of the county agricultural conservation committee. The date of approval must not be prior to the date of the note or note and loan agreement.

(a) *Farm storage note.* A member of the county committee signing in the space provided on the Grain Producer's Note (C.C.C. Grain Form A (Revised)) certifies for and on behalf of the committee that to its best knowledge and belief the grain securing said note and the storage structure(s) in which said grain is stored have been inspected and sealed and the quantity, quality, and loan value determined in accordance with regulations of the Secretary of Agriculture; that the representations set forth in the chattel mortgage are true and correct; that the chattel mortgage covering said grain has been properly executed and will be filed for record in accordance with the requirements of Commodity Credit Corporation; that satisfactory evidence of authority of all parties executing note, chattel mortgage, lienwaiver(s), and consent for storage has been received, and any documentary evidence of authority will be held by the committee; that the original or a duplicate copy of said mortgage bearing receipt of the county recording official is held by the committee; that all lienholders have waived the priority of their liens and consents granted for storage if necessary in accordance with the provisions of the Agricultural Adjustment Agency instructions.

(b) *Warehouse storage note and loan agreement.* A member of the county committee signing in the space provided on the Grain Producer's Note and Loan Agreement (C.C.C. Grain Form B) certifies for and on behalf of the committee that to its best knowledge and belief the representations set forth by the producer are true and correct; that the amount of the loan on the described grain has been correctly determined on the basis of the warehouse receipts in accordance with these instructions and supplements thereto; and that all existing liens on the pledged grain are listed in § 231.7.

§ 231.12 *Source and preparation of documents.* Forms will be furnished county agricultural conservation committees and copies for the purpose of information may be obtained from such committees or from the office of the regional director serving the area, listed in § 231.15 hereof. All loan documents shall be prepared in the office of the county agricultural conservation committee. All blanks in C.C.C. Grain Forms A (Revised), AA (Revised), and B must be filled in with ink, typewriter, or indelible pencil, and such documents containing additions, alterations, or erasures will be accepted by Commodity Credit Corporation only when such corrections are properly initialed by the producer. The county agricultural conservation associations will collect a service fee for all loans.

§ 231.13 *Source of loans.* Loans may be obtained from Commodity Credit Corporation or any approved lending agency. Notes representing loans made direct with Commodity Credit Corporation should indicate Commodity Credit Corporation as payee and should be mailed to the regional director serving the area. Notes representing loans made with other agencies should bear the name and address of the lending agency as payee.

§ 231.14 *Purchase of loan.* Commodity Credit Corporation will purchase, without recourse, eligible paper only from approved lending agencies in accordance with the terms of the Contract to Purchase (1940 C.C.C. Form E). Paper held by lending agencies must be submitted to the regional director serving the area in which the grain is stored. Lending agencies should report weekly on 1940 C.C.C. Form F all payments or collections on producers' notes. An amount equivalent to 1½ percent interest per annum on the principal amount collected must be submitted with such weekly reports.

§ 231.15 *Offices of the regional directors of Commodity Credit Corporation.* The offices of the regional directors previously referred to herein and the areas served by them under these instructions are shown below:

Address of regional director and area

208 South La Salle Street, Chicago, Illinois: Connecticut, Delaware, Illinois (except East St. Louis), Indiana, Eastern Iowa (including Howard, Chickasaw, Bremer, Black Hawk, Tama, Poweshick, Mahaska, Wapello, Davis, and all counties east of those listed), Kentucky, Maryland, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Southern Wisconsin (including all counties except 18 listed in the Minneapolis area).

1108 Federal Reserve Bank Building, Kansas City, Missouri: Alabama, Arkansas, Colorado, Georgia, Florida, Western Iowa (including all counties west of those listed above), Kansas, Louisiana, Mississippi, Missouri (also East St. Louis), Nebraska, New Mexico, Oklahoma, South Carolina, Texas, Wyoming.

326 McKnight Building, Minneapolis, Minnesota: Minnesota, Montana, North Dakota, South Dakota, Northern Wisconsin (including the following counties: Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Iron, Pepin, Pierce, Polk, Rush, St. Croix, Sawyer, Vilas, Washburn, Florence, Forest, Oneida, Price, La Crosse, Lincoln, Taylor, Trempealeau).

225 Southwest Broadway, Artisan's Building, Portland Oregon: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

§ 231.16 *Release of collateral held by Commodity Credit Corporation.* A producer may obtain release of the collateral by paying to the lending agency or the Commodity Credit Corporation, whichever holds the note, the principal amount of the note, plus interest. If the note is held by an out-of-town lending agency or the Commodity Credit Corporation, the producer may request the note be forwarded to a local bank for collection. In such case, the local bank should be instructed to return the note to the sender if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm storage loan, the county agricultural conservation committee should be requested to release the mortgage by filing an instrument of release or by a margin release on the county records.

§ 231.17 *Partial releases of collateral will be made as follows:*

(a) In the case of farm-stored grain, producers may obtain release of all or part of the collateral in a bin by paying to the holder of the note the loan value and accrued interest, for the grain released. Form Commodity Loan 29 must be executed in accordance with instructions issued by Agricultural Adjustment Agency for each partial redemption and one copy must be submitted to the office of the regional director serving the area.

(b) In case of warehouse-stored grain, each partial release must cover all the grain under one warehouse receipt number. Producers may obtain release of one or more warehouse receipts by paying to the holder of the note the amount of the loan, plus interest for the grain represented by the warehouse receipt. If the notes are held by an out-of-town lending agency or Commodity Credit Corporation, or if the grain is stored in a terminal warehouse, the warehouse receipt(s) may be forwarded to an approved lending agency as directed by the producer for collection.

(c) Commodity Credit Corporation will purchase notes on which partial releases have been made by lending agencies provided the note is credited by the lending agencies for the full amount of the loan on the grain released, plus interest at the rate of 3 percent per annum, and 1½ percent interest per annum on such principal amount collected has been submitted to the regional director serving the area.

[SEAL] C. C. FARRINGTON,
Acting President.

JUNE 24, 1942.

[F. R. Doc. 42-6858; Filed, July 18, 1942; 11:41 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of the Alien Property Custodian

[General Order 4]

PART 503—GENERAL ORDERS

NOTICE OF CLAIM ARISING AS RESULT OF VESTING ORDER; FORM ADOPTED

§ 503.4 *General Order No. 4.* By virtue of the authority vested in me by the Trading with the Enemy Act, as amended, and by Executive Order No. 9095, as amended, and pursuant to law:

The form appended hereto including, without limitation, the instructions set forth therein, is hereby promulgated as

Form APC–1.[1] The said form shall be executed and filed as therein directed and all information therein required shall be supplied.

Executed at Washington, D. C. on July 16, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–6879; Filed, July 20, 1942; 10:05 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amendment 7, Part 600]

PART 600—DESIGNATION OF CIVIL AIRWAYS

REDESIGNATION OF GREEN CIVIL AIRWAY NO. 6 AND BLUE CIVIL AIRWAY NO. 9

JULY 18, 1942.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600[2] of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By striking in § 600.10005 *Green civil airway No. 6. (Corpus Christi, Tex., to Norfolk, Va.)* the words "South Boston, Va., radio marker station." and substituting in lieu thereof the following:

"The intersection of the center lines of the on course signals of the northeast leg of the Greensboro, N. C., radio range and the southeast leg of the Lynchburg, Va., radio range."

2. By striking in § 600.10308 *Blue civil airway No. 9 (Columbia, Mo., to Duluth, Minn.)* the words "Columbia, Mo." appearing in the caption, and substituting in lieu thereof the following words:

"Kirksville, Mo."

3. By striking in § 600.10308 *Blue civil airway No. 9. (Columbia, Mo., to Duluth, Minn.)* the words "From the Columbia, Mo., radio range station via the Kirksville, Mo., radio range station." and substituting in lieu thereof the following:

"From the Kirksville, Mo., radio range station via".

This amendment shall become effective 0001 E. S. T., August 1, 1942.

C. I. STANTON,
Acting Administrator.

[F. R. Doc. 42–6875; Filed, July 20, 1942; 10:20 a. m.]

[1] Filed as part of the original document. Copies may be obtained from the office of the Alien Property Custodian.

[2] 7 F.R. 1417, 1748, 2381, 2864, 4131, 4939, 5387.

[Amendment 11, Part 601]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

REDESIGNATION RADIO FIXES GREEN CIVIL AIRWAY NO. 6, BLUE CIVIL AIRWAY NO. 9, RED CIVIL AIRWAY NO. 21; REDESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS GREEN CIVIL AIRWAY NO. 5, BLUE CIVIL AIRWAY NO. 9 AND RED CIVIL AIRWAY NO. 21

JULY 18, 1942.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and §§ 60.112, 60.22 and 60.23 of the Civil Air Regulations and Special Regulation of the Civil Aeronautics Board, Serial No. 197, I hereby amend Part 601[1] of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By striking in § 601.40309 *Blue civil airway No. 9. (Columbia, Mo., to Duluth, Minn.)* the words "Columbia, Mo" appearing in the caption and substituting in lieu thereof the following words:

"Kirksville, Mo."

2. By striking in § 601.10309 *Blue civil airway No. 9 airway traffic control areas (Columbia, Mo., to Duluth, Minn.)* the words "Columbia, Mo." appearing in the caption, and substituting in lieu thereof the following words:

"Kirksville, Mo."

3. By striking in § 601.4006 *Green civil airway No. 6. (Corpus Christi, Tex., to Norfolk, Va.)* the following words:

"South Boston, Va., radio marker station, or".

4. By striking in § 601.40221 *Red civil airway No. 21. (Detroit, Mich., to Woodward, Pa.)* the words "Detroit, Mich." appearing in the caption, and substituting in lieu thereof the words:

"Cleveland, Ohio".

5. By striking in § 601.10221 *Red civil airway No. 21. (Detroit, Mich., to Woodward, Pa.)* the words "Detroit, Mich." appearing in the caption, and substituting in lieu thereof the words:

"Cleveland, Ohio".

6. By striking in § 601.1005 *Green civil airway No. 5 airway traffic control areas (Los Angeles, Calif., to Washington, D. C.)* the entire paragraph following the caption, and substituting in lieu thereof the following:

"All of Green civil airway No. 5."

This amendment shall become effective 0001 E. S. T., August 1, 1942.

C. I. STANTON,
Acting Administrator.

[F. R. Doc. 42–6876; Filed, July 20, 1942; 10:20 a. m.]

[1] 7 F.R. 378, 529, 597, 841, 1016, 1424, 1748, 2864, 2865, 3466, 4196.

TITLE 15—COMMERCE

Subtitle A—Office of the Secretary of Commerce

[Order 238—Amendment to Order 122]

PART 2—SPECIAL STUDIES AND SERVICES BY BUREAUS OF THE DEPARTMENT OF COMMERCE

LIMITATIONS OF AUTHORITY

In accordance with the provisions of the Act of May 27, 1935 (49 Stat. 292; 5 U.S.C., 601b, c, d), authorizing the Department of Commerce to make special statistical studies and to perform other specified services upon the payment of the cost thereof, § 2.2 of the order of the Secretary No. 122 of June 7, 1941[1] is hereby amended to read as follows:

§ 2.2 *Limitations of authority.* The minimum charge for any study, compilation or transcript shall be $1. Bureau chiefs are authorized to approve projects up to an estimated cost of $300. All projects estimated to cost more than $300 must be submitted to the Secretary for approval. No study under the authority of this Act shall be approved which would violate existing or future Acts requiring that information furnished by contributors be held confidential.

This amendment shall be effective July 17, 1942.

Approved July 17, 1942.

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

[F. R. Doc. 42–6859; Filed, July 18, 1942; 11:30 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4607]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MAR-GOL HEALTH PRODUCTS CORP.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondent's "Roberta Blueberry Juice", fruit juice, or other similar product, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparations, which advertisements represent, directly or through inference, that respondent's product (1) has any properties or value other than that of a beverage having a

[1] 6 F.R. 2784.

food value limited to that of the blueberries from which the juice is extracted; (2) has any therapeutic value in the treatment of stomach disorders, ulcers, constipation, accumulation of impurities, impaired digestion, intestinal bleeding, acidosis, anemia, arthritis, liver trouble, or menstrual disorders; (3) has any therapeutic value in the treatment of diabetes; (4) contains any organic mineral elements in quantities sufficient to supply any mineral deficiency; (5) is a builder and cleanser of red blood, or that it is a flushing agent which promotes cell and tissue metabolism, or that it has great healing power or resistance-building properties; (6) is beneficial for nerve matter, especially upon heart nerves, or that it promotes cell building, blood fluidity, or makes body fluid alkaline; (7) acts on the glands or that it has properties beneficially affecting maintenance of mucous and other gland secretions; (8) enters into sensitive tissues, ligaments, and arterial walls, or is a powerful antiseptic, or that it will increase energy: and (9) has properties effective in stimulating the liver, promoting bile flow, beautifying the complexion, building bone and teeth, or in repairing tissue; or which represent, as aforesaid, that the use of its said product is effective as a tonic, eliminator, alkalizer, body builder, regulator, or as an antiseptic or beautifier; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Mar-Gol Health Products Corp., Docket 4607, July 14, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of July, A. D. 1942.

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

It is ordered, That the respondent, Mar-Gol Health Products Corp., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of its fruit juice product known as "Roberta Blueberry Juice," or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly,

(1) Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference,

(a) That respondent's product has any properties or value other than that of a beverage having a food value limited to that of the blueberries from which the juice is extracted.

(b) That respondent's product has any therapeutic value in the treatment of stomach disorders, ulcers, constipation, accumulation of impurities, impaired digestion, intestinal bleeding, acidosis, anemia, arthritis, liver trouble, or menstrual disorders.

(c) That respondent's product has any therapeutic value in the treatment of diabetes,

(d) That respondent's product contains any organic mineral elements in quantities sufficient to supply any mineral deficiency,

(e) That respondent's product is a builder and cleanser of red blood, or that it is a flushing agent which promotes cell and tissue metabolism, or that it has great healing power or resistance-building properties,

(f) That respondent's product is beneficial for nerve matter, especially upon heart nerves, or that it promotes cell building, blood fluidity, or makes body fluid alkaline,

(g) That respondent's product acts on the glands or that it has properties beneficially affecting maintenance of mucous and other gland secretions,

(h) That respondent's product enters into sensitive tissues, ligaments, and arterial walls, or is a powerful antiseptic, or that it will increase energy.

(i) That respondent's product has properties effective in stimulating the liver, promoting bile flow, beautifying the complexion, building bone and teeth, or in repairing tissue.

(j) That the use of respondent's product is effective as a tonic, eliminator, alkalizer, body builder, regulator, or as an antiseptic or beautifier;

(2) Disseminating, or causing to be disseminated, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of respondent's product, which advertisement contains any of the representations prohibited in paragraph (1) hereof and the respective subdivisions thereof.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-6857; Filed, July 18, 1942; 10:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T.D. 50682]

PART 19—CARTAGE AND LIGHTERAGE

IDENTIFICATION CARDS [1]

Article 1036, Customs Regulations of 1937, amended to prescribe the procedure in connection with the use of revised customs Form 3873 (Identification Card of Licensed Cartman or Lighterman or Employee Thereof).

Section 19.10 of the Customs Regulations of 1937 [Article 1036] is hereby amended to read as follows:

§ 19.10 *Identification cards.* Each licensed cartman or lighterman and each employee thereof who receives or transports imported merchandise which has not been released from customs shall possess an identification card, customs Form 3873, with his photograph securely affixed thereto with glue or other adhesive substance. The cards shall also bear his signature in the space provided. Such identification card shall be issued by the collector only upon application on customs Form 3078 of the licensed cartman or lighterman. The application shall be filed personally at the customhouse by the person for whom the application for the identification card is made, together with two photographs of such person in addition to the one to be affixed to the application. The fingerprints of such person shall be taken on customs Form 3872 at the time of the filing of the application. The identification card shall become valid when the United States customs seal has been impressed thereon, which seal shall not be impressed until after the card has been otherwise completed. Each identification card shall be prepared in duplicate. The original, after having impressed thereon the customs seal, shall be presented to the person in whose name the card is issued and shall be in his possession at all times when he is engaged in receiving or transporting the imported merchandise. The duplicate shall be retained as an office record. It shall be the responsibility of each person to whom an identification card is issued to protect it with an appropriate transparent cover so that the face and back of the card are visible without removing the cover. Whenever the employment of the holder of an identification card is changed to another licensed cartman or lighterman, the card, supported by an application in proper form, shall be submited promptly to the collector so that the change may be made officially on the card and on the customhouse records. The card shall be submitted promptly to the collector when there is a change of address of the holder. New cards shall be issued when necessary. Should an identification card be presented by a person other than the one to whom it was issued, such card shall be forthwith confiscated. The identifica-

[1] This document affects 19 CFR 19.10

tion card shall be surrendered when the holder thereof leaves the employment of a licensed cartman or lighterman for employment of some other character. All outstanding identification cards issued to a licensed cartman or lighterman, and to the employees thereof, shall be taken up by the collector upon the suspension, revocation, or lapse of the license of the cartman or lighterman.

Supplies of the revised customs Forms 3078, 3872, and 3873, are now available and may be secured by requisition on customs Form 3039. Outstanding identification cards on the old issue of customs Form 3873 are not required to be exchanged for the new form. (Secs. 565, 624, 46 Stat. 747, 759; 19 U.S.C. 1565, 1624) [Article 1036]

[SEAL] G. H. GRIFFITH,
Acting Commissioner of Customs.

Approved: June 27, 1942.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-6840; Filed, July 17, 1942; 3:57 p. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

[Docket No. FDC-27]

PART 27—CANNED FRUIT: DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY AND FILL OF CONTAINER

CANNED FRUIT COCKTAIL

Order

By virtue of authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act, 52 Stat. 1046 and 1055, 21 U.S.C. secs. 341 and 371; the Reorganization Act of 1939, 53 Stat. 561 ff., 5 U.S.C. sec. 133-133r; and Reorganization Plans No. 1 (53 Stat. 1423, 4 F.R. 2727) and No. IV (5 F.R. 2421); and upon the basis of evidence received at the hearing herein; the following order is promulgated hereby:

Findings of Fact

1. The food, canned fruit cocktail, was originated for commercial distribution by a California canner about 1930 and he applied the name, fruit cocktail, to it.

2. The food was designed for use, either alone or in combination with other ingredients, as a cocktail, salad or dessert. One of these uses was as a fruit base to which other fruits may be added in the preparation of the food for table use.

3. The original fruit cocktail was marketed after extensive experimentation with component fruits and packing media.

4. As first marketed it consisted of certain fixed fruits within certain fixed ranges of proportions, packed in sugar sirups so controlled as to obtain certain fixed ranges of density in the finished product.

5. The component fruits were peach, pear, grape, pineapple and cherry.

6. The fruit units used were of suitable sizes and shapes and were mixed prior to or during canning.

7. The sugar sirups used were of two densities, each designed to contribute a particular degree of sweetness to the finished fruit cocktail. The liquid drained from the finished fruit cocktail fell within the following density ranges, as measured by the Brix hydrometer:

Not less than 18° but less than 22°; 22° or more but not more than 35°.

8. Following such commercial introduction other canners commenced the manufacture and sale of canned fruit cocktail, and its sales have increased until the product ranks high among canned fruits in point of quantity canned.

9. When other canners began to make canned fruit cocktail they adopted the name, the fruits used, the relative proportions of the fruits, and the densities of the sugar sirups used, all as established by the originator of the product.

10. Throughout the life of the food it has been known as and labeled "fruit cocktail" without exception other than the occasional, synonymous use of the terms "fruits for cocktail" and "cocktail fruits", and such names are common or usual names of the food.

11. Except as noted in finding 50, such names have never been employed to designate any other commercial canned food.

12. Throughout the life of the product it has been prepared from a mixture of peach, pear, grape, pineapple and cherry and from no other fruits, except at noted in finding 50.

13. Such fruits, when in forms of units suitable for fruit cocktail, are sufficiently firm to withstand mixing and heating processes necessary in the preparation of the food under good canning technology as it now exists; whereas, all the other available fruits which are otherwise suitable are not so adapted.

14. Each of such fruits contributes its distinctive flavor to the flavor combination originally desired and since maintained.

15. Such combination of fruit flavors is an essential identifying characteristic of canned fruit cocktail.

16. Although many housewives prefer to serve fruit cocktails of a more zestful flavor induced by the use of such fresh fruits as oranges, grapefruit, bananas and apricots, and frequently add these fruits to canned fruit cocktail before serving it, nevertheless, canning technology has not yet developed to the point that such fruits, when included in the canned product, retain the characteristics desired by such housewives.

17. Each of the fruits used in canned fruit cocktail contributes to the combination of colors considered desirable in this food for its use as a cocktail, salad, or dessert.

18. Such combination of colors is an essential identifying characteristic of fruit cocktail.

19. Peaches of any yellow variety are suitable for use in canned fruit cocktail. Peaches of white varieties are unsuitable because they do not contribute the essential orange-yellow color.

20. Pears of any variety are suitable for use in canned fruit cocktail.

21. Any grapes of a "white" (pale green), seedless variety are suitable for use in canned fruit cocktail. Dark-colored varieties of grapes are not suitable for the reason that they would stain the other fruits. The seed of varieties having seed are objectionable in the product.

22. Pineapple of any variety is suitable for use in canned fruit cocktail.

23. Cherries of any light, sweet variety, cherries artificially colored red, and cherries artificially colored red and artificially flavored, singly but not in combination are suitable for use in canned fruit cocktail. Cherries of red sour and dark sweet varieties are unsuitable for use because they would stain the other fruits.

24. In the preparation of cherries artificially colored red and cherries artificially colored red and artificially flavored the cherries are subject to processes which eliminate most, if not all, of the natural juices, color and flavor, so that the finished product differs in color, flavor and food value from natural cherries.

25. The presence of cherries artificially colored red or cherries artificially colored red and artificially flavored is a significant factor in consumers' preference for and choice of canned fruit cocktail.

26. The varieties of fruits specified in findings 19-23, inclusive, are the only varieties used in canned fruit cocktail, and the presence of fruits of such varieties is an essential identifying characteristic of canned fruit cocktail.

27. Each of the fruits used in canned fruit cocktail must be mature.

28. Such fruits are suitable for use in canned fruit cocktail when fresh or when previously canned.

29. It is necessary that the fruits used in canned fruit cocktail be prepared as follows: The peaches are peeled, pitted, and diced; the pears are peeled, cored and diced; the grapes are stemmed; the pineapple is peeled, cored and cut into sectors or dice; and the cherries are stemmed, pitted and cut into approximate halves.

30. Except as noted in finding 51 the fruits in canned fruit cocktail have always been used in such forms of units.

31. Such forms of units are an essential identifying characteristic of canned fruit cocktail.

32. In addition to the identity of the fruits present, a factor essential in maintaining the characteristic flavor and color combinations of canned fruit cocktail is the proportion of each fruit present.

33. Canned fruit cocktail is customarily divided into individual servings, the number being proportionate to the size of the containers; 4½ ounces represents an ordinary serving.

34. It is essential to the maintenance of the characteristic blend of flavors and colors in each individual serving that each 4½ ounces of the food, and any fraction thereof greater than two ounces

contain not less than two sectors or 3 dice of pineapple and not less than one-half cherry, these being the more expensive fruit ingredients.

35. Throughout the life of the food, except as noted in finding 53, the fruits therein have been mixed within the following ranges of proportions by weight of the fruit in the finished food, from which the packing medium has been drained:

Peach, not less than 30 nor more than 50 percent.

Pear, not less than 25 nor more than 45 percent.

Grape, not less than 6 nor more than 20 percent.

Pineapple, not less than 6 nor more than 16 percent.

Cherry, not less than 2 nor more than 6 percent.

36. Such ranges are necessary because of the impossibility of obtaining uniformity of the mixture by the methods employed in good manufacturing practice.

37. Combination of the fruits within such ranges of proportions is an essential identifying characteristic of canned fruit cocktail.

38. The presence of a liquid packing medium in canned fruit cocktail is essential to permit it to be processed by heat so as to prevent spoilage.

39. The presence of a liquid packing medium is an essential identifying characteristic of canned fruit cocktail.

40. The liquid packing medium used throughout the life of the product, except as noted in finding 53, has been one of two optional sugar sirups, which are distinguished by the density and sweetness of the liquids in the finished product.

41. Consistent with trade practice previously established in connection with other canned fruits packed in sirups of similar sweetness and densities, such sirups were designated in the industry and are commonly known to consumers as "heavy" and "extra heavy".

42. The sirup of lighter density and sweetness is that in which the liquid, 15 days or more after canning, is not less than 18° Brix but less than 22° Brix.

43. The sirup of heavier density and sweetness is that in which the cut-out liquid, 15 days or more after canning, is not less than 22° Brix but not more than 35° Brix.

44. The density of any such packing medium, before it is mixed with the fruit ("ingoing"), differs from its density as present in the finished canned fruit cocktail ("cut-out"), by reason of the blending of such packing medium with the liquid from the fruit.

45. The charge in density of the packing medium in the sealed and heat-processed can progresses to an equilibrium which is reached within fifteen days from the date of sealing in the can.

46. By following accepted commercial practices, at least the minimum of the desired density range of the cut-out liquid can be obtained with certainty.

47. Canned fruit cocktail is sealed in a container and is so processed by heat as to prevent spoilage.

48. The liquid in the finished canned fruit cocktail does not have a density of more than 35° Brix. Such a limitation is necessary to distinguish the food from other sweetened fruit products, such as preserves, and is an essential identifying characteristic of canned fruit cocktail.

49. Based upon experience with and understanding of the composition of canned fruit cocktail, the purchaser thereof understands it to be a food composed of the kinds and varieties of fruits hereinbefore stated, in the forms of units and in the proportions hereinbefore stated, and in one of the two optional sirups hereinbefore designated.

50. Occasionally in the past and recently more frequently, fruit mixtures of degraded and cheaper composition have been sold under the name of canned fruit cocktail in order to take advantage of the increasing popularity of that food at the expense of the purchasing public.

51. Such frauds have been of three kinds: (a) the substitution of cheaper fruits; (b) the use of large proportions of the cheaper fruits recognized as ingredients of canned fruit cocktail, and therefore of smaller proportions of the expensive fruits than the proportions necessary for the customary uses of the product; (c) the use of slivers, fragments, or other misshapen units of fruit commonly regarded as unsuitable for use in canned fruit cocktail.

52. The growing tendency toward these debasing practices causes other canners to engage in similar practices in order to meet competition. This leads to the reasonable expectation that a continuation of the trend will result in the further degradation and loss of identity of the product known to the consumer as canned fruit cocktail; all at the expense of honesty and fair dealing in the interest of consumers.

53. Since 1937 various new packing media have been used in relatively small portions of the pack of canned fruit cocktail.

54. The special dietary uses of foods low in carbohydrates have recently led to the use of water as the sole packing medium of some canned fruit cocktail.

55. Water may be added directly to the mixture of fruits, through the use of the packing media of such fruits originally canned in water. Whenever any quantity of water is introduced into fruit juice, directly or indirectly, the entire liquid of the packing medium is considered to be water and not fruit juice for the purposes of a packing medium in canned fruit cocktail, because of the inherent opportunities for fraud in introducing water into fruit juices.

56. There has recently been a growing increase of the use as packing media of the juices of the fruits present in fruit cocktail. Such juices may be expressed from one or more of such fruits or they may be drained from such fruits originally canned in such juice.

57. Such juices sometimes require straining or filtering to remove insoluble fruit solids which would cloud the liquid of the canned fruit cocktail.

58. There have also been introduced sirups in which sugar has been replaced by invert sugar sirup, or in part by dextrose or corn sugar, corn sirup, or corn sirup solids, as well as sirups in which water is replaced by the fruit juices specified in finding 56. Such sirups, including sugar sirups, may be prepared for direct addition to the fruits or drained from any of the fruits previously canned in the respective ingredients of such sirups. If any water is used, directly or indirectly, in the preparation of such sirups, according to established trade practice they are considered to be plain sirups and not fruit juice sirups.

59. Equal quantities of the solids of all such saccharine agents yield sirups of practically equivalent specific gravities. Therefore, densities of the new sirups have consistently followed the traditional densities of the sugar sirups used as packing media in canned fruit cocktail, under the same designations as to density of "heavy" and "extra heavy".

60. Sugar is the refined product in crystallized form commonly obtained from sugar cane or sugar beet; it is chemically known as sucrose.

61. When sugar in solution is subjected to certain treatments with the enzymes invertase or certain acids, it is wholly or partly converted into levulose and dextrose, the quantities of levulose and dextrose produced being equal. This chemical reaction is commonly known as the inversion of sugar.

62. Invert sugar sirup is an aqueous solution of sugar or partly refined sugar which has been wholly or in large part inverted with the enzyme invertase or with hydrochloric or other acid, and which, if acid is used, has been neutralized with a carbonate.

63. The quantity of ash present in invert sugar sirup is in general indicative of the degree of refinement of the sugar in such sirup.

64. An invert sugar sirup which is insufficiently refined and which has an abnormally high ash content contributes a characteristic flavor, odor, and color which renders it unsuitable for use as a saccharine substance in preparing packing media for canned fruit cocktail.

65. An invert sugar sirup which is sufficiently refined to be suitable for use as a saccharine substance in preparing a packing medium for canned fruit cocktail contains not more than 0.3 percent ash in its solids, and is colorless, odorless and flavorless except for sweetness.

66. When a sugar solution is used as the packing medium for canned fruit cocktail, the natural acids of the fruits, aided by the heat processing, invert a part of the sugar.

67. When sugar is used in a packing medium, it is immaterial whether its inversion occurs before or after the addition of the packing medium to the fruit, and immaterial whether it is the dry substance or a concentrated aqueous solution. For all practical purposes in the preparation of canned fruit cocktail, therefore, such refined invert sugar sirups, when diluted to the proper den-

sity, are the same as sugar sirups prepared by dissolving sugar in water.

68. Dextrose is the anhydrous or hydrated, refined monosaccharide obtained by complete hydrolysis of any starch, including cornstarch.

69. Corn sirup is the product obtained by incomplete hydrolysis of cornstarch and is a concentrated aqueous solution of dextrose and maltose, which are members of the class of substances known as reducing sugars, and the nonsugar substance dextrin. When sufficiently hydrolized for use as a saccharine substance in a packing medium for canned fruit cocktail, its solids contain not less than 58 percent reducing sugars.

70. Corn sirup solids is dried corn sirup; it differs from corn sirup only in that water is removed by drying. When sufficiently hydrolized for use as a saccharine substance in a packing medium for canned fruit cocktail, its solids contain not less than 58 percent reducing sugars. Since the liquid component of corn sirup is water and since added water is necessary in the preparation of fruit cocktail it is immaterial whether the corn sirup is in a liquid or dry state and, for all practical purposes in the preparation of canned fruit cocktail, corn sirup may be considered to include dried corn sirup.

71. Important factors on the basis of which packing media of different packs of canned fruit cocktail are differentiated from each other are their density, flavor, food value, and sweetness; each of such factors is a significant element in the production cost and sale price of canned fruit cocktail, and in consumers' preference.

72. The density, and hence the degree of sweetness, of a sweetened packing medium is not fixed precisely but only within a specified range. Therefore the same kind of packing medium may vary in density and sweetness within its own range to a noticeable degree irrespective of the saccharin substance from which it is made.

73. Different varieties of the same fruit, and fruits of the same variety of different degrees of maturity, and fruits of the same variety and substantially the same degree of maturity but obtained from different localities or from different parts of the same tree, frequently differ in acidity, sugar content, and other properties, and such differences affect the sweetness of the sweetened packing media of the different packs of canned fruit cocktail containing such fruits, so that even though a packing medium of a fixed density made from the same saccharin substance is used for each of such packs of canned fruit cocktail there is some detectable difference in sweetness between such finished packs of canned fruit cocktail.

74. One of the differences, among others, between the saccharin substances used in the preparation of the packing media for canned fruit cocktail is a difference in their degree of sweetness, sugar being the sweetest, dextrose being about two-thirds as sweet as sugar, and corn sirup being about one-half as sweet as sugar.

75. When equal weights of the solids of sugar (whether inverted or not), of dextrose, and of corn sirup (whether added as corn sirup or as dried corn sirup), are each dissolved in water to make solutions of the same volume, the densities and calorific food values of such solutions are not materially different from each other.

76. There are slight differences in the cost of the different saccharin substances from which sweetened packing media are made, but such differences are not of material significance to consumers.

77. By reason of their lesser sweetening properties, dextrose or corn sirup, or any mixture of these, are always used in combination with sugar when used in preparing sweetened packing media for canned fruit cocktail and the quantity of dextrose or corn sirup used is always limited to such amounts that the packing medium in the finished canned fruit cocktail is substantially of the same degree of sweetness as one of like density prepared from sugar alone.

78. The degree of sweetness of any packing medium in which dextrose of corn sirup, or any mixture of these, is used in combination with sugar becomes progressively less in relation to the density of such packing medium as the quantity of dextrose or corn sirup, or any mixture of these, is increased, so that, in the absence of a limitation of such quantity, the density within the range specified for any given packing medium would cease to provide a basis for identifying such packing medium as to sweetness.

79. A sweetened packing medium prepared from a mixture of sugar and dextrose in a proportion of two parts of sugar and one part of dextrose, or from a mixture of sugar and corn sirup in a proportion of three parts of sugar and one part of corn sirup, or from a mixture of sugar, dextrose, and corn sirup in such proportion that the weight of the dextrose multiplied by two plus the weight of the corn sirup multiplied by three equals the weight of the sugar, is substantially as sweet as a finished packing medium of like density prepared from sugar alone.

80. There is no substantial difference in the degree of sweetness between canned fruit cocktail packed in any one of the packing media specified in finding 79 and the same kind of canned fruit cocktail packed in any one of the other packing media therein specified. Such difference as may exist between such packing media is ordinarily not noticeable to consumers in the finished packs of canned fruit cocktail unless they make comparative tasting tests and some consumers cannot distinguish between them upon making such tests.

81. When sugar is replaced with dextrose or corn sirup, or any mixture of these, in proportions greater than those specified in finding 79, so as to produce a packing medium equivalent in sweetness to one prepared from sugar alone, the relationship between density and sweetness normally expected in sweetened packing media is destroyed.

82. Cherries of any light, sweet variety, cherries artificially colored red, cherries artificially colored red and artificially flavored, water, fruit juice, heavy sirup, extra heavy sirup, heavy fruit juice sirup and extra heavy fruit juice sirup, prepared as described in the preceding findings, are optional ingredients permissible in canned fruit cocktail, the common names of which are the terms whereby they are herein listed.

Upon the basis of the foregoing detailed findings of fact, it is found that the promulgation of the attached proposed regulation fixing and establishing a definition and standard of identity for canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail, and requiring certain optional ingredients thereof to be named on the label will promote honesty and fair dealing in the interest of consumers.

Regulation

§ 27.040 *Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail—identity; label statement of optional ingredients.* (a) Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail, is the food prepared from the mixture of fruit ingredients prescribed in paragraph (b), in the forms and proportions therein prescribed, and one of the optional packing media specified in paragraph (c). It is sealed in a container and is so processed by heat as to prevent spoilage.

(b) The fruit ingredients referred to in paragraph (a), the forms of each, and the percent by weight of each in the mixture of drained fruit from the finished canned fruit cocktail are as follows:

(1) Peaches of any yellow variety, which are pitted, peeled, and diced, not less than 30 percent and not more than 50 percent;

(2) Pears of any variety, which are peeled, cored, and diced, not less than 25 percent and not more than 45 percent;

(3) Whole grapes of any seedless variety, not less than 6 percent and not more than 20 percent;

(4) Pineapples of any variety, which are peeled, cored, and cut into sectors or into dice, not less than 6 percent and not more than 16 percent; and

(5) One of the following optional cherry ingredients, each of which is stemmed, pitted, and cut into approximate halves, not less than 2 percent and not more than 6 percent;

(i) Cherries of any light, sweet variety;

(ii) Cherries artificially colored red; or

(iii) Cherries artificially colored red and artificially flavored.

Each such fruit ingredient is prepared from mature fruit which is fresh or canned. Notwithstanding the preceding provisions of this paragraph, each 4½ ounces avoirdupois of the finished canned fruit cocktail and each fraction thereof greater than 2 ounces avoirdupois contain not less than 2 sectors or 3 dice of pineapple and not less than 1 approximate half of the optional cherry ingredient.

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

(1) Water;

(2) Fruit juice;

(3) Heavy sirup;
(4) Extra heavy sirup;
(5) Heavy fruit juice sirup; and
(6) Extra heavy fruit juice sirup.

Each of packing media (3) and (4) is prepared with water as its liquid ingredient, and each of packing media (5) and (6) is prepared with fruit juice as its liquid ingredient. Except as provided in paragraph (d) (6), each of packing media (3) to (6), inclusive, is prepared with any one of the following saccharine ingredients: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which the weight of the solids of the dextrose used multiplied by 2, added to the weight of the solids of the corn sirup used multiplied by 3, is not more than the weight of the solids of the sugar used. The respective densities of packing media (3) to (6), inclusive, as measured on the Brix hydrometer, fifteen days or more after the fruit cocktail is canned, are within the range prescribed for each in the folowing list:

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

(d) For the purposes of this section—

(1) The term "water" means, in addition to water, both the liquid drained from any fruit ingredient previously canned in water as its sole packing medium and any mixture of water and fruit juice, including the liquid drained from any fruit ingredient previously canned in such mixture.

(2) The term "fruit juice" means the fresh or canned, expressed juice or juices of one or more of the mature fruits named in subsection (b), including the liquid drained from any fruit ingredient previously canned in such juice or juices as its sole packing medium, to which no water has been added, directly or indirectly. Fruit juice may be strained or filtered.

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

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

(5) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of corn starch and includes dried corn sirup; the solids of corn sirup and dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(6) When the optional packing medium is prepared with fruit juice and invert sugar sirup or corn sirup other than dried corn sirup, it shall be considered to be heavy sirup or an extra heavy sirup, as the case may be, and not a heavy fruit juice sirup or an extra heavy fruit juice sirup.

(7) The term "heavy sirup" or "extra heavy sirup" includes a sirup, which conforms in all other respects to the provisions of this section, in the preparation of which there is used the liquid drained from any fruit ingredient previously canned in a packing medium consisting wholly of the liquid and saccharine ingredients of a heavy sirup or extra heavy sirup.

(8) Except as provided in subparagraph (6) of this paragraph, the term "heavy fruit juice sirup" or "extra heavy fruit juice sirup" includes a sirup, which conforms in all other respects to the provisions of this section, in the preparation of which there is used the liquid drained from any fruit ingredient previously canned in a packing medium consisting wholly of the liquid and saccharine ingredients of heavy fruit juice sirup or extra heavy fruit juice sirup.

(e) (1) The optional ingredients specified in paragraphs (b) (5) (ii) and (iii) and (c) (1) to (6), inclusive, are hereby designated as optional ingredients which, when used, shall be named on the label by the name whereby each is so specified.

(2) Such names shall immediately and conspicuously, without intervening written, printed, or graphic matter, precede or follow the name "fruit cocktail", "cocktail fruits", or "fruits for cocktail" wherever it appears on the label so conspicuously as to be easily seen under customary conditions of purchase.

The regulations hereby promulgated shall become effective on the ninetieth day following the date of publication of this order in the FEDERAL REGISTER. (52 Stat. 1046, 53 Stat. 561ff; 21 U.S.C., sec. 341; 5 U.S.C., sec. 133–133r; and Reorganization Plans Nos. I and IV, 4 F.R. 2727, 5 F.R. 2421)

[SEAL] WATSON B. MILLER,
Acting Administrator.

JULY 17, 1942

[F. R. Doc. 42-6856; Filed, July 18, 1942; 10:31 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain Blocked Nationals

SUPPLEMENT 4 TO REVISION II

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Board of Economic Warfare, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), the following Supplement 4 containing certain additions to, amendments to, and deletions from The Proclaimed List of Cetrain Blocked Nationals, Revision II of May 12, 1942 (7 F.R. 3587), is hereby promulgated.

By direction of the President:

CORDELL HULL,
Secretary of State.
H. MORGENTHAU, Jr.,
Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
JESSE H. JONES,
Secretary of Commerce.
MILO PERKINS,
Executive Director,
Board of Economic Warfare.
NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

JULY 17, 1942.

GENERAL NOTES: (1). The Proclaimed List is divided into two parts: part I relates to listings in the American republics; part II relates to listings outside the American republics.

(2) In part I titles are listed in their letter-address form, word for word as written in that form, with the following exceptions:

If the title includes a full personal name, that is, a given name or initial and surname, the title is listed under the *surname.*

Personal-name prefixes such as *de, la, von,* etc., are considered as part of the surname and are the basis for listing.

The listing is made under the next word of the title when the initial word or phrase, or abbreviation thereof, is one of the following Spanish forms or similar equivalent forms in any other language:

Compañía; Cía.; Comp.
Compañía Anónima; C. A.; Comp. Anón.
Sociedad; Soc.
Sociedad Anónima; S. A.; Soc. Anón.

(3) The indication of an address for a name on the list is not intended to exclude other addresses of the same firm or individual. A listed name refers to all branches of the business in the country.

PART I—LISTINGS IN AMERICAN REPUBLICS

ADDITIONS

Argentina

Arbolito, S. de R. L.—Chacabuco 430, Buenos Aires.

Bergdolt, Alberto.—Piedras 736–44, Buenos Aires.

Bruggemann, Heinrich.—Aguero 1549, Buenos Aires.

Cebral, Antonio.—Congreso 2287, Buenos Aires.

Chiesa, Elio.—Esmeralda 320, Buenos Aires.

Cine Ideal Monroe.—Monroe 3245, Buenos Aires.

Combescot, Jean.—Sarmiento 354, Buenos Aires.

Fábrica de Jabones y Productos Químicos "El Puma".—Estados Unidos 176, Bahía Blanca.

Fábricas Reunidas de Utiles Sanitarios S. A.—Callao 1063, Buenos Aires.

Fernández Prado, Manuel.—Comodoro Rivadavia.

Frasca, Felice (Dr.).—Bartolomé Mitre 311, Buenos Aires.

Freund, Arturo.—Avenida San Martín 7161, Buenos Aires.

Grieco, José Andrés.—Esmeralda 320, Buenos Aires.

Heines, Sixta.—Bartolomé Mitre 3925, Buenos Aires.

Lynen, Gustavo.—Estados Unidos 176, Bahía Blanca.
Mezger, Alberto.—Chacabuco 430, Buenos Aires.
Moreira, Juan Carlos.—Cangallo 559, Buenos Aires.
Oehley, Max.—Alsina 971, Buenos Aires.
"Rolaf".—Avenida San Martín 7161, Buenos Aires.
Sigmaringo, Eduardo F.—Avenida Presidente Roque Sáenz Peña 501, Buenos Aires.
Vendemiati. Pablo.—Lavalle 1118, Buenos Aires.
Wagenpfeil, Enrique.—Monroe 3245, Buenos Aires.
Wolters, Juan.—Moreno 970, Buenos Aires.

Bolivia

Carpintero, Juan A.—La Paz.
Casa "Marmo".—Bolivar 646, Oruro.
Christiansen, Walter.—Cochabamba.
Copa Pérez, Marcelino.—Oruro.
Delius, Antonio.—La Paz.
Gross, Margarita Vladislavić de.—Bolívar 95-97, Potosí.
Hubert y Cía.—La Paz and Cochabamba.
"IBUSA" Industrias Bolivianas Unidas S. A.—Casilla 215, La Paz.
Laguna, Martinić y Cía.—Calvo 23-25 (Casilla 70), Sucre.
Marmo, Kimimichi.—Bolívar 646, Oruro.
Sato, Hiroaki.—Eucaliptus and Oruro.
Thames, José.—La Paz.
Vilaseca Ríos, Antonio.—Potosí.

Brazil

"CIMA" S. A., Companhia Industrial Mercantil e Agrícola.—Rua Libero Badaró 137, São Paulo.
Metz, Carl.—Rio de Janeiro.

Chile

Acción Chilena.—Huérfanos 1039, Santiago.
Agrícola "Porvenir", Soc.—Independencia 601, Valdivia.
Aninat, Armando.—Quilpué.
Artuffo, Esteban.—Huérfanos 2566, Santiago.
Blunck, Gualterio.—Huérfanos 972, Santiago.
Bosco, Hermanos.—Esmeralda 1132, Valparaiso.
Buchholz, Gustavo.—Higuera 133, Cerro Alegre, Valparaiso.
"Casa Cotroneo".—Ecuador 133, Viña del Mar.
Central de Homeopatía Hahnemann.—Santo Dominingo 1022, Santiago.
Cigarrería Richter.—Camilo Henríquez 524, Valdivia.
Club Alemán Plaza.—Camilo Henriquez 540, Valdivia.
Club Alemán Unión.—Independencia 451, Valdivia.
D'Assurances Générales, Cie.—Prat 221, Santiago.
Demelt von Bach, Guillermo.—San Francisco esquina San José (Casilla 1697), Puerto Varas.
Deutscher, Verein Plaza.—Camilo Henríquez 540, Valdivia.
Deutscher Verein Unión.—Independencia 451, Valdivia.
Dufour, Emile.—Agustinas 711, Santiago.
Echeverría, Renard y Cía. Ltd.—Santiago.
"El Radio Expreso".—Huérfanos 2566, Santiago.
"Estación de Servicio Londres".—San Ignacio 224, Valparaiso.
Exss, Gustavo.—San José de la Mariquina.
Fábrica Calzado Weiss.—Pérez Rosales 1390, Valdivia.
Ferrero C., Santiago. — Chacabuco 2621, Valparaiso.
Fischer, Ottmar.—Picarte 1129, Valdivia.
Gandulfo Baumann, Salvador.—Cochrane 819, Valparaiso.
Gantz S., Guillermo.—Casilla 17, La Unión.
Hahn B., Reinaldo.—Agustinas 972, oficina 339, y Avenida Larraín 6478, Santiago.
"Havastele" Agencia Noticiosa.—Agustinas 711, Santiago.
Hochstetter y Cía., Ltda.—Santo Domingo 1022, Santiago.
Hoffmann Thater, Otto.—Pérez Rosales 786, Valdivia.
Hoffmann Thater, Pablo.—Portal Fernández Concha 960, dept. 218, Santiago.
Holzapfel, Clemente.—Casilla 33, Valdivia.
Hübner, George.—Berger 2076, Chorrillos, Viña del Mar.
Imprenta "Artuffo".—Huérfanos, 2566, Santiago.
Industrial Kunstmann S. A., Soc.—Picarte 449, Valdivia.
Industrial y Comercial Hoffmann, S. A.—Valdivia.
Keller R., Carlos.—Morandé 720, Santiago.
Kunstmann Munninch, Victor.—Picarte 449, Valdivia.
Lacquaniti G., Alberto.—Ecuador 133 (Casilla 233), Viña del Mar.
Librería Médica Universal.—Huérfanos 972, Santiago.
Ludwig, Carlos (Dr.).—Casilla 227, Puerto Montt.
Maderera "Valdivia" S. A., Cía.—Arauco 22, Valdivia.
Martens B., Ernesto.—Independencia 623, Valdivia.
Mayenberger, Alfonso.—Huérfanos, 972, Santiago.
Mayenberger, Hermann.—Huérfanos 972, Santiago.
Mücke Hoffmann, Francisco.—Casilla 18, Ancud.
Neef Rave, Arturo.—Prat 769 y Balmaceda s/n, Valparaiso.
Oettinger Stegmaier, Adolfo.—Picarte 449, Valdivia.
Osterloh y Cía., O.—Prat 834, Valparaiso.
Pitto, Solari y Cía., Ltda.—Avenida Uruguay 152 (Casilla 4070), Valparaiso.
Pohl y Cía., Alberto.—Villarica s/n, Loncoche.
Raddatz Raddatz, Otto.—Salvador 19 (Casilla 5D), Puerto Varas.
Raible W., Otto.—Luis Beltrán 1832, Santiago.
Rathje, Ricardo.—Yungay 251, Valdivia.
Renftel, Kurt.—Nueva York 80, Santiago.
Richter, Hellmuth.—Camilo Henríquez 524, Valdivia.
Rosende S., Germán.—Huérfanos 1294, Santiago.
Saelzer Boettinger, Jorge.—Valdivia.
Saelzer, Hermann.—Valdivia.
Saelzer y Schwarzenberg, Ltda.—San Carlos 115 y Pérez Rosales 600, Valdivia; Ramírez esquina Bulnes y Ramírez 914, Osorno; and all branches in Chile.
Scassi-Buffa, Odoardo.—Arlegui 155, Viña del Mar., and all branches in Chile.
Schiappacasse, Benedetto.—21 de Mayo 1254, Tocopilla.
Schmidt Romforth, Heriberto.—Errázuriz 301, piso 1°, Valparaiso.
Schüler, Carlos, Libertad 9, Valdivia.
Schüler, Pablo.—Valdivia.
Schutz y Cía., Ltda., A.—Maipú esquina M. Pérez, Valdivia, and all branches in Chile.
Schwarzenberg Thater, Pablo.—Valdivia.
Soto Carrasco, Heriberto.—Dieciocho 346 (Casilla 1084), Santiago.
Spann, Herman.—Quinto "El Progreso," La Cruz; and Independencia 2085 (Casilla 3157), Valparaiso.
Specht y Cía., Ltda., Hugo.—J. R. Gutiérrez 282, Santiago.
Suplemento Ilustrado del Diario "El Radio Expreso".—Huérfanos 2566. Santiago.
Talleres Gráficos del Diario Alemán.—Unión Literaria 1925, Santiago.
"Trabajo".—Rosas 1281, Santiago.
Transportes Fluviales S. A.—Yungay 231, Valdivia.
Vega Blantlot, Roberto.—Huérfanos 1039, Santiago.
Venezian de Sanctis, Sergio.—Errázuriz 401, Valparaiso.
Vuillemin, Rémy.—Prat 221, Santiago.
Vuillemin & Eberhard Ltda.—Prat 221, Santiago.
Weiss, Alfredo.—General Lagos 1394, Valdivia.
Weiss e Hijos, Alfredo.—Picarte 398, Valdivia.
Wendler, Otto.—Picarte 483, Valdivia.
Werkmeister, Federico.—Avenida Pratt 470, Valdivia.
Werkmeister y Cía.—Avenida Pratt 470 (Casilla 97), Valdivia.
Westkusten Beobachter.—Nueva York 80, Santiago.
Wulle Krapht, Juan.—Quinta "El Progreso", La Cruz; and Independencia 2085 (Casilla 3157), Valparaiso.
Zárate Martínez, Luis.—San Ignacio 224, Valparaiso.
Ziegele y Cía., A.—Picarte 46 (Casilla 59-D), Valdivia.

Colombia

Bieler, Werner.—Medellín.
Club de Ventas de Artículos "Delta".—Medellín.
Croce, Giovanni Roberto.—Carretera del Sur (Charquito), Bogotá.
Croce, Fábrica de Materiales de Construcción de Giovanni Roberto.—Carretera del Sur (Charquito), Bogotá.
Eggers, Christian.—Bogotá.
Hotel Tivoli-Natili.—Paseo Bolivar, 20 de Julio, Progreso, Barranquilla.

Industria de Sombreros Ital-Colombiana.—Calle Obando, Carrera Alondra, Barranquilla.

"ISIC" Industria de Sombreros Italo-Colombiana.—Calle Obando, Carrera Alondra, Barranquilla.

Lacorazza, José.—Plaza de San Nicolás, Barranquilla.

Lacorazza, Romualdo.—Plaza de San Nicolás, Barranquilla.

Lacorazza, Hermanos.—Plaza de San Nicolás, Barranquilla.

Massazza, Giametto.—Calle 59 No. 52–53, Medellín.

Natili, Antimo.—Barranquilla.

Schultze, Erich.—Carrera 37 No. 26–01, Bogotá.

Varani, Atilio.—Paseo Bolívar, 20 de Julio, Progreso, Barranquilla.

Varani, Ernesto.—Paseo Bolívar, 20 de Julio, Progreso, Barranquilla.

Costa Rica

Almacén Feoli, S. A.—San José.

Brenes Torres, Rodolfo.—San José.

Domínguez F., Germán.—Aserrí.

Garage del Correo.—San José.

Iezzi, Alfredo.—San José.

La Casa Ursus.—San José.

Royo, Emilio.—28 Miles and Puerto Limón.

Schroeder, Ricardo.—Puerto Limón.

Cuba

Gómez Varela, Ramón.—10 de Octubre 13 (bajos), Habana.

Dominican Republic

Langa, Antonio.—Ciudad Trujillo.

Ecuador

Dirani B., Humberto.—Chile 8 (Apartado 111), Quito.

Guatemala

Albrecht, Jorge y Fritz.—San Felipe Retalhuleu.

Feddersen, Teodoro.—Senahú, Alta Verapaz.

Finca "El Zapote".—San Rafael Pie de la Cuesta, San Marcos.

Mahler, Herederos de Max.—San Rafael Pie de la Cuesta, San Marcos.

Honduras

Schweinfurth, Werner.—Tegucigalpa.

Vives Monjil, Enrique (Dr.).—Tegucigalpa.

Paraguay

Bernardes, Manuel.—Asunción.

Bodega Alemana.—Presidente Franco 160, Asunción.

Casa Nobilis.—Palma 158, Asunción.

Doljak, Antonio.—Palma 158, Asunción.

Doljak y Cía.—Palma 158, Asunción.

Egusquiza, J.—Asunción.

El Nacionalista.—Asunción.

Laug, Otto.—Presidente Franco 160, Asunción.

Salum Hermanos.—Estrella 136, Asunción.

Peru

Agrícola Tanguche, Ltda., Soc.—Trujillo.

Agro-Química Peruana Ltda., Cía.—Junín 312, Lima; and Tingo María, Departamento de Huanuco.

Alvarez, Victor M.—Copacabaña 510, Lima.

Asca, Armando.—Iquitos 1129, Lima.

Berry, G. Harold.—Lampa 836, Lima.

Nagatsuna, Hideo.—Junín 312 y Montero Rosas 1154–B, Lima.

Ogura Hermanos.—Paruro 883, Lima.

Uruguay

Avenatti, Vittorio.—Rivera.

Bergengruen, Paul Rudolf.—21 de Setiembre 3077, Montevideo.

Bongoll, Guillermo.—Bequeló 2332, Montevideo.

Cominotti, Pietro.—Carmelo.

de Santis, Doménico.—Paysandú.

Frick, Carlos.—Durazno.

Frick-Davie, Carlos (Dr.).—Plaza Libertad 1356, Montevideo.

Lamenza, Emilio.—San José.

Magerl, Arturo.—Estancia "La Estiria", Trinidad, Departamento de Flores.

Piccinino, Carminantonio Donato.—Florida.

Popelka, Victor.—Salto.

Putti, Guido.—Mercedes.

Rainusso, Emilio.—La Paz.

Rauhut, Rodolfo.—Camino Propios 2499, Montevideo.

Schering, Productos Farmacéuticos.—Yi 1227, Montevideo.

Schmidt, Guillermo.—Paysandú 935, piso 3, Montevideo.

Solaro, Stéfano.—Salto.

Venezuela

Commercial de Crédito, Cía. Anón.—Apartado 69, Caracas.

de Egilegor, Manuel.—Punceres a Escalinatas 15 y 19 (Apartados 447 y 474), Caracas.

Domus.—Gradillas a Sociedad 4, Caracas.

Essig, Julius.—Torre a Veroes 11, Caracas.

Hotel Cervantes.—Punceres a Escalinatas 15 y 19 (Apartados 447 y 474), Caracas.

Industrias del Hierro.—Puerto Cabello.

Joyería Florencia.—Torre a Veroes 11, Caracas.

Marquez, Cesar A.—Apartado 827, Caracas.

Spitzer, Isodoro.—Apartado 1705, Caracas.

Tillich, Georg.—Apartado 645, Caracas.

AMENDMENTS

Argentina

Relative to A. E. G., Compañia Argentina de Electricidad S. A.—Bernardo de Irogoyen 330, Buenos Aires, and all branches in Argentina, see footnote 1.

Bolivia

For Elsner y Cía., Juan.—La Paz, substitute Elsner y Cía., Juan.—La Paz, and all branches in Bolivia.

Relative to Nachtmann, Anna K.—La Paz, see footnote 2.

For Schmidt, Willie.—Casilla 102, Oruro, substitute Schmidt, Willy.—Casilla 102, Oruro.

[1] Not to be confused with C. A. D. E., Compañia Argentina de Electricidad S. A., Balcarce 184, Buenos Aires.

[2] Not to be confused with A. Nachmann & Company, Comercio 407 (Casilla 950), La Paz.

Brazil

For Branco, Alrain Vidal.—Florianópolis, Santa Catharina, substitute Branco, Alfrain Vidal.—Florianópolis, Santa Catharina; and all branches in Brazil.

For Cardoso, Emilio (Jr.).—Florianópolis, Santa Catharina, substitute Cardoso, Emidio (Emilio) (Jr.).—Florianópolis, Santa Catharina; and all branches in Brazil.

For Charutos Dannemann, Cia. de.—Rua Portugal 1, Bahia; and Rio de Janeiro substitute Dannemann, Companhia de Charutos.—Rua Portugal 1, Bahia; and Rio de Janeiro, and Charutos Dannemann Cia. de.—Rua Portugal 1, Bahia; and Rio de Janeiro.

For Cunha, Orlando.—Florianópolis, Santa Catharina, substitute Cunha, Orlando Ferreira.—Florianópolis, Santa Catharina; and all branches in Brazil.

For do Krappe, Leo G. Sezefro.—Florianópolis, Santa Catharina, substitute Krappe, Leo G. Sezefredo.—Florianópolis, Santa Catharina; and all branches in Brazil.

For Manchinas Alnorma Ltda., Soc. de.—Rua São Pedro 89, Rio de Janeiro, substitute "Alnorma", Soc. de Machinas Ltda.—Rua São Pedro 89, Rio de Janeiro.

For Machinas de Escrever Olympia Ltda.—Dua Theóphilo Ottoni 86 (Caixa Postal 2754), Rio de Janeiro, substitute Olympia, Machinas de Escrever Ltda.—Rua Theóphilo Ottoni 86 (Caixa Postal 2754), Rio de Janeiro.

For Marelli Motores S. A.—Rua Luiz de Camões 22, Rio de Janeiro, substitute Motores Marelli S. A.—Rua Camerino 91–93, Rio de Janeiro.

For Mimósa Photo Stubbe Stuebing e Cia., Ltda.—Rua General Câmara 106, Rio de Janeiro, substitute Mimósa Photo.[1]—Rua General Câmara 106, Rio de Janeiro, and Photo Mimósa.[1]—Rua General Câmara 106, Rio de Janeiro.

For Sabbá e Cia., Perez.—Manáos, substitute Peres, Sabbá e Cia.—Rua Guilherme Moreira 221, Manáos Amazonas.

For Sapaco, S. A.—Avenida Agua Branca 524, São Paulo, and all branches in Brazil, substitute Sapaco para Commercio e Industria, Cia.—Batatuba, São Paulo; Avenida Agua Branca 524, São Paulo; and all branches in Brazil.

Colombia

For Almacén Bremen.—Manizales, substitute Almacén Bremen.—Pereira.

Relative to Oficina Técnica Industrial Comercial.—Medellín, and "OTICO" Oficina Técnica Industrial Comercial.—Medellín, see footnote 2.

Costa Rica

Relative to Almacén Romolus.—San José, see footnote 3.

For do Prado, Edgar.—Apartado 1830, San José, substitute Prado Pérez, Edgardo.—Apartado 1830, San José.

[1] Owned by J. G. Stuebing.

[2] Not to be confused with Oficina Técnica Industrial, Alberto Walliser, Medellín.

[3] Not to be confused with Rómulo Artavia. Apartado 653, San José, or his shipping mark "Romulo".

Relative to Feoli y Cía., S. A.—San José, see footnote 1.

For Rojas, Rafael.—San José, substitute Rojas Matamoras, Rafael.—San José.

Mexico

For Agencia Comercial y Maritima.—Pasaje América 213, México, D. F., and all branches in Mexico, substitute Agencia Comercial y Marítima.—Edificio Boker, 16 de Septiembre 58, México, D. F., and all branches in Mexico.

For Castro, Antonio.—Antanas 39, México, D. F., substitute Castro, Antonio.—Sullivan 15-2, México, D. F.

Relative to El Centro Mercantil.—Avenida Madero y Mejía, Ciudad Juárez, see footnote 2.

For Heynen, Eversbusch & Co.—Pasaje América 213, México, D. F., and all branches in Mexico, substitute Heynen, Eversbusch & Co.—Edificio Boker, 16 de Septiembre 58, México, D. F., and all branches in Mexico.

For Kasai Uyehala, Moriji.—Colonia Morelos, Agua Prieta, substitute Kasai Furuya, Reikichi.—Calle 4a y Avenida 4a, Agua Prieta.

Peru

For Agricola La Colmena S. A., La Cía.—Ica, Nazca, and Lima, substitute Agrícola La Colmena S. A., La Cía.—Banco del Herrador 569, Lima; Ica; and Nazca.

For Endo, S.—Hacienda Cartavio, substitute Endo, S.—Trujillo.

Uruguay

Relative to Diez Abella, Wellington.—Yi 1227 y Segundo Vázquez 1134, Montevideo, see footnote 3.

DELETIONS

Argentina

Chingotto, Vicente.—Pavón 730, Avellaneda.

I. F. A., Sociedad Anónima Industria Frigorífica Argentina.—Defensa 533, Buenos Aires.

Industria Frigorífica Argentina, S. A.—Defensa 533, Buenos Aires.

Bolivia

Bustillos y Cía.—Casilla 167, Potosí.

Brazil

Azeredo, J. R.—Rua da Alfândega 104, Rio de Janeiro.

Bedrikow, Adolpho.—Rua 15 de Novembro 233, São Paulo.

Industrias Refrigeração Polonor, S. A.—Rua Barra Funda 698, São Paulo.

Institutos Terapêuticos Reunidos "Labofarma", S. A.—Rua Glicério 497, São Paulo, and all branches in Brazil.

"Labofarma", S. A., Institutos Terapêuticos Reunidos.—Rua Glicério 497, São Paulo.

Machado e Cia., P.—Rua Pessôa Anta 111-117 (Caixa Postal 185), Fortaleza, Ceará; and Cratheus, Ceará.

Rubino, Onorato.—Rua Evaristo da Veiga 67, Rio de Janeiro.

Chile

Editorial "Cultura".—Huérfanos 1165, Santiago.

Fuentes Parra, Francisco Javier.—Huérfanos 1165, Santiago.

Librería Cultura.—Huérfanos 1165, Santiago.

Colombia

Cardone, Gayetano.—Barranquilla.

Cardone, Vicente.—Barranquilla.

Cardone, Hermanos.—Carrera Mercado, Real y Comercio, Barranquilla.

"COTENAL" Compañia de Tejidos Nacionales S. A.—Carrera 7a No. 39-76, Bogotá.

Tejidos Nacionales S. A., Cía. de—Carrera 7a No. 39-76, Bogotá.

Cuba

Bisutería, S. A.—Neptuno 204, Habana.

Honduras

Berlioz, Jorge.—Tegucigalpa.

Empresa Espinosa.—Tegucigalpa.

Espinosa Valladares, Salvador.—Tegucigalpa.

Mexico

Alt Heidelberg.—Nuevo León 16, México, D. F.

Drogas Tacuba, S. A.—Calzada México-Tacuba 701, México, D. F.

Electromotor, S. A.—Avenida Isabel la Católica 43, México, D. F.

Faber, Hans.—Nuevo León 16, México, D. F.

Isaías y Knapp, Francisco.—Tuxtla Gutiérrez, Chiapas.

Negociación Papelera Mercurio, S. A.—Alamo 140 (Apartado 574), México, D. F.

Ordóñez Cía., Sucr.—Tuxtla Gutiérrez, Chiapas.

Restaurant Alt Heidelberg.—Nuevo León 16, México, D. F.

Nicaragua

Delgadillo, V. M.—Avenida Primera 508, Managua.

Delgadillo y Cía., Víctor M.—Avenida Primera 508, Managua.

Peru

Nacional de Sombreros Ltda., Cía.—Unión (Mercaderes) 484, Lima.

Parva Domus S. A.—Lampa 420 y Calle Tingo María, Lima.

Quiroz & Ruiz.—Abancay 281, Lima.

PART II—LISTINGS OUTSIDE AMERICAN REPUBLICS

ADDITIONS

Iran

Habachian, H. M. Ismail.—Tabriz.

Terdjimanian, V. K.—Timcheh Sadr Azam, Tehran.

Zendjandji, Hadji Mohammed.—Serai Amir, Tabriz.

Iraq

Habba, Sadiq.—Baghdad.

Portugal and Possessions

Portugal

Agencia Comerciale Francesa-A. Vincent Ltda.—Rua Ivens 56, Lisbon.

Almeida, Fernando de.—Travessa dos Fleis de Deus 128, Lisbon.

Azinhais, Eurico.—Largo da Graca 63, and Rua da Penha de Franca 246, Lisbon.

Beja, Jose dos Santos.—Rua da Barroca 109, Lisbon.

Beja, Palmira Martins.—Rua da Barroca 109, Lisbon.

Carp, M., Ltda.—Rua Bartolomeu Dias 120, Lisbon, and all branches in Portugal.

Civil do Sobralinho Ltda., Soc.—S. Pedro de Alverca, Vila Franca de Xira.

Correia, J. M.—Rua Filipe Folque 42, and Praca D. Pedro IV (or Rossio) 59, Lisbon.

Grebler, Albert.—Lisbon.

Hentze, Richard.—c/o Schuette & Cia. Ltda., Praca Luiz de Camoes 36, Lisbon.

Industrial Tejo, Soc.—Praca do Municipio 20, Lisbon.

Jahncke, Bernard.—Rua do Cais de Santarem 24, Lisbon.

Maissa, Elio Francisco.—Rua do Ouro 87, and Ave. Elias Garcia 31, Lisbon.

Martins & Filhos Ltda., Antonio Gomes.—Lordelo do Ouro, Oporto.

Meiners, Jorge.—Rua da Prata 198, Lisbon.

Mendes, J., & Co.—Olhao.

Moraes Ltda., Eduardo de.—Calcada do Sacramento 14, Lisbon.

Moura & Leitao Ltda.—Rua da Assuncao 99, Lisbon.

Neto, Abel de Olivieira.—Rua Viriato 11, Lisbon.

Pereira & Martins Ltda.—Rua da Barroca 109, and Praca dos Restauradores 13, Lisbon.

Popescu, Giorgi.—Hotel Metropole, Lisbon.

Popescu, Pascal.—Hotel Metropole, Lisbon.

Productora Algarvia Ltda.—Olhao.

Russo, Enrico.—Ave. Elias Garcia 153, Lisbon.

Schaub, Friedrich.—Lisbon.

Solacolu, Mircea.—Hotel Metropole, Lisbon.

Sousa, Pedro Jesus de.—Vila Real de Santo Antonio.

Tobis Portuguesa.—Alameda das Linhas de Torres 156, Lisbon.

Turci, Captain Edmondo.—Lisbon.

Von Ratibor, Prince Ernst.—Estoril.

Von Ratibor, Princess Ernst.—Estoril.

Warren, William.—Travessa do Navegantes 10, Cascaes.

Mozambique

Lobo, Braz Xavier.—Ave. Paiva Manso, Lourenço Marques.

Requadt, August.—Chanculo, nr. Lourenço Marques.

Requadt, Wilhelm.—Chanculo, nr. Lourenço Marques.

Spain and Possessions

Spain

Andreani, Attilio.—Ave. Jose Antonio 65, Madrid.

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[1] Not to be confused with Feoli e Hijos, Nicolás.

[2] Not to be confused with El Centro Mercantil, S. A., Plaza de la Constitución y Avenida 16 de Septiembre (Apartado 902), México, D. F.

[3] Distributor for Schering, Productos Farmacéuticos, in Uruguay.

Capilla Hurtado, Jose.—Calle Sagunto 37, Valencia, and Calle Arquitecto, Grao-Valencia.

Carandini, Carlos.—Ronda Universidad 31, Barcelona.

Carandini, C. y G. Ltda.—Ronda Universidad 31, Barcelona.

Ehlis, Hans.—Paseo de Gracia 105, and Calle Pintor Fortuny 4, Barcelona, and at San Cugat del Valles, Barcelona.

Especialidades Terapeuticas, S. A. (S. A. E. T.).—Calle Provenza 427, Barcelona.

Ferrero, Cecilia.—Hotel New York, Madrid.

Frischkorn, Johann.—Hotel Nacional, and Morejon 2, Madrid.

Hentze, Richard.—Calle Angel Guimara 3, Barcelona.

Industrias Electroliticas Jose Capilla Hurtado.—Calle Arquitecto Alfaro, Grao-Valencia.

Lettieri, Gino.—Quintana 5, Madrid.

Lettieri, Marcelo.—Quintana 5, Madrid.

Meessen, Nicolas.—Ayala 112, Madrid, and Puerto 10, Malaga.

Mey, Reinhard A.—Calle Sagunto 37, Valencia.

Nacional Suiza de Seguros.—Via. Layetana 21–23, Barcelona, and Hernando Colon 13, Seville.

Oggerin, Helmuth.—Madrid.

S. A. E. T.—S. A. Especialidades Terapeuticas.—Calle Provenza 427, Barcelona.

S. U. P. R. E.—S. A. Suministros para Relojeria.—Calle Cururulla 2, Barcelona.

Santos, Hijos de Sabino.—Ayala 10, Madrid, and Mansilla de Las Mulas, Leon.

Scherer Huber, Adolfo.—Calle de Mallorca 193, Barcelona.

Suministros para Relojeria S. A. (S. U. P. R. E.).—Calle Cucurulla 2, Barcelona.

Turci, Captain Edmondo.—Ritz Hotel, Madrid.

Canary Islands

Espinosa, Antonio.—San Francisco 1, Santa Cruz, Teneriffe.

Sweden

Bahner, Ludwig.—Lund.

Bore, Omsesidigt, Forsakringsbolaget.—Kungsgatan 48, Stockholm.

Enhornings Kemisk-Tekniska A/B.—Kungsgatan 4B, Stockholm.

Internat A/B.—Lund.

Moll, August.—Stuartsgatan 6, Gothenburg.

Schaffer & Budenberg A/B.—Klara Sodra Kyrkogatan 18, Stockholm.

Skandinaviska Travaruagenturen Ake Wettergren.—Kungstradgardsgatan 20, Stockholm.

Strafoder A/B.—Karlavagen 43, Stockholm.

Stromdahl, Axel Rudolf.—Karlavagen 43, Stockholm.

Svenska Lyxstrumpfabriken A/B.—Lund.

Svenska Torrelement A/B.—Vollmar Yxkullsgatan 15A, Stockholm.

Switzerland

Beatus A. G. Zurich (Beatus S. A. Zurich).—Stampfenbachstr. 69, and Todistr. 36, Zürich.

Deutsche Hilfsvereins-Stiftung.—Alban-Vorstadt 12, Basel.

Grebler, Albert.—La Chaux de Fonds.

Gretener, Th.—Bahnhofstr. 16, Dietikon.

Heimoz, Marcel.—Place Centrale 25, Lausanne.

Industrielle de Mecanique Horlogere S. A. a Puteaux (Seine) Succursale de Moutier, Cie.—Ave. Belle Vue 12, Moutier.

In-Und Auslandische-Werte A. G. fur.—Am Platz 13, Schaffhausen.

Lista A. G., Tabakextrakt-und-Nikotinfabrik.—Liestal.

Martini & Rossi.—Rue de Montchoisi 42, Geneva.

Oerlikon (Werkzeugmaschinenfabrik Oerlikon Bührle & Co.).—Birchstr. 155, Zürich.

Poli, Sergio.—Ruelle du Grand Pont 6, Lausanne.

Spagnoli, Jacques. — Mousquines 2, Lausanne.

Stocker, Ernst.—Splugenstr. 9, Zürich.

Straub, F. & Meier, C.—Schwarzwaldalle 29, Basel.

Turkey

Albohor, M.—Agopyan Han 5, Voyvoda Cad., Istanbul.

Assouad, Victor.—P. O. Box 9, Iskenderum (Alexandretta).

Frank, Hans ve Seriki.—Agopyan Han 5, Voyvoda Cad., Istanbul.

Issakides, Aristides. — Sultanhamam, Ihsaniye Han 5–6, Istanbul.

Muhendis Tarnopol (Tarnopol Muhendis).—Hezaren Cad. 69, Galata, Istanbul, and all branches in Turkey.

Sark Ticaret Aristides Issakides.—Sultanhamam, Ihsaniye Han 5–6, Istanbul.

Tarnopol, Alexander (Isak).—Hezaren Cad. 69, Galata, Istanbul.

Tarnopol, Muhendis (Muhendis Tarnopol).—Hezaren Cad. 69, Galata, Istanbul, and all branches in Turkey.

Thilmany, R.—Agopyan Han 5, Voyvoda Cad., Istanbul.

Tubino, Ricardo.—Istanbul.

AMENDMENTS

Portugal and Possessions

Portugal

For Garagem Grandella (Guilherme Pereira, Jnr.), substitute Garagem Crandella.

For Mendes Correia Jnr., Joaquim, Rua Filipe Folque 42, substitute Correia, Joaquim Mendes, Rua Filipe Folque 42 and Praca D. Pedro IV (or Rossio) 59.

In relation to Mendes Ltda., for Rossio 59, substitute Praca D. Pedro IV (or Rossio) 59.

For Pereira Jnr., Guilherme-Garagem Grandella, substitute Pereira Jnr., Guilherme.

For Thobe, Hans Carl Walter, Rua Fonte da Luz 147, Foz do Douro, substitute Thobe, Walter (Hans Carl Walter Thobe), Ave. da Boa Vista, Oporto.

For Vincent, A. Ltda., substitute Vincent, A. Ltda. (Agencia Comerciale Francesa).

Mozambique

In relation to East African Trading Society, for Caixa Postal 47, substitute Caixa Postal 487.

Spain

In relation to C. I. M. S. A.-Comercial Industrial Mediterranea S. A., for Paseo de Gracia 46, Barcelona; and Ave. Jose Antonio 67, Madrid, substitute Almagro 26, Madrid.

In relation to Comercial Industrial Mediterranea S. A. (C. I. M. S. A.), for Paseo de Gracia 46, Barcelona; and Ave. Jose Antonio 67, Madrid, substitute Almagro 26, Madrid.

In relation to Comercial Maritime de Transportes, S. A., Cia., add ss. "Ellen" (ex "Nere Ametza") and s.s. "San Eduardo".

In relation to Lohse, Juan, for Calle Fuenterrabia 42, San Sebastian, substitute Via. Layetana 53, Barcelona; and Calle Fuenterrabia 42, San Sebastian.

Sweden

In relation to Nordiska Travaruagenturen, Ake Wettergren for Kungstradgardsgatan 20, substitute Regeringsgatan 22.

For Orion Forsaljnings Svenska A/B, substitute Svenska Orio Forsaljnings A/B.

Switzerland

In relation to La Soudiere Suisse, add and Albangraben, Basel.

Turkey

In relation to Zandonati de R., for Bornova Kazakoglu S. 22, substitute Bornova Kurtulus Cad. 1, and Kurtulus 854 ncu S. 35.

DELETIONS

Iraq

Bata Shoe Co.—Baghdad.

Société Anonyme Egyptienne de Chaussures Bata, Alexandrie Dept., Iraq.—Baghdad.

Portugal

Burguette, Antonio Serrao.—S. Pedro de Alverca, Vila Franca de Xiva.

Dias, Ventura Henriques.—Rua do Comercio 42, Lisbon.

Vallet & Bohm.—Rua da Alfandega 108, Lisbon.

Sweden

Weibull, W. A/B.—Landskrona.

Turkey

Metaxas, N. Z.—Frenkyan Han, Galata, Istanbul.

[F. R. Doc. 42-6861; Filed, July 18, 1942; 11:55 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Dockets Nos. A-185, A-265, A-857]

PARTS 337 AND 338—MINIMUM PRICE SCHEDULES, DISTRICT NOS. 17 AND 18

ALBUQUERQUE AND CERRILLOS COAL CO.; DISTRICT BOARDS 17 AND 18

Memorandum opinion and order modifying, and approving and adopting as modified, the proposed findings of fact, proposed conclusions of law, and recom-

mendation of the examiner in the Matter of the petition of the Albuquerque and Cerrillos Coal Company, applying for relief in making certain prices applicable only to shipments of coal for use by the Federal Government and Agencies thereof when shipped from Subdistrict 2 of District No. 18 into Market Areas 228 (in New Mexico), 229, 232, and 236; in the matter of the petition of Bituminous Coal Producers Board for District No. 18 for changes in the classifications and minimum prices for coals produced and sold in District No. 18; in the matter of the petition of District Board No. 17 for revision of the effective minimum prices for certain coals produced at the mines in Subdistricts 7, 8, and 9 in District No. 17.

These are proceedings instituted upon petitions filed with the Bituminous Coal Division, pursuant to secton 4 II (d) of the Bituminous Coal Act of 1937.

In Docket No. A–185, Albuquerque and Cerrillos Coal Company ("Albuquerque and Cerrillos"), a code member and operator of the Jones Mine (Mine Index No. 11) in Subdistrict 2 of District 18, requests a revision of the effective minimum prices for its coals for shipment by rail into Market Areas 228, 229, 232, and 236 upon sales to agencies of the United States Government. The petition of Albuquerque and Cerrillos alleges that the effective minimum prices do not properly take into account freight rate differences created by the land grant and land grant equalization rates for shipments to agencies of the United States Government in Market Areas 228, 229, 232, and 236 and therefore prays that the effective minimum prices for the coals produced at its Jones Mine be reduced to the extent necessary to enable them to deliver at five cents less than the coals of Subdistrict 9 of District 17 at destinations in Market Areas 228, 229, and 232 on shipments made pursuant to government contracts, rather than at higher prices, as required by the currently effective minimum prices; and that the effective minimum prices for shipments on government contracts to points in Market Area 236 be reduced by amounts ranging from 50 cents on Size Group 9 to $1.15 on Size Group 2.

Albuquerque and Cerrillos further seeks a modification of the District 18 price schedule to provide that Size Group 3 coals should include 6" x 3" and 1½" lump in order to make it identical with Size Group 5 of District 17's price schedule.

In Docket No. A–265, District Board 18 seeks a revision of the effective minimum prices of coals in Size Groups 1 to 9, inclusive, produced in Subdistrict 1 of District 18 for shipment by rail to certain destinations in Market Area 232 upon sales to agencies of the United States Government, and a revision in the effective minimum prices of coals in Size Groups 1 to 9, inclusive, produced in Subdistrict 2 of District 18 for shipment by rail into Market Areas 227 and 229, and to certain destinations in Market Area 232 upon sales to agencies of the United States Government. Specifically District Board 18 prays that relief be granted as follows:

(1) That the effective minimum prices of coals in Size Groups 1 through 9 produced in Subdistrict 1 of District 18 be reduced by $1.00 per ton when sold to agencies of the United States Government which move the coal on land grant freight rates or land grant equalization rates, for shipment to destinations on the Atchison, Topeka and Santa Fe Railway Company, in Market Area 232, south of Belen, New Mexico, and to and including Rincon, New Mexico, and all destinations on the Silver City branch of said railroad west of Rincon, New Mexico; and that when these coals are sold to agencies of the United States Government which move the coal on commercial freight rates, the effective minimum prices be reduced $1.10 for such shipment to the aforesaid destinations;

(2) That the effective minimum prices of coals in Size Groups 1 through 9 of Subdistrict 2 of District 18 be reduced by 85 cents[1] per ton when sold to agencies of the United States Government which move the coal on land grant freight rates or land grant equalization rates for shipment to destinations in Market Areas 227 and 229, and that portion of Market Area 232 from Rincon, New Mexico, to and including El Paso, Texas, on the Atchison, Topeka and Santa Fe Railway lines and to destinations on the Southern Pacific Company tracks in the State of Arizona, except for Mora, Arizona, via Fairbank, to and including Nogales, Arizona; and that when these coals are sold to those agencies of the United States which move the coals on commercial freight rates, the effective minimum prices be reduced 50 cents per ton for such shipment to the aforesaid destinations.

In Docket No. A–857, District Board 17 seeks a revision of the effective minimum prices of the coals in Size Groups 1 to 11, inclusive, produced at the mines in Subdistricts 7, 8, and 9 of District 17 for shipment by rail into Market Area 228 and to certain destinations in Market Area 232 upon sales to agencies of the United States Government which move coals on commercial freight rates as follows: For shipments to all destinations in New Mexico in Market Area 228 on the Atchison, Topeka and Santa Fe Railway, 60 cents per ton, and on the Southern Pacific, 30 cents per ton; and for shipments to destinations in Market Area 232, including all points on the Southern Pacific in New Mexico, except Deming, and on the Southern Pacific in Arizona from Mora via Fairbank, to and including Nogales, Arizona, 30 cents per ton.

District Board 17 filed a petition of intervention in Dockets Nos. A–185 and A–265, District Board 18 filed a petition of intervention in Docket No. A–185. Pursuant to an Order of the Director, a consolidated hearing in the matters originally involved in Dockets Nos. A–185 and A–256 was held and thereafter temporary relief was granted in part.

Albuquerque and Cerrillos Coal Company filed a statement protesting against the temporary relief. District Board 18 filed an amended petition and an amended supplemental petition, averring that conditions had so changed since the original hearing that further evidence should be received. District Board 17 by letter concurred in the request for the reopening of the hearing. In accordance with such request, the Director issued an order for rehearing and consolidated Docket No. A–857 with the hearing for the consolidated matters in Dockets Nos. A–185 and A–265.

Pursuant to said Order, a hearing in these consolidated matters was held before Charles S. Mitchell, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered on behalf of the Albuquerque and Cerrillos Coal Company, District Boards 17 and 18, and the Consumers' Counsel Division (now the Office of Bituminous Coal Consumers' Counsel). A brief was filed by the Bituminous Coal Consumers' Counsel.

Thereafter, on May 20, 1942, Examiner Mitchell submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation ("Examiner's Report"). On June 6, 1942, exceptions to the Examiner's Report were filed by the Bituminous Coal Consumers' Counsel.

I. *Examiner's report.* The Examiner found that government coal contracts, though the tonnage involved is relatively small, are of considerable importance to producers in Subdistricts 1 and 2 of District 18 and Subdistrict 9 of District 17, particularly since the coals consumed by the Government in Market Areas 227, 228, 229, 232, and 236 are those in the domestic sizes for which the sources of disposal are few. The Examiner found further that in purchasing its coal supplies in those areas, the government agencies issue invitations to bid on the contracts, and, as a rule, make awards on the basis of cost per million B. t. u.'s.

The Examiner found further that prior to the establishment of effective minimum prices by the Division, efforts were made to coordinate prices for Districts 17 and 18 applicable to government contracts, which resulted in proposed schedules of special effective minimum prices for government shipments to certain des-

[1] District Board 18 also sought a further reduction if the relief requested in Docket No. A–784 should not be granted. The petition of District Board 18 in Docket No. A–784 requested a reduction in the minimum prices effective for shipment of the coals produced by the Albuquerque and Cerrillos Coal Company to destinations in Market Areas 227 and 228, extending from Belen, New Mexico, east to Texico, New Mexico, and Farwell, Texas, and south from Clovis, New Mexico, to and including Carlsbad, New Mexico, in amount equal to the increase in commercial freight rates for such shipments on the Atchison, Topeka and Santa Fe Railway Company, effective as of February 15, 1941. By Order of August 5, 1941, the Director denied this requested relief.

tinations in Market Areas 227, 228, 229, and 232. The Examiner noted that the Consumers' Counsel protested those proposals, contending that the prices were so high as to discriminate against the Government. The Examiner noted further that subsequently, the proposed schedules were disapproved by the Director in General Docket No. 15, and that thereupon, shipments on government contracts to these market areas were governed by f. o. b. mine prices applicable to commercial shipments.

The Examiner found that the present requests for relief were intended to take into account the discontinuance, with slight exception, of the land grant freight rates and land grant equalization rates formerly applicable to Subdistricts 1 and 2 of District 18 and Subdistrict 9 of District 17, so that the commercial freight rates now usually apply on shipments to the United States Government. The Examiner found also that the present requests for relief were intended to take into account the analyses more recently used by the United States Government purchasing agents in making awards on the basis of the lowest cost per million B. t. u.'s.

The Examiner rejected the prayers for relief in so far as they sought revisions of the effective minimum prices to reflect differences in B. t. u., adopting the contentions of Consumers' Counsel that to formulate effective minimum prices on the basis of the value criterion of one consumer would militate against the Congressional intent to remove burdens upon interstate commerce in bituminous coal by creating a bewilderingly complex price schedule. The Examiner found, however, that the coals of Subdistrict 2 of District 18 and of Subdistrict 9 of District 17 are comparable, and have, in the past, actively competed for Government business in Market Areas 227, 228, 229, and 232. The Examiner found that in order to enable these comparable coals to compete on a fair basis, their effective minimum prices should be so adjusted as to permit them to deliver thereto at a parity when for governmental use; but that since only inconclusive evidence appears as to past ability of Subdistricts 7 and 8 of District 17 to ship into these market areas, the relief prayed for such coals should be denied.

The Examiner found further that the requested relief for such coals produced in Subdistrict 1 of District 18 moving on land grant and commercial freight rates to government agencies is based upon the same principle as the requested for the coals of Subdistrict 2 of District 18. The Examiner found that some tonnage had been shipped from Subdistrict 1 into Market Area 232 in the past, but that the Subdistrict 1 coals are decidedly inferior analytically to the Subdistrict 2 coals and those of Subdistrict 9 of District 17. The Examiner concluded that the Subdistrict 1 coals in Size Groups 1 through 9, when offered for sale or sold to the United States Government for shipment by rail to certain destinations in Market Area 232 on the Atchison, Topeka and Santa Fe, should be permitted to be reduced by 80 cents per ton, which, the Examiner stated, consisted of 75 cents to compensate for the freight differential between Subdistricts 1 and 2 at representative destinations in Market Area 232 on the Atchison, Topeka and Santa Fe, and five cents to compensate for the inferior quality of the District 1 coals.

The Examiner found further that the prayer by Albuquerque and Cerrillos that it be permitted a reduction on shipments to Market Area 236 was not supported by evidence. The Examiner also found that the petition of Albuquerque and Cerrillos for relief for its 1½" lump coals had merit, and that 1½" lump coal should be included in the same size group and priced the same as 6" x 3" coals.

II. *Exceptions to the Examiner's report.* Exceptions to the Examiner's Report were filed by only the Consumers' Counsel. The exceptions of Consumers' Counsel relate to the findings and recommendation of the Examiner that the effective minimum prices for the coals in Size Groups 1 through 9 from Subdistrict 1 of District 18 may be reduced by 80 cents per ton when offered for sale or sold to the United States of America or agencies thereof for rail shipment to destinations on the Atchison, Topeka and Santa Fe Railway Company in Market Area 232, south of Belen, New Mexico, and to and including Rincon, New Mexico, and all destinations on the Silver City Branch of said railroad west of Rincon, New Mexico. Consumers' Counsel notes that the Examiner had stated that the 80-cent permissible reduction consisted of 75 cents to compensate for the freight differential between Subdistricts 1 and 2 of District 18 at representative destinations in Market Area 232 on the Atchison, Topeka and Santa Fe, and five cents to compensate for the inferior quality of Subdistrict 1's coals. Consumers' Counsel submits that if the coals of Subdistrict 1 are inferior in quality to the extent of five cents per ton then they are worth that much not only to the United States Government, but also to all other consumers and purchasers; and that if such finding regarding the inferiority of Subdistrict 1 coals be adopted, final relief should provide that the same reduction for inferior quality shall apply on sales, not only to the United States Government, but also to non-governmental consumers and other purchasers. Consumers' Counsel also submits that if the Subdistrict 1 coals are inferior in quality, the inferiority also remains in said coals when they are shipped to other destinations than those in Market Area 232; and that any relief recognizing said inferiority in quality should also provide that the same reductions in the effective minimum prices applicable to Subdistrict 1 coals shall apply when offered for sale or sold to any consumers and purchasers, governmental and non-governmental, in any and all market areas where the coals of Subdistrict 1 of District 18 compete with comparable coals of Subdistrict 2 of District 18 and of Subdistrict 9 of District 17.

III. *Merits of the cases.* In General Docket No. 15, the coals of Subdistricts 1 and 2 of District 18 and of Subdistrict 9 of District 17 were coordinated on the basis of the factors listed in sections 4 II (a) and 4 II (b) of the Act, which included analytical comparability. The petitions here do not complain that the analytical standards used in General Docket No. 15 did not reflect the true comparability of these coals; the petition, in so far as it complains of the failure of the effective minimum prices to reflect analysis, is concerned with the basis upon which such analytical comparability is to be determined. I agree with the Examiner that B. t. u. content alone should not be the basis for an adjustment of the effective minimum prices, since adoption of such a criterion would lead to such a bewildering complex price schedule as to render proper administration of the Act intensely difficult. Having determined that B. t. u. content should not alone be the basis for an adjustment of effective minimum prices, I find that the prayers contained in these several petitions, seeking revisions of the effective minimum prices because of the differences in analytical qualities among the coals herein involved, must be denied, and the original coordination, in so far as analytical comparability is concerned, left as presently constituted.

Consumers' Counsel, as has been noted, excepted to the findings of the Examiner and the form of the recommended relief with respect to Subdistrict 1 of District 18 coals, in Size Groups 1 through 9, to the effect that the minimum prices for such coals "may be reduced by 80 cents per net ton." Consumers' Counsel points out that the Examiner had stated that 75 cents of the 80-cent reduction recommended consisted of the freight differential between Subdistricts 1 and 2 of District 18 at representative destinations in Market Area 232 on the Atchison, Topeka and Santa Fe. Consumers' Counsel contends that in order to avoid the allowance of reductions in amounts more than those necessary to achieve coordination at the various destinations, if the recommended relief be approved, that the relief should provide, in substance, that the minimum prices for the Subdistrict 1, District 18 coals may be reduced by an amount necessary to permit such sizes to be delivered to the specified destinations in Market Area 232 at prices equal to the delivered prices for coals of comparable sizes from Subdistrict 2 of District 18 and Subdistrict 9 of District 17 (less five cents should the relief take into account inferior quality), but in no event shall the reduction be more than 80 cents per ton.

I find that Subdistrict 1 coals in Size Groups 1 through 9 should be permitted to take an absorption to an amount necessary to permit such sizes to be delivered to the specified destinations in Market Area 232 at prices equal to the delivered prices for coals of comparable sizes from Subdistrict 2 of District 18 and Subdistrict 9 of District 17, but that the permissible reduction should be restricted to a maximum of 75 cents per ton.

On the basis of the entire record, I find that the findings of fact and conclusions of law made by the Examiner

are supported by the evidence and should be adopted, except in so far as they concern the effective minimum prices for the coals in Size Groups 1 through 9 from Subdistrict 1 of District 18 when offered for sale or sold to the United States Government for shipment by rail to certain destinations in Market Area 232 on the Atchison, Topeka and Santa Fe. As to such shipments, I find that the exceptions taken by the Bituminous Coal Consumers' Council have merit to the extent noted above.

I conclude that the proposed findings of fact and proposed conclusions of law of the Examiner, as modified herein, should be approved and adopted as the findings of fact and conclusions of law of the undersigned.

Now, therefore, it is ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner be, and they hereby are, approved and adopted as the findings of fact and conclusions of law of the undersigned.

It is further ordered, That effective fifteen (15) days from the date hereof § 338.1 (*Price instructions and exceptions*) in the Schedule of Effective Minimum Prices for District No. 18 For All Shipments Except Truck be, and it hereby is, amended by adding thereto the following Price Instructions and Exceptions:

(o) When coals within Size Groups 1 through 9 from Subdistrict 2 are offered for sale or sold to the United States of America or agencies thereof, for rail shipment to destinations in Market Areas Nos. 227, 228, in New Mexico, 229 and 232, the prices listed herein for such coals may be reduced by an amount necessary to permit such sizes to be delivered in said market areas at prices equal to the delivered price for coals of the comparable sizes from Subdistrict 9 of District 17.

(p) When coals within Size Groups 1 through 9 from Subdistrict 1 are offered for sale or sold to the United States of America or agencies thereof, for rail shipment to destinations on the Atchison, Topeka and Santa Fe Railway Company in Market Area 232, south of Belen, New Mexico, and to and including Rincon, New Mexico, and all destinations on the Silver City Branch of said railroad west of Rincon, New Mexico, the effective minimum prices listed herein for such coals may be reduced by an amount necessary to permit such sizes to be delivered to these destinations at prices equal to the delivered prices for coals of comparable sizes from Subdistrict 2 of District 18 and Subdistrict 9 of District 17, but in no event shall the reduction be more than 75 cents per ton.

It is further ordered, That effective fifteen (15) days from the dat hereof § 338.4 (*Size group table*) in the Schedule of Effective Minimum Prices for District No. 18 For All Shipments Except Truck be, and it hereby is, amended by changing the definition of Size Group 3 to read: "Lump and grate, 1½" and 6" x 3"."

It is further ordered, That effective fiifteen (15) days from the date hereof § 337.1 (*Price instructions and exceptions*) in the Schedule of Effective Minimum Prices for District No. 17 For All Shipments Except Truck be, and it hereby is, amended by adding thereto the following Price Instruction and Exception:

When coals within Size Groups 1 through 11 from Subdistrict 9 are offered for sale or sold to the United States of America or agencies thereof for rail shipment to destinations in New Mexico in Market Area 228 on the Atchison, Topeka and Santa Fe Railway Company and on the Southern Pacific Company, and to destinations in Market Area 232, including points on the Southern Pacific Company in New Mexicc except Deming and in Arizona on the line from Mora via Fairbank to and including Nogales, the prices listed herein for such coals may be reduced by an amount necessary to permit such sizes to be delivered in said market areas at prices equal to the delivered price for coals of comparable sizes from Subdistrict 2 of District 18.

It is further ordered, That the prayers for relief contained in the several petitions filed herein, except as granted above, be, and they hereby are, in all other respects denied.

Dated: July 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-6880; Filed, July 20, 1942; 11:24 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1141—MOTOR FUEL

[Limitation Order L-70, as Amended [1]]

§ 1141.1 *Limitation Order L-70*—(a) *Applicability of Priorities Regulations.* This order and all transactions affected thereby are subject to the provisions of any applicable Priorities Regulation issued by the War Production Board, as amended from time to time.

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

(2) "Motor fuel" means liquid fuel, except Diesel fuel, used for the propulsion of motor vehicles or motor boats and shall include any liquid fuel to which Federal gasoline taxes apply except liquid fuel used for the propulsion of aircraft.

(3) "Service station" means any place of business or part thereof, where motor fuel is delivered into the fuel supply tanks of motor vehicles or motor boats.

(4) "Supplier" means any person, other than a service station, who delivers motor fuel, directly or indirectly, for redelivery or for consumption.

(5) "Bulk consumer" means any person who is an ultimate user of motor fuel, which such person receives directly from a supplier: *Provided*, that the term "bulk consumer" shall not include an ultimate user of motor fuel to the extent that such ultimate user resells or redelivers motor fuel delivered to him. Any person who acquires by lease or otherwise, both a storage tank and dispensing pump located at a service station, shall be deemed a bulk consumer only where:

(i) Such person shall have the exclusive control and possession of such facilities for a period of not less than 30 consecutive days;

(ii) Such facilities shall be used solely for the storage of motor fuel belonging to such person and for the servicing of motor vehicles, motor boats or equipment owned or operated by such person, and no motor fuel shall be resold from such facilities;

(iii) The dispensing pump or pumps shall be painted a battleship grey and shall have the following statement conspicuously marked on both the face and back of the pump: "For private use of (insert name of person) only";

(iv) Deliveries shall be made directly to such facilities by the supplier of such person and shall be entirely segregated from and in no way connected with deliveries to the service station; and

(v) A service station leasing or otherwise delivering possession of such facilities to such person shall require and receive from such person on the first day of each month a signed statement showing the total quantity of motor fuel delivered to such facilities during the previous month. The service station shall promptly deliver a correct copy of such statement to his supplier or suppliers in order that an adjustment may be made in the normal gallonage of such service station as provided in paragraph (e) hereof.

(6) "Curtailment area" means the area specified in Exhibit "A".

(7) "Quota month" means the month for which a quota is to be determined.

(8) "Base gallonage" means one-third of the number of gallons of motor fuel actually delivered to any service station or bulk consumer during the period December 1, 1941—February 28, 1942, inclusive.

(9) "Seasonal adjustment" means the difference between one-third of the number of gallons of motor fuel delivered to any service station or bulk consumer during the period December 1, 1940—February 28, 1941, inclusive, and the number of gallons of motor fuel delivered to such service station or bulk consumer during the month of 1941 corresponding to the quota month.

(10) "Normal gallonage", subject to the adjustment provided in paragraph (e) hereof, means the gallonage represented by the base gallonage of any service station or bulk consumer to which has been added or subtracted the seasonal adjustment of such service station or bulk consumer: *Provided*, That in no case shall the normal gallonage of any service station as computed herein be less than 75% of the gallonage actually delivered to such service station during the month of 1941 corresponding to the quota month.

(11) "Allowable percentage" means that percentage specified in Exhibit "B".

(12) "Monthly quota" means that amount of motor fuel which any service station or bulk consumer in the curtailment area has the right to obtain from

[1] 7 F.R. 2103, 2722, 3549, 3650, 4171.

his supplier or suppliers during the quota month and shall be determined by multiplying the normal gallonage of such service station or bulk consumer by the allowable percentage: *Provided*, That the monthly quota of bulk consumers shall be the full quantity of motor fuel required for any of the preferential deliveries specified in paragraph (f) plus the allowable percentage of the difference between the adjusted normal gallonage and the quantity required for such preferential deliveries.

(13) "Curtailment period" means the period during which this order is in effect.

(c) *Limitation on shipment of motor fuel from the curtailment area.* (1) Subject to the limitations of paragraph (c) (2), no supplier shall deliver or cause to be delivered, directly or indirectly, and no person shall accept delivery of any motor fuel from any point within the curtailment area to any point in the United States outside the curtailment area: *Provided*, That this paragraph shall not apply to:

(i) The delivery of motor fuel from the curtailment area into contiguous areas for return delivery into the curtailment area;

(ii) The return delivery into contiguous areas of motor fuel delivered into the curtailment area from such contiguous areas for return delivery;

(iii) The delivery outside the curtailment area of benzol or of any motor fuel manufactured wholly from crude oil or natural gas produced within the curtailment area;

(iv) Deliveries from bulk plants within the curtailment area to such points outside the curtailment area as were actually served by such bulk plants by tank truck during the period December 1, 1941–February 28, 1942, inclusive.

(2) No supplier shall deliver or cause to be delivered, directly or indirectly, and no person shall accept delivery of any motor fuel from any point within the area specified in subparagraph (1) of Exhibit "A" hereof to any point outside of such area: *Provided*, That this paragraph, with reference to the areas specified in Exhibit "A", shall not apply to:

(i) The delivery of motor fuel from the area specified in subparagraph (1) into contiguous areas for return delivery into the area specified in subparagraph (1);

(ii) The return delivery into contiguous areas of motor fuel delivered into the area specified in subparagraph (1) from such contiguous areas for return delivery.

(d) *Limitation on delivery of motor fuel.* Until but not after July 21, 1942, within the area specified in subparagraph (1) of Exhibit "A" hereof and unless and until modified (except as hereinafter provided in this paragraph) within the areas specified in subparagraph (2) and (3) of Exhibit "A" hereof, no supplier shall deliver or cause to be delivered, directly or indirectly, in any month to any service station or bulk consumer within the curtailment area, and no such service station or bulk consumer shall accept delivery of any motor fuel in excess of the monthly quota of such service station or bulk consumer. When it is necessary in order to increase the efficient use of transportation facilities, a supplier may deliver and a service station or bulk consumer may accept delivery, during any month, of motor fuel in excess of his monthly quota provided the following conditions are all fully complied with:

(i) No such deliveries shall be made prior to the last 3 days of any month.

(ii) The amount delivered shall not exceed the full capacity of the type of transportation facility theretofore ordinarily used in making deliveries to such service station or bulk consumer or the quantity which the service station or bulk consumer is entitled to receive during the first ten days of the following month, whichever quantity is the smaller.

(iii) The invoice covering such delivery shall contain a statement signed by the service station or bulk consumer showing the number of gallons delivered under the provisions of this paragraph which are in excess of the monthly quota.

(iv) Such service station's or bulk consumer's monthly quota for the following month shall be reduced by the amount of the excess delivered under the provisions of this paragraph, and further deliveries to such service station or bulk consumer shall be delayed so as to provide for an even distribution of supplies over the entire month as provided in paragraph (k).

(e) *Adjustments of normal gallonage.* (1) In those areas in which the provisions of Exhibit "B" are in effect, the supplier or suppliers of any service station or bulk consumer shall adjust the normal gallonage of such service station or bulk consumer upward or downward in the following instances:

(i) In any case where deliveries to a service station or bulk consumer during any of the periods specified in paragraph (b) (8) or (b) (9) hereof were so abnormally large or small as to fail to reflect the seasonal variations normally expected at such service station or in such bulk consumer's current requirements for consumption for the quota month.

(ii) In any case where deliveries to a service station or bulk consumer during the periods specified in paragraph (b) (8) or (b) (9) hereof were such as to reflect an abnormal contraction or expansion in the volume of business for such service station or of the requirements for consumption by such bulk consumer.

(iii) In any case where any service station was not open for business or any bulk consumer had no requirements for current consumption during any or all of the periods specified in paragraph (b) (8) or (b) (9) of this order.

(iv) In any case where a service station leases or otherwise delivers possession of one or more of its storage tanks and dispensing pumps to a bulk consumer, the normal gallonage of such service station shall be reduced by an amount which it is estimated will be the total quantity of motor fuel delivered to the bulk consumer into such facilities during the month for which a monthly quota is established. Any difference between the actual amount delivered into such facilities during such month and the estimated amount shall be deducted from or added to the normal gallonage of the service station for the following month.

In making adjustments under paragraphs (e) (1) (i), (e) (1) (ii) and (e) (1) (iii), the supplier shall take into consideration any historical data which may exist with respect to deliveries made to the service station or bulk consumer, but no consideration shall be given to the supposition that a greater volume of motor fuel would have been delivered to such service station had it been under different operation or had it been handling the motor fuel of the present supplier instead of motor fuel delivered by some other supplier. If the adjustment is to be made under paragraph (e) (1) (iii) and the service station was open for business during the month of the previous year corresponding to the month for which a monthly quota is to be established, then the number of gallons delivered to the service station or bulk consumer during such month shall be considered as the normal gallonage for such service station unless it is established that abnormal conditions seriously affected the quantity delivered during such month. Such adjustments shall represent the normal and expected volume of business at any such service station of the normal and expected requirements for consumption by any such bulk consumer during the quota month, which volume of business or which requirements for consumption would occur if there were no restrictions of deliveries.

(2) In the event that any supplier has any reason to believe that any adjustment of the normal gallonage of any service station or bulk consumer has been improperly made or denied by such supplier or by any other supplier supplied directly or indirectly by him, then such supplier shall either withhold further deliveries until any excessive upward adjustment has been compensated or increase deliveries until any excessive downward adjustment has been compensated.

(f) *Preferential deliveries.* (1) On or before July 21, 1942, in any part of the curtailment area specified in subparagraph (1) of Exhibit "A" of this order, any supplier shall deliver to any bulk consumer such bulk consumer's minimum necessary requirements of motor fuel for uses specified in § 1394.18 (b), 1394.18 (c), or 1394.22 (c), of Ration Order No. 5 [2] or for the operation of commercial, industrial and agricultural machinery and equipment: *Provided*, That where Forms or other statements are required, by Ration Order No. 5, no delivery of motor fuel may be made unless the execution of such Forms or other statements is effected in accordance with the terms of such order.

(2) On or before July 21, 1942, in any part of the curtailment area specified in subparagraph (1) of Exhibit "A" of this order, any supplier or service station shall

[2] 7 F.R. 3482, 3554, 3577, 3782, 4233, 4453, 4493, 4733, 4883.

deliver to any person other than a bulk consumer such person's minimum necessary requirements of motor fuel for uses specified in §§ 1394.18 (b), 1394.18 (c), 1394.19 (b), or 1394.22 (c) of Ration Order No. 5: *Provided,* That where Cards, Forms, or other statements are required by Ration Order No. 5, no delivery of motor fuel may be made unless the presentation or execution of such Cards, Forms or other statements is effected in accordance with the terms of such order.

(3) In any part of the curtailment area specified in subparagraphs (2) and (3) of Exhibit "A" of this order, a supplier shall deliver to any bulk consumer such bulk consumer's minimum necessary requirements of motor fuel for any of the uses specified in paragraph (f) (3) (ii). The bulk consumer shall deliver to his supplier the statement specified in paragraph (f) (3) (i).

(i) Such statement shall be in the following form, signed manually or as provided in Priorities Regulation No. 7[1] (§ 944.27) by an official duly authorized for such purpose:

Motor fuel delivered pursuant to this representation will be used only for purposes authorized in paragraph (f) of Limitation Order L-70, as Amended, with the terms of which Order the undersigned is familiar.

Legal Name of Bulk Consumer.

By:---

Signature of Duly Designated Official.

Such statement shall constitute a representation to the Director General for Operations and to the supplier of such motor fuel that such motor fuel is for the uses specified in paragraph (f) (3) (ii), and such supplier shall be entitled to rely upon such representation unless he knows or has reason to believe it to be false.

(ii) The following uses shall be considered preferential uses:

(*a*) The operation of vehicles and boats necessary for the public health and safety, including, among others, ambulances and vehicles operated by practicing physicians, surgeons, nurses, and veterinarians, and those engaged in civilian defense activities while the area is under martial law, enemy attack, or immediate threat of enemy attack.

(*b*) The operation of vehicles and boats owned or operated by or in the service of Federal, state or local governments.

(*c*) The operation of commercial vehicles so classified by law, including cabs, and the operation of commercial boats.

(*d*) The operation of commercial, industrial and agricultural machinery and equipment.

(*e*) The operation of school buses.

(g) *Replacement for Army and Navy deliveries.* In those areas in which the provisions of Exhibit "B" are in effect, any service station which makes deliveries of motor fuel for official use in vehicles or boats owned or operated by the United States Army or the United States Navy, which deliveries are not a normal part of such service station's regular business, shall be entitled to replacement from his supplier of the amount thereof and may accept delivery of such replacement in addition to the monthly quota for such service station.

(h) *Right to obtain deliveries.* In those areas in which the provisions of Exhibit "B" are in effect:

(1) A service station or bulk consumer, who has been obtaining his supplies of motor fuel pursuant to a regular delivery schedule, shall have the right to obtain his monthly quota of motor fuel from the supplier, or if more than one, then proportionately from the suppliers who sold and delivered motor fuel to such service station or bulk consumer during the preceding month. If a service station or bulk consumer has received deliveries of motor fuel during the period of 12 calendar months immediately preceding the then current calendar month from more than one supplier pursuant to no regular delivery schedule, then the said service station or bulk consumer shall have the right to obtain the amount of his monthly quota of motor fuel proportionately from all the suppliers who delivered motor fuel to him during the said 12-month period.

(2) If any supplier does not have a sufficient quantity of motor fuel to supply the demands of service stations or bulk consumers to the extent that he is obligated under this paragraph to supply such demands, then, if he has been obtaining his supplies of motor fuel pursuant to a regular delivery schedule, he shall have the right to obtain the amount of such deficiency from his supplier, or if more than one, then proportionately from the suppliers, who delivered motor fuel to him during the preceding month. If he has received deliveries of motor fuel during the period of 12 calendar months immediately preceding the then current calendar month pursuant to no regular delivery schedule, then he shall have the right to obtain the amount of such deficiency of motor fuel proportionately from all the suppliers who delivered motor fuel to him during the said 12 month period.

(3) Every supplier shall be obligated to deliver motor fuel to other suppliers, bulk consumers and service stations as provided in this paragraph.

(4) No supplier shall be required by contract or otherwise to deliver motor fuel to any other supplier in quantities greater than are required to enable such other supplier to deliver the monthly quotas and such additional replacements as are provided for in paragraph (g) hereof of the service stations or bulk consumers supplied directly or indirectly by him.

(i) *Other restrictions on deliveries.* No person shall deliver or cause to be delivered, directly or indirectly, and no person shall accept delivery of or use motor fuel for the operation of motor vehicles or motor boats in automobile or motor boat races in the curtailment area.

(j) *Restrictions of deliveries to violators.* No supplier shall deliver motor fuel to any other supplier, service station or bulk consumer where such supplier knows or has reason to believe that such other supplier, service station or bulk consumer is in violation of the terms of this order.

(k) *Methods of distribution.* (1) Suppliers shall deliver to service stations or bulk consumers in such a manner, so far as practicable, as to allow an even flow of supplies of motor fuel over the entire month: *Provided,* That (except as specified in paragraph (k) (3) on the tenth and twentieth of any month in the curtailment period no more than one-third and two-thirds respectively of such service station's or bulk consumer's total monthly quota shall have been delivered to him.

(2) Service stations shall make deliveries into the tanks of motor vehicles in such a manner as to allow for an even disbursing of their monthly quota throughout the entire month.

(3) Within that part of the curtailment area specified in subparagraph (1) of Exhibit "A" hereof, in addition to the supplies of motor fuel which are permitted under paragraph (k) (1), a supplier may deliver and a service station may accept delivery of motor fuel (between 12:01 a. m. July 19, 1942 and 11:59 p. m. July 21, 1942) in a quantity not in excess of two-thirtyfirsts of such service station's motor fuel quota for the month of July.

(l) *Service station hours of distribution.* No service station within the curtailment area shall deliver to any persons any motor fuel during more than 12 hours of any calendar day or during more than 72 hours of any calendar week: *Provided,* That:

(i) Within that part of the curtailment area specified in subparagraph (1) of Exhibit "A" hereof, deliveries of motor fuel may be made at any time to the military forces of the United States or to any person in the event of an emergency involving life, health or property; or

(ii) Within that part of the curtailment area specified in subparagraphs (2) and (3) of Exhibit "A" hereof, deliveries of motor fuel may be made at any time to any person exclusively for any of the uses specified in paragraph (f).

Each service station shall post prominently in a conspicuous place a notice of the hours during which motor fuel will be delivered at such service station. The hours selected and posted shall remain in effect at least seven consecutive days and shall not be changed during such period.

(m) *Reallocation of monthly quotas of closed service stations.* In those areas in which the provisions of Exhibit "B" are in effect, when a service station discontinues business at any time after May 1, 1942, and the fact of such discontinuance is evidenced by a signed statement from the owner of the service station premises or from the lessee (if the lessee's leasehold interest is firm for a period exceeding six months from the date of such discontinuance) that the business of such service station has been discontinued and will not be conducted again prior to the lapse of a period of not less than six months, the supplier of such service station shall add one-half of the applicable

[1] 7 F.R. 1062.

monthly quota thereof to the monthly quota of each of the two service stations located nearest, measured by road distance, to such closed service station and supplied from the supplier's same bulk plant. If more than one supplier has been supplying the closed service station, that portion of the monthly quota supplied by each supplier shall be reallocated in the same manner as above provided for a single supplier. Upon reallocating the monthly quota of the closed service station the supplier shall notify the Director of Marketing, Office of Petroleum Coordinator for War, Washington, D. C., in writing as to the date on which such service station was closed, its monthly quota for the last quota month, the names and addresses of the service stations to which such monthly quota has been assigned, together with a copy of the signed statement above referred to. A service station whose monthly quota has been reallocated as above provided shall not receive deliveries of motor fuel for a period of six months from the date it discontinued business. If after the six months' period such service station is reopened for business, its monthly quota shall be reassigned to it and the monthly quotas of the service stations to which such monthly quota was assigned shall be reduced accordingly.

(n) *Reports.* On or before the 20th day following the end of each quota month, in those areas in which the provisions of Exhibit "B" are in effect, all suppliers shall file a statement on Form PD-369 of the amount of motor fuel delivered in each state within the curtailment area and in the District of Columbia during such month stating separately, direct deliveries.

(i) To Federal, state and local governments;

(ii) To suppliers for direct delivery to Federal, state and local governments; and

(iii) To service stations and bulk consumers under their monthly quotas.

(o) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, as amended from time to time,[1] each supplier or other person receiving any representation authorized herein, shall each retain for a period of at least two years, for inspection by representatives of the War Production Board, endorsed copies of all such representations filed in such manner that they can be readily segregated for such inspection. In addition, each supplier shall keep, thus filed, and for such other purposes as may from time to time be prescribed by the Director General for Operations, for a period of at least two years, accurate and complete records of deliveries of motor fuel, the dates of actual deliveries, and the person and states (or the District of Columbia) involved in each delivery.

(p) *Appeals.* Any person affected by this order who, after he has sought an adjustment from his supplier pursuant to paragraph (e) hereof, or who for any other reason still considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may, if he is located in any area specified in subparagraph (1) of Exhibit "A" hereof, or in that portion of the States of New York, Pennsylvania, Florida, Maryland, West Virginia, and Virginia, specified in subparagraphs (2) and (3) of Exhibit "A" hereof, appeal to the District Director of Marketing, Office of Petroleum Coordinator for War, 122 East 42nd Street, New York, New York, or, if located in the States of Oregon and Washington as specified in subparagraph (2) of Exhibit "A" hereof, appeal to the District Director of Marketing, Office of Petroleum Coordinator for War, 855 Subway Terminal Building, Los Angeles, California, or, if located in that portion of the State of Tennessee specified in subparagraph (3) of Exhibit "A" hereof, appeal to the District Director of Marketing, Office of Petroleum Coordinator for War, Suite 1336, 120 South LaSalle Street, Chicago, Illinois, or, if located in that portion of the State of Alabama specified in subparagraph (3) of Exhibit "A" hereof, appeal to the District Director of Marketing, Office of Petroleum Coordinator for War, 245 Mellie Esperson Building, Houston, Texas, by letter in quadruplicate, setting forth the pertinent facts and the reasons why he considers himself entitled to relief and, in the case of an appeal under paragraph (e), including specifically a statement that he has been unable to obtain a satisfactory adjustment from his supplier and giving all information required on Form PD-367. The District Director of Marketing shall promptly investigate and consider the matter and shall seek to bring about a voluntary settlement in accordance with the provisions of this Order. In the event that no settlement can be reached, the District Director of Marketing shall forward the appeal and record thereon, together with his recommendation, to the Director of Marketing, Office of Petroleum Coordinator for War, Washington, D. C.

(q) *Directions as to deliveries.* In those areas in which the provisions of Exhibit "B" are in effect, the Director General for Operations may, from time to time, issue specific directions directing or forbidding deliveries of motor fuel.

(r) *Reports and correspondence.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Office of Petroleum Coordinator, Attention: Director of Marketing, Washington, D. C. Ref: L-70.

(s) *Violations or false statements.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the Director General for Operations in connection with this order 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 by the Director General for Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of July 1942.

AMORY HOUGHTON,
Director General for Operations.

EXHIBIT "A"

Order L-70 shall apply in the following areas:

1. The entire eastern part of the continental United States up to and including all of the counties of Wayne, Ontario and Steuben (and on or after August 22, 1942, the counties of Niagara, Erie, Orleans, Genesee, Wyoming, Monroe and Livingston) in the State of New York; Tioga, Lycoming, Clinton, Centre, Blair and Bedford in the State of Pennsylvania; Allegany in the State of Maryland; Mineral, Grant and Pendleton in the State of West Virginia; Highland, Bath, Alleghany, Craig, Giles, Pulaski, Wythe and Grayson in the State of Virginia; Ashe, Watauga, Avery, Mitchell, Yancey, Madison, Haywood, Swain, Graham and Cherokee in the State of North Carolina; Fannin, Murray, Whitfield, Catoosa, Dade, Walker, Chattooga, Floyd, Polk, Haralson, Carroll, Heard, Troup, Harris, Muscogee, Chattahoochee, Stewart, Quitman, Clay, Early, Seminole and Decatur in the State of Georgia; and Gadsden, Liberty and that part of Franklin which lies east of the Appalachicola River in the State of Florida: *Provided,* That if any part of any incorporated or unincorporated city, town or village or if any part of any service station is located within the aforementioned area, all of such city, town, village or service station shall be considered as within such area.

2. The States of Oregon and Washington and (until but not after August 21, 1942) in all of the counties of Niagara, Erie, Orleans, Genesee, Wyoming, Monroe and Livingston in the State of New York.

3. That part of the States of New York, Pennsylvania, Maryland, West Virginia and Virginia not included in subparagraph (1) hereof; the entire eastern part of the State of Tennessee up to and including all of the counties of Scott, Fentress, Cumberland, White, Warren, Coffee, Bedford, Marshall and Lincoln; the entire eastern part of the State of Alabama up to and including the counties of Madison, Marshall, Etowah, St. Clair, Talladega, Clay, Tallapoosa, Macon, Bullock, Pike, Coffee and Geneva; and the counties of Holmes, Jackson, Washington, Calhoun, Bay, Gulf and that part of Franklin which lies west of the Appalachicola River in the State of Florida: *Provided,* That if along the western boundary of the aforementioned area any part of any incorporated or unincorporated city, town or village or if any part of any service station is located within such area, all of such city, town, village or service station shall be considered as within such area.

EXHIBIT "B"

1. Until but not after July 21, 1942, the allowable percentage for the area specified in subparagraph (1) of Exhibit "A" hereof shall be 50%. Thereafter the pro-

[1] 6 F.R. 4489, 6680; 7 F.R. 1493, 1835, 2235, 3311, 3428, 4832.

visions of paragraph (1) of Exhibit "B" shall not be deemed to be in effect.

2. Unless and until modified by the Director General for Operations, the allowable percentage for the area specified in subparagraph (2) of Exhibit "A" hereof shall be 66⅔%.

3. Effective July 22, 1942 and thereafter unless and until modified by the Director General for Operatons, the allowable percentage for the area specified in subparagraph (3) of Exhibit "A" hereof shall be 75%: *Provided, however*, That no person shall deliver or accept delivery of any abnormally large quantities of motor fuel between the date of issuance of this Order as Amended and July 22, 1942. The monthly quotas for July 1942 shall be reduced proportionately.

[F. R. Doc. 42-6878; Filed, July 18, 1942; 2:03 p. m.]

PART 1028—DOMESTIC COOKING APPLIANCES

[Amendment 2 to Supplementary General Limitation Order L-23-c [1]]

Paragraph (b) (5) and (b) (6) of § 1028.4 (*Supplementary General Limitation Order L-23-c*) is amended to read as follows:

(5) From and after June 30, 1942, no Class C manufacturer shall use in any calendar quarter in the production of domestic cooking appliances iron and steel in excess of three times 70% of the monthly average of iron and steel used by him in the manufacture of domestic cooking appliances during the base period.

(6) From and after June 30, 1942, no Class C manufacturer shall use in any calendar quarter in the production of domestic heating stoves iron and steel in excess of three times 50% of the monthly average of iron and steel used by him in the manufacture of domestic heating stoves during the base period.

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

Issued this 20th day of July 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-6892; Filed, July 20, 1942; 11:27 a. m.]

PART 1072—SOLE LEATHER

[Amendment 2 to General Preference Order M-80, as Amended to May 22, 1942 [2]]

Subparagraphs (1) and (2) of paragraph (e) of General Preference Order M-80, as amended to May 22, 1942 (§ 1072.1) are hereby amended to read as follows:

(1) Unless specifically authorized by the Director General for Operations, no person shall hereafter sell, deliver, or put into process any reserved cut stock from manufacturers leather, except to fill orders for cut soles of military weight and quality for delivery to or for the account of:

(i) The United States Army (excluding purchase orders placed by or for delivery to Post Exchanges);

(ii) The United States Navy (excluding purchase orders placed by or for delivery to Ships' Stores or Commissary);

(iii) The United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Selective Service System, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation and Metals Reserve Company;

(iv) The Government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies, and Protectorates, and Yugoslavia.

(2) Unless specifically authorized by the Director General for Operations, no person shall hereafter use any finders cut stock set aside pursuant to paragraph (d) (2) hereof, except to fill orders for repair tap soles or for cut outer soles of military weight and quality for delivery to or for the account of the United States governmental agencies and the governments of the countries set forth in (e) (1) above.

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

Issued this 20th day of July 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-6884; Filed, July 20, 1942; 11:27 a. m.]

PART 1239—OFFICERS' MILITARY INSIGNIA

[General Limitation Order L-131]

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

§ 1239.1 *General Limitation Order L-131*—(a) *Definitions.* For the purposes of this order:

(1) "Officers' military insignia" means all items of military identification made of metal, which are purchased by the personnel of the armed forces of the United States and which are not ordinarily issued by the Quartermaster of the United States Army, Marine Corps or Navy.

(2) "Gold color officers' military insignia" means the following officers' military insignia:

(i) The initials "U. S." designed to be worn on an officer's uniform;

(ii) Cap insignia of an officer;

(iii) The insignia designating the arm of service to which the officer belongs;

(iv) The insignia designating the rank of the officer as a Second Lieutenant or a Major in the Army or an Ensign or Lieutenant Commander in the Navy;

(v) Such other insignia as the Director General for Operations shall, from time to time, specify at the request of the War or Navy Department.

(3) "Dies and moulds" means any machine attachment employed to imprint materials so as to produce officers' military insignia.

(4) "Use" means the first change made by a person in the form of material from that form in which it is received by him.

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

(6) "Restricted materials" means aluminum, cork, magnesium, nickel and nickel silver, rubber, tin, cadmium, rhodium, chromium, copper and copper base alloys.

(7) "Insignia finding" means that part of an officers' military insignia which is used to fasten insignia to the uniform of the officer, including but not limited to, posts, screw-backs, clutches, pin stems and safety catches.

(8) "Insignia front" means that part of an officers' military insignia which is not an insignia finding.

(9) "Transfer" means to sell, deliver, or in any other way transfer the possession of, or title to, any officers' military insignia.

(b) *General restrictions.* (1) On and after July 20, 1942, no person shall use in the manufacture or assembly of any officers' military insignia any restricted material: *Provided, however,*

(i) That he may use copper base alloys containing not more than 65% by weight, of copper to manufacture or assemble any insignia findings for any gold color officers' military insignia.

(ii) That he may use copper base alloys containing not more than 85% by weight, of copper to manufacture or assemble any insignia fronts for any gold color officers' military insignia.

(2) On and after July 20, 1942, no person shall transfer any officers' military insignia to any person whatsoever, except

(i) To post exchanges of the United States Army and Marine Corps;

(ii) To ship service stores of the United States Navy;

(iii) To such other outlets as the Director General for Operations shall from time to time specify at the request of the War or Navy Department;

(iv) To transfer any officers' military insignia back to the person from whom it was obtained;

(v) That any person more than 75% of whose sales of officers' military insignia during the five calendar months end-

[1] 7 F.R. 3571, 5119.
[2] 7 F.R. 3851, 4616.

ing May 31, 1942, were made directly to officers of the armed forces of the United States may sell to any officer any such insignia which is contained in his inventories on July 20, 1942.

(vi) To deliver to its immediate destination any officers' military insignia which is actually in transit on July 20, 1942; or

(vii) That the outlets specified in paragraph (b) (2) (i), (ii) and (iii) may transfer officers' military insignia to officers of the armed forces of the United States; or

(viii) Any officer of the armed forces of the United States may transfer any officers' military insignia, to which he has title, to any other such officer.

(3) On and after July 20, 1942, no person shall strike or cause to have struck, or operate any dies or moulds, in addition to those he is operating on July 20, 1942; except

(i) To replace presently operating dies and moulds after wear, tear or damage has rendered the same unfit for service;

(ii) To conform to specification changes ordered by the Director General for Operations at the request of the Army and Navy Munitions Board, the War Department or the Navy Department.

(c) *Records.* All persons affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning inventories and sales of officers' military insignia.

(d) *Reports.* Each person to whom this order applies shall file with the War Production Board such reports and questionnaires as said Board shall from time to time specify.

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

(f) *Appeal.* Any person affected by this order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by filling and completing Form PD-417 and forwarding the same to the War Production Board, Washington, D. C., Ref: L-131.

(g) *Communications.* All reports to be filed, appeals and other communications concerning this Order should be addressed to the Consumers' Durable Goods Branch, War Production Board, Washington, D. C., Ref: L-131.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or further obtaining deliveries of or from processing or using material under priority control and may be deprived from priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of July 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-6889; Filed, July 20, 1942; 11:27 a. m.]

PART 1292—USED SILK HOSIERY

[Conservation Order M-182]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of used silk hosiery 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:

§ 1292.1 *Conservation Order M-182*—(a) *Definitions.* For the purpose of this order:

(1) "Used silk hosiery" means any men's or women's hose, stockings or socks which contain any silk and which have been worn or otherwise used or damaged so that they can be sold only as second-hand material.

(2) "Dealer" means any person who purchases used silk hosiery for resale or for conversion into yarn or fabric, and the term shall also include exporters, importers, agents or brokers, whether or not they hold title to the used silk hosiery.

(b) *Restrictions on sales and deliveries of used silk hosiery.* Except as permitted in paragraph (d), no dealer shall hereafter sell, transfer title to, or deliver, and no person, other than a dealer, shall hereafter purchase, accept transfer of title to, or deliveries of used silk hosiery.

(c) *Restrictions on use of used silk hosiery.* Except as permitted in paragraph (d), no person shall cut or process used silk hosiery for any purpose except upon a purchase order therefor for physical incorporation into materials to be delivered to or for the account of the Army of the United States, the United States Navy, the United States Maritime Commission, or the War Shipping Administration where such order is accompanied by a certificate in substantially the following form signed by or on behalf of the person placing said order.

This order is for used silk hosiery for physical incorporation into material to be delivered to or for the account of the Army of the United States, the United States Navy, the United States Maritime Commission, or the War Shipping Administration.

(d) *General exceptions.* The prohibitions or restrictions of this order shall not apply to:

(1) Deliveries by or to any person having temporary custody of used silk hosiery for the sole purpose of transportation or public warehousing.

(2) Sales or deliveries to reprocessors of hosiery for mending, cleaning or other repair and sales of such reconditioned hosiery for use as hosiery.

(3) Sales or deliveries by retail stores or to such stores by their retail customers either on return for credit or otherwise.

(e) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of used silk hosiery conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or telegram, Reference: M-182, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

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

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

(h) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Branch, Washington, D. C.—Reference: M-182.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of July 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-6893; Filed, July 20, 1942; 11:27 a. m.]

PART 1293—HAND TOOLS SIMPLIFICATION

[Limitation Order L-157]

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

appropriate in the public interest and to promote the national defense:

§ 1293.1 *Limitation Order L–157*—(a) *Issuance of Schedules of Simplification of Lines.* The Director General for Operations may, from time to time, issue schedules [1] establishing simplified practices with respect to types, sizes, forms, specifications or other qualifications for any hand tools. From and after the effective date of any such schedule, no such products shall be produced or fabricated or delivered by or accepted from any producer or fabricator except in conformity with the issued Schedule, and except as specifically permitted by such schedule.

(b) *Appeals.* Any person affected by this order or any schedule issued pursuant thereto who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order or such Schedule would disrupt or impair a program of conversion from nondefense to defense work, may apply for relief by addressing a letter to the War Production Board, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may, thereupon, take such action as he deems appropriate.

(c) *Applicability of Priorities Regulation No. 1.* This order (and any schedules issued pursuant thereto) and all transactions affected thereby, are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision of this order or such schedule may be inconsistent therewith, in which case the provisions of this order (or such schedule) shall govern.

(d) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to War Production Board, Building Materials Branch, Washington, D. C., Ref: L–157.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of July, 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42–6891; Filed, July 20, 1942; 11:27 a. m.]

[1] *Infra.*

PART 1293—HAND TOOLS SIMPLIFICATION

[Schedule I to Limitation Order L–157]

HAND SHOVELS, SPADES, SCOOPS AND TELEGRAPH SPOONS

§ 1293.2 *Schedule I to Limitation Order L–157* [1] (a) *Definition.* For the purposes of this schedule:

(1) "Producer" means any person who manufactures, stamps, forges, or otherwise fabricates hand shovels, spades, scoops or telegraph spoons.

(b) *Simplified practices.* Pursuant to Limitation Order No. L–157 the sizes, types, grades, finishes, lifts, gauges and handles set forth in Appendix A hereto are hereby established for the manufacture of hand shovels, spades, scoops or telegraph spoons.

(c) *Effective date of simplified practices.* On and after September 1, 1942, no hand shovels, spades, scoops or telegraph spoons which do not conform to the sizes and standards established by paragraph (b) hereof (and set forth in the Appendix hereto) shall be produced or delivered by any producer or accepted by any person from any such producer except with the express permission of the Director General for Operations; and after the expiration of 20 days from the date of issuance of this Schedule, no material for the manufacturing of hand shovels, spades, scoops or telegraph spoons shall be accepted for delivery by any producer which does not conform to the sizes and standards set forth in Appendix A attached hereto.

(d) *Records covering materials, work in process, etc.* Each producer shall retain in his files records showing his inventory of raw materials, work in process and finished hand shovels, spades, scoops and telegraph spoons (by types and sizes), as of the expiration of 20 days after the date of issuance of this Schedule, and such records shall be kept readily available and open to audit and inspection by duly authorized representatives of the War Production Board. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of July 1942.

AMORY HOUGHTON,
Director General for Operations.

[1] *Supra.*

APPENDIX A TO SCHEDULE I—LIMITATION ORDER L–157

Explanations and limitations—(1) *Grades.* A, B, and C designate qualities of complete hand shovels, spades, scoops, or telegraph spoons; A designating the best quality. A-grade tools are equipped with grade XX or SA handles; B-grade tools are equipped with grade X or SC handles. SA, SB, and SC grades are approximately equivalent to XX, X, and No. 1, respectively, which are the handle-grade designations commonly employed by the shovel industry. Grades SA, SB, and SC are defined in Simplified Practice Recommendation R76, *Ash Handles,* issued by the United States Department of Commerce, National Bureau of Standards.

Nothing in this provision shall be construed as prohibiting the substitution for ash of other suitable species of wood having characteristics as nearly comparable as possible to the respective grades of ash for which they are substituted; provided that the buyer consents, and all handles other than ash be marked with the name of the specie of wood of which they were made.

(2) *Blades.* No alloy blades shall be manufactured except for corrugated coal shovels in 17 gauge and round and square point shovels in 14 gauge, which may be manufactured from intermediate manganese (1300 series). Such alloy blades shall be sold or delivered by any producer or accepted from any producer only for use in mining operations.

(3) *Blade finishes.* Black or natural finish is obtained by dipping the blade in its natural state, except that it may be wire brushed to remove scale or rust, in lacquer, or lacquer with an asphaltum base, or other suitable protective coating; the blade shall not be pickled before being wire brushed. Full polished finish is ob-

tained by pickling the blade, finishing on roughing and finishing polishing wheels, and dipping it in lacquer, lacquer with an asphaltum base, or other suitable protective coating. No hand shovels, spades, scoops, or telegraph spoons shall be finished in other than black or natural finish, except moulders' shovels and grain scoops, which may be full polished on the face only.

(4) *Gauges.* The gauges referred to are the steel manufacturers' standard gauges, and are subject to the manufacturers' standard tolerances. The gauge of blades is to be determined by averaging five measurements taken as specified in Federal Specification GGG–S–326.

(5) *Handle finish.* Neither long handles, nor the stems of D handles, shall be painted or otherwise finished than by standing or waxing, except intrenching shovels, which are to be painted in accordance with the War Department's specification. Any metal used in the construction of D handles may be given a protective coating, or the entire D may be so coated, but only so far along the stem as is necessary to cover any metal used in the construction of the D.

(6) *Handle lifts.* Each kind and size of hand shovel, spade, scoop, and telegraph spoon shall be manufactured with only one lift, which shall be in accordance with the individual manufacturer's present standard practice, except corrugated coal shovels, which may be made with lifts of 21, 17, 14, and 11 inches, and eastern pattern scoops, which may be made with lifts of 21 and 13 inches.

TABLE 1—SHOVELS

Kind	Grades	Gage	Blade				
			Multiple size [1]				
			No.	Hollow back	Closed back	Plain back and solid shank or solid socket [2]	Steps
				Inches	*Inches*	*Inches*	
1. Barn or general purpose	C	16	2	12 x 21			
2. Coal, corrugated [3]	A, B, C	17	2	14 x 23			
			4	15 x 24			
3. Coal dust, or bug dust	B or C	16	4	14 x 21			
4. Round Point	A, B	16	2	10 x 21¼	10 x 21¼	9⅞ x 11⅞	(4)
	A, B	14	2	10 x 21¾	10 x 21¾	10 x 12¼	(4)
			4	11 x 22¾	11 x 22¾	11 x 13¼	(4)
			6	12 x 23¾	12 x 23¾	12 x 14¼	(4)
	C	15	2	10 x 21¾	10 x 21¾	10 x 12¼	(4)
			4	11 x 22¾	11 x 22¾	11 x 13¼	(4)
5. Square Point	A, B	16	2	10 x 21¼	10 x 21¼	9⅞ x 11⅞	(4)
	A, B	14	2	10 x 21¾	10 x 21¾	10 x 12¾	(4)
			4	11 x 22¾	11 x 22¾	11 x 13¼	(4)
			6	12 x 23¾	12 x 23¾	12 x 14¼	(4)
	C	15	2	10 x 21¾	10 x 21¾	10 x 12¼	(4)
			4	11 x 22¾	11 x 22¾	11 x 13¼	(4)
6. Irrigating	B	15	2	10 x 21¾	10 x 21¾	10 x 12¼	(4)
7. Mining—stiff point and spring point	A, B	14	2		10 x 21¾	10 x 12¼	(4)
8. Moulders'	A, B, C	15	2	10 x 21¾	10 x 21¾	10 x 12¼	
9. Ore	A, B	14	4	11 x 21¼			
10. Telegraph	A	13	2			10 x 12¼	
11. Track	A	13	2	10 x 21¾	[5] 10 x 21¾	[5] 10 x 12¼	(4)
12. Intrenching shovel [7]							

[1] Multiple size is the size of the flat sheet of steel required to make one blade. The same multiple size is to be used for both D and long handled shovels of a given number (size).
[2] The trimmed blank for a solid shank shovel is to be the same size as the blank for a similar type and size of plain back shovel.
[3] To be made in lifts of 21, 17, 14, and 11 inches.
[4] With or without steps; one type only.
[5] If sockets are rolled, a shorter multiple may be used, so that the trimmed blank will correspond with the length given.
[6] If step is made as an integral part of blade, add ⅜ inch to the length of the multiple.
[7] To be in accordance with U. S. Army Specification No. 17-172.

TABLE 2—SPADES

Kind	Grades	Gage	Blade			
			Multiple size [1]			
			Length or size No.	Hollow back and closed back	Plain back and solid shank [2]	Steps
				Inches	*Inches*	
13. Ditch or post	A, B	14	14 inches	7½ x 23	7⅛ x 14	One type.
			16 inches	7½ x 25	7⅛ x 16	One type.
			18 inches	7½ x 27	7⅛ x 18	One type.
14. Drain-round point	A, B	14	14 inches	7½ x 23	7⅛ x 14	One type.
			16 inches	7½ x 25	7⅛ x 16	One type.
			18 inches	7½ x 27	7⅛ x 18	One type.
15. Garden	C	13	No. 2	8 x 21¼ [3] [4]	7⅝ x 12 ¼ [4]	One type.
16. Nursery	A	13	No. 2		7⅝ x 13¾ [4]	One type.

[1] Multiple size is the size of the flat sheet of steel required to make one blade. The same multiple size is to be used for both D and long handle spades of a given size.
[2] The trimmed blank for a solid shank spade is to be the same size as the blank for a similar type and size of plain back spade.
[3] If sockets are rolled, a shorter multiple may be used, so that the trimmed blank will correspond with the length given.
[4] If step is made as an integral part of the blade, add ⅜ inch to the length of the multiple.

TABLE 3—SCOOPS AND TELEGRAPH SPOONS

Kind	Grades	Gage	No.	Blade		
				Multiple size [1]		
				Hollow back	Plain back and solid shank [2]	Steps
SCOOPS				*Inches*	*Inches*	
17. Ash pit (western pattern, low lift)	C	16	4	13 x 24½		
18. Break-down, diamond point	A, B	15	5	14 x 24½		Turned.
19. Coal yard, (western pattern, flat point)	A, B	16	6	14¼ x 25		
			10	15¼ x 27		
			2	12½ x 23½		
20. Eastern pattern or locomotive [3]	A, B, C	16	4	13 x 24½		
			6	13½ x 25½		
			8	14¾ x 26		
21. Grain-corrugated (western pattern)	C	17	10	15¼ x 27		
			12	15¾ x 28		
			14	16¼ x 29		
22. Gravel, round point	A	16	2	12½ x 23½		Turned.
TELEGRAPH SPOONS						
23. Eastern pattern	A	13	------	------	10 x 12¼ [4]	
24. Western pattern	A	13	------	------	10 x 12¼ [4]	

[1] Multiple size is the size of the flat sheet of steel required to make one blade. The same multiple size is to be used for both D and long handle scoops of a given size number.
[2] The trimmed blank for a solid shank spoon is to be the same size as the blank for a similar type and size of plain back spoon.
[3] To be furnished in lifts of 21 and 13 inches.
[4] May be made from smaller multiples, if desired.

[F. R. Doc. 42-6890; Filed, July 20, 1942; 11:35 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[Amendment 9 to Maximum Price Regulation 120 [1]]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

PRICES IN DISTRICT 23

A statement of considerations involved in the issuance of this amendment has been filed with the Division of the Federal Register.[2]

A new subdivision (i) is added to paragraph (b) (1) of § 1340.233; a new subdivision (i) is added to paragraph (b) (2) thereof, as set forth below:

§ 1340.233 *Appendix V: Maximum Prices for bituminous coal produced in District No. 23.* * * *

(b) * * *

(1) Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this Appendix.

* * * * *

(i) *Special price instructions.* (*a*) Maximum prices for the following size groups of coals produced at the Black Diamond Mine (Mine Index No. 32) of the Pacific Coast Coal Company, shall be the following amounts per net ton: Size Group 2, $6.80; Size Group 10, $6.40; Size Group 9, $6.05; Size Group 10, $5.95; Size Group 12, $5.85; Size Group 15, $5.85; Size Group 17, $5.15; Size Group 18, $4.95; Size Group 21, $4.95; Size Group 22, $4.95; Size Group 24, $4.30; Size Group 25, $2.75.

(*b*) Maximum prices for the following size groups of coals produced at the Cedar Mountain Mine (Mine Index No. 8) of the Consolidated Coal Mines, Inc., shall be the following amounts per net ton: Size Group 2, $5.90; Size Group 3, $5.90; Size Group 11, $4.65; Size Group 16, $4.15; Size Group 24, $2.50.

(*c*) Maximum prices for the following size groups of coal produced at the Newcastle (Coal Creek) Mine (Mine Index No. 22) of the Strain Coal Company shall be the following amounts per net ton: Size Group 2, $5.60; Size Group 3, $5.60; Size Group 4, $5.60; Size Group 5, $5.60; Size Group 7, $4.80; Size Group 8, $4.80; Size Group 9, $4.65; Size Group 10, $4.70; Size Group 11, $4.50; Size Group 12, $4.50; Size Group 13, $4.10; Size Group 14, $4.10; Size Group 15, $4.10; Size Group 16, $4.00; Size Group 22, $3.00; Size Group 24, $2.50.

(*d*) Maximum prices for the following size groups of coal produced at the McKay Mine (Mine Index No. 819) of the Dale Coal Company shall be the following amounts per net ton: Size Group 2, $7.15; Size Group 8, $6.15; Size Group 9, $6.20; Size Group 10, $5.70; Size Group 12, $5.60; Size Group 15, $5.60; Size Group 17, $5.20; Size Group 18, $5.00; Size Group 21, $4.70; Size Group 22, $4.70; Size Group 24, $4.05; Size Group 25, $2.50.

(2) Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses.

* * * * *

(i) *Special price instructions.* (*a*) Maximum prices for the following size groups of coals produced at the Black Diamond Mine (Mine Index No. 32) of the Pacific Coast Coal Company shall be the applicable effective minimum price per net ton as of April 1, 1942 plus the following respective amounts per net ton: a sum not exceeding $1.20 in the case of Size Groups 1 to 25 inclusive except Size Group 18, and a sum not exceeding $1.45 in the case of Size Group 18.

(*b*) Maximum prices for the following size groups of coals produced at the Newcastle (Coal Creek) Mine (Mine Index No. 22) of Strain Coal Company, shall be the applicable effective minimum price per net ton as of April 1, 1942 plus the following respective amounts per net ton: a sum not exceeding 85 cents in the case of Size Groups 1 to 25 inclusive except Size Group 18, and a sum not exceeding $1.10 in the case of Size Group 18.

(*c*) Maximum prices for the following size groups of coals produced at the Cedar Mountain Mine (Mine Index No. 8) of the Consolidated Coal Mines, Inc. shall be the applicable effective minimum price per net ton as of April 1, 1942 plus a sum not exceeding $1.00, in the case of Size Groups 2, 3, 4, 11, 16 and 24.

(*d*) Maximum prices for the following size groups of coals produced at the McKay Mine (Mine Index No. 819) of the Dale Coal Company shall be the applicable effective minimum price per net ton as of April 1, 1942 plus the following respective amounts per net ton: a sum not exceeding $1.75 in the case of Size Group 2, a sum not exceeding 95 cents in the case of Size Groups 8, 10, 12, 15, 21, 22 and 24, a sum not exceeding $1.45 in the case of Size Group 9, a sum not exceeding $1.35 in the case of Size Group 17, and a sum not exceeding $1.60 in the case of Size Group 18.

§ 1340.211a *Effective dates of amendments.* * * *

(j) Amendment No. 9 (§ 1340.233 (b) (1), (b) (2)) to Maximum Price Regulation No. 120 shall become effective July 17, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 17th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6848; Filed, July 17, 1942; 4:54 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[Maximum Price Regulation 181]

NEW-FORMULA CONDENSED SOUPS PACKED UNDER WPB CONSERVATION ORDER M-81

In the judgment of the Price Administrator, the maximum prices established by the General Maximum Price Regulation [1] for the sale of canned soups are not applicable to those canned condensed soups whose packing in tin plate or terneplate after June 30, 1942, is governed and alone permitted under Conservation Order M-81, and amendments thereto, issued by the War Production Board.

This Maximum Price Regulation No. 181 is issued by the Price Administrator in order to establish for the canners and other sellers of such canned condensed soups maximum prices which are fair and

[1] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540.
[2] Copies may be obtained from Office of Price Administration.

[1] F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365.

equitable and which will effectuate the purposes of the Emergency Price Control Act of 1942.

The maximum prices established herein are not below prices which will reflect to producers of the agricultural commodities from which canned condensed soups are manufactured, a price for their products equal to the highest of any of the following prices therefor as determined and published by the Secretary of Agriculture: (1) 110 per centum of the parity price for such commodity, adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials; (2) the market price prevailing for such commodity on October 1, 1941; (3) the market price prevailing for such commodity on December 15, 1941; or (4) the average prices for such commodity during the period July 1, 1919 to June 30, 1929.

A Statement of the Considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, Maximum Price Regulation No. 181 is hereby issued.

Sec.

AUTHORITY: §§ 1341.51 to 1341.69, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1341.51 *Prohibition against selling or buying, above maximum prices, new-formula condensed soups packed under WPB Conservation Order M-81.* (a) On and after July 18, 1942, regardless of any contract or other obligation, no person shall sell or deliver any canned condensed soup which it is permissible to pack after June 30, 1942, under Conservation Order M-81, and amendments thereto, at a price higher than the maximum prices established by this Maximum Price Regulation No. 181;

(b) No person in the course of trade or business shall buy or receive any such canned condensed soup at a price higher than the maximum prices established by this Maximum Price Regulation No. 181;

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

§ 1341.52 *Canner's maximum prices for new-formula condensed soups packed under WPB Conservation Order M-81.* (a) Except as hereinafter provided in paragraph (c) of this section, the canner in computing his maximum price per dozen for each variety and can size of canned condensed soup which it is permissible to pack after June 30, 1942, under Conservation Order M-81, and amendments thereto,

(1) Shall divide the weighted average price per dozen charged during the calendar year 1941 for the related variety of canned soup then sold, in the can size which had the largest retail sale for that variety during the calendar year 1941, by the weighted average direct cost per dozen of such soup during the calendar year 1941; and

(2) Shall multiply the figure so obtained by the direct cost per dozen of the variety and can size of canned condensed soup being priced hereunder.

(b) In determining the canner's maximum price:

(1) The "weighted average price" for any canned soup packed during the calendar year 1941 shall be the total gross sales dollars charged for each variety and can size divided by the number of dozens sold of such variety and can size during the calendar year 1941.

(2) The "weighted average direct cost per dozen" for any canned soup packed during the calendar year 1941 shall be the following costs in dollars and cents per dozen which entered into the production of canned soups up to and including the putting of the finished product in a warehouse on behalf of the canner: Raw material, can, carton, label, direct labor, and factory expenses, including maintenance, rent, heat, light, power, water, refrigeration, and indirect labor. The weighted average direct cost per dozen for each variety shall be the total direct cost divided by the number of dozens of such variety of canned soups produced during the calendar year 1941.

(3) The "direct cost per dozen" of any canned condensed soup being priced hereunder shall be computed in dollars and cents per dozen for the following factors which enter into the production of canned condensed soups up to and including the putting of the finished product in a warehouse on behalf of the canner: Raw material, can, carton, label, direct labor, and factory expenses, including maintenance, rent, heat, light, power, water, refrigeration, and indirect labor, provided that, with the exception of raw material, such direct costs shall be determined on the basis of material prices, labor rates, and overhead rates in effect on March 30, 1942. If the canner is actually producing or has actually produced any canned condensed soup being priced hereunder, he shall to that extent determine the direct cost per dozen of such canned condensed soups in dollars and cents based upon his actual production experience. If the canner is not actually producing or has not actually produced any canned condensed soup being priced hereunder, he shall estimate to the best of his ability the direct cost per dozen in accordance with his customary system of determining direct cost. The maximum price based upon such estimated direct cost shall be subject to adjustment by the Office of Price Administration at any time.

(c) If since January 1, 1941, a canner at any time sold and delivered all or part of his canned soups at a uniform price, he may sell and deliver all or part of his canned condensed soups at one or more uniform maximum prices, as hereinafter determined. The maximum price per dozen cans for the canned condensed soups, governed by this Maximum Price Regulation No. 181, which are to be sold on any uniform price line basis shall be:

(1) The average of the respective maximum prices for the varieties and can sizes of the canned condensed soups which are to be included in the uniform price line, as individually determined under paragraph (b) of this section; weighted according to

(2) The number of dozens of the related varieties of canned soups which were sold during the one-year period immediately preceding the date of computation hereunder, without regard to can size, except that in case of any price revision made under paragraph (d) of this section the number of dozens of the varieties and can sizes of canned condensed soups included in the price line which have been sold during such period shall also be included.

(d) If during any three-months period subsequent to October 1, 1942, the total sales volume, since the last price computation hereunder, of any variety sold as part of a price line has varied more than 25% in proportion to the total sales volume, during the same period, of all soups included in the price line, the canner must recompute his uniform maximum price at the end of such three-months period in accordance with the provisions of paragraph (c) of this section. But in no event shall the maximum price thus computed exceed the maximum price for such price line as first computed hereunder.

(e) No canner shall change his customary allowances, discounts, or other price differentials unless such charge results in the same or a lower price.

§ 1341.53 *Wholesaler's and retailer's maximum prices for new-formula condensed soups packed under WPB Conservation Order M-81*—(a) Every wholesaler and retailer, in computing the maximum price per dozen or per can for each brand, variety, and can size of canned condensed soup which it is per-

missible to pack after June 30, 1942, under Conservation Order M–81, and amendments thereto:

(1) Shall divide his maximum price per dozen or per can, as determined under the General Maximum Price Regulation, for the same brand, related variety, and that can size which had the largest sale during the calendar year 1941, by his replacement cost per dozen or per can of that soup; and

(2) Shall multiply the figure so obtained by the maximum price per dozen or per can which some person, selected by him, from whom he was regularly purchasing such related canned soup during the first three months of the year 1942, is entitled to charge him under this Maximum Price Regulation No. 181 for the canned condensed soup being priced hereunder.

(b) No canned condensed soup shall be sold by any wholesaler or retailer until he has computed hereunder his maximum price for such soup, and when computed such maximum price shall be his maximum price from that time forward.

(c) No wholesaler or retailer shall change his customary allowances, discounts, or other price differentials unless such change results in the same or a lower price.

§ 1341.54 *Inability to fix maximum prices under preceding sections.* If for any person the maximum price cannot be determined under §§ 1341.52 and 1341.53 of this Maximum Price Regulation No. 181, the maximum price shall be a price determined by such person after specific authorization from the Office of Price Administration. A person who seeks such authorization shall file with the Office of Price Administration, Washington, D. C., an application setting forth (a) a description in detail of the brand, variety and can size of the canned condensed soup for which a maximum price is sought; and (b) a statement of the facts which differentiate such variety and can size of canned condensed soup from the most similar variety and can size for which he has determined a maximum price, stating such most similar variety and can size, and the maximum price determined therefor. When such authorization is given, it will be accompanied by instructions as to the method for determining the maximum price. Within ten days after such price has been determined a canner shall report the price to the Office of Price Administration, Washington, D. C., under oath or affirmation. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

§ 1341.55 *Information and advice to purchasers from canners and wholesalers.* (a) Any person, except a retailer, selling canned condensed soups covered by this Maximum Price Regulation No. 181 shall, before making any sales of such soups to any person to whom he was regularly selling any related variety of canned soup during the first three months of the year 1942, disclose in writing all maximum prices which he is entitled to charge such purchaser under this Maximum Price Regulation No. 181.

(b) Any person, except a retailer, selling canned condensed soups covered by this Maximum Price Regulation No. 181 shall, within 5 days after the receipt by him of the text, or copy thereof, of Instructions to Wholesalers and Retailers, to be distributed to canners by the Office of Price Administration, prepare and supply a copy of such Instructions to every person to whom he actually or regularly sells the canned condensed soups covered by this Maximum Price Regulation No. 181. The text of such Instructions will be prepared by the Office of Price Administration and will include specific directions to wholesalers and retailers as to the manner in which maximum prices shall be computed hereunder.

§ 1341.56 *Distinctive labeling.* Every canner, and any other person for whose account canned condensed soups covered by this Maximum Price Regulation No. 181 are packed or labeled, shall label each such soup sold by him in a manner calculated clearly to distinguish it, in the eyes of the ordinary casual purchaser at retail, from canned soups not covered by this Maximum Price Regulation No. 181, and shall file with the Office of Price Administration, Washington, D. C., on or before August 15, 1942, a sample of each new label required hereunder together with a sample of each label heretofore used, during the calendar years 1941 and 1942, on those respective canned soups not covered by this Regulation which were the most closely related to the canned condensed soups sold under this Maximum Price Regulation No. 181.

§ 1341.57 *Transfers of business or stock in trade.* If the business, assets, or stock in trade of a canner are sold or otherwise transferred on or after July 18, 1942, and the transferee carries on the business, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of § 1341.60.

§ 1341.58 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 181 may be charged, demanded, paid, or offered.

§ 1341.59 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 181 shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to canned soups, alone or in conjunction with any other commodity or by way of any commission, service transportation, or other charge, or discount, premium, or other privilege, by tying-agreement, or other trade understanding, or otherwise.

§ 1341.60 *Records and reports.* (a) Every person who makes sales of canned condensed soups shall:

(1) Preserve for examination by the Office of Price Administration all their existing records which were the basis for the computations required by § 1341.52 and § 1341.53, and (2) preserve all records of the same kind as he has customarily kept, relating to the prices which he charged for canned condensed soups sold on and after July 18, 1942, and (3) file with the appropriate field office of the Office of Price Administration on or before August 15, 1942, for canners, and within 20 days respectively after the maximum prices for all canned condensed soups sold by them can first be determined hereunder, for wholesalers, a statement certified under oath or affirmation showing the maximum prices determined hereunder for each variety and can size of canned condensed soups, and all his customary allowances, discounts, and other price differentials, with the qualification that except as hereinafter provided retailers shall not be required to file their maximum prices, and (4) preserve a true copy of such statement for examination by any person during ordinary business hours. Any person who claims that substantial injury would result to him from making such statement available to any other person shall so notify the appropriate field office of the Office of Price Administration, and if he is a retailer he shall include with the notification a true copy of such certified statement. The information contained in such a statement will not be published or disclosed unless it is determined that the withholding of such information is contrary to the purposes of this Maximum Price Regulation No. 181.

(b) In addition to the foregoing, every canner who makes sales of canned condensed soups shall file with the Office of Price Administration, Washington, D. C., on or before August 15, 1942, a statement certified under oath or affirmation showing:

(1) The weighted average direct cost per dozen, as defined in § 1341.52 hereof, of those varieties of canned soups packed during the calendar year 1941 which are related to the canned condensed soups being priced hereunder, in the respective can sizes which had the largest retail sale during the calendar year 1941;

(2) The weighted average price per dozen, as defined in § 1341.52 hereof, charged by the canner during the calendar year 1941 for the canned soups specified in paragraph (b) (1);

(3) The direct cost per dozen, as defined in § 1341.52 hereof, of the canned condensed soups which are being priced hereunder. If all or part of the direct cost is estimated by the canner a statement shall also be submitted showing the basis for such estimates;

(4) The maximum price for each variety and can size of such canned condensed soups, as determined under this Maximum Price Regulation No. 181;

(5) The uniform maximum price for any price line established under this Maximum Price Regulation No. 181, together with a schedule showing the varieties and can sizes of canned condensed soup included in such price line and the total sales volume of each such soup dur-

ing the one-year period immediately preceding the date on which the uniform maximum price was computed hereunder; and

(6) A schedule showing the percentage of dry solids and the recommended dilution with water for:

(i) The canned condensed soups being priced hereunder; and

(ii) The related varieties of canned soups sold during the calendar year 1941.

(c) In addition to the foregoing, every canner whose uniform maximum price for the canned condensed soups included in any price line is revised under § 1341.52, paragraph (d) hereof, shall within 20 days after the termination of the three-months period specified in such section and paragraph file with the Office of Price Administration in Washington, D. C.,

(1) The uniform maximum price, as revised;

(2) A statement of the extent to which the sales volume of each variety included in the price line has changed since the preceding price computation; and

(3) A statement of the respective sales volumes, in dozens of cans of each of the soups included in the price line, during the one-year period immediately preceding the termination of the three-months period specified above.

§ 1341.61 *Licensing; applicability of the registration and licensing provisions of the General Maximum Price Regulation.*[1] The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at wholesale or retail any canned condensed soup covered by this Maximum Price Regulation No. 181. When used in this section the terms "selling at wholesale" and "selling at retail" have the definitions given to them by §§ 1499.20 (p) and 1499.20 (o) respectively of the General Maximum Price Regulation.

§ 1341.62 *Marking and posting by retailers; applicability of the marking and posting provisions of the General Maximum Price Regulation.*[1] The marking and posting provisions of § 1499.13 (a) of the General Maximum Price Regulation are applicable to every person selling at retail any canned condensed soup covered by this Maximum Price Regulation No. 181.

§ 1341.63 *Enforcement.* Persons violating any provision of this Maximum Price Regulation No. 181, are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided by the Emergency Price Control Act of 1942.

§ 1341.64 *Petitions for amendment.* Persons seeking a modification of this Maximum Price Regulation No. 181 may file a petition therefor in accordance with the provisions of Procedural Regulation No. 1,[2] issued by the Office of Price Administration.

§ 1341.65 *Applicability.* The provisions of this Maximum Price Regulation No. 181 shall be applicable to the United States, its territories and possessions, and the District of Columbia.

§ 1341.66 *Applicability of the General Maximum Price Regulation.*[1] The provisions of this Maximum Price Regulation No. 181 supersede the provisions of the General Maximum Price Regulation, except as provided in § 1341.61 and § 1341.62 hereof, with respect to the sales and deliveries of canned condensed soups packed in tinplate or terneplate for which maximum prices are established by this Maximum Price Regulation No. 181.

§ 1341.67 *Export sales.* The maximum price at which a person may export any canned condensed soup otherwise governed by this Maximum Price Regulation No. 181 shall be determined in accordance with the provisions of the Maximum Export Price Regulation [3] issued by the Office of Price Administration.

§ 1341.68 *Definitions.* (a) When used in this Maximum Price Regulation No. 181 the term:

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

(2) "Canner" means a person who purifies by heat and hermetically seals in containers made in whole or in part of tinplate, terneplate, or blackplate or any combination thereof, but not including nonmetal containers even though the closures, crowns, or caps of such nonmetal containers are made in whole or in part of tinplate, terneplate, or blackplate.

(3) "Canned condensed soup" means any condensed soup, purified by heat and hermetically sealed in the metal containers heretofore referred to in paragraph (a) (2) of this section, of a kind and formula which it is permissible to pack after June 30, 1942, under the provisions of Conservation Order M-81, and amendments thereto, issued by the War Production Board, whether such soup was packed before or after June 30, 1942.

(4) "Price per dozen" shall mean "price per dozen f. o. b. factory" or "delivered price per dozen" according to the seller's customary practice, during the calendar year 1941, of charging the class of purchaser as to which a maximum price is being determined.

(5) "Related variety" of canned soup means that canned soup which was the most similar in formula to the canned condensed soup as to which a maximum price is being determined.

(6) "Replacement cost" shall be the net price paid by the seller, on June 30, 1942, or the net price which the seller would have had to pay to replace such commodity on that date.

(7) "Retail sale" means a sale, by other than a canner and in the original can, to an ultimate consumer other than an industrial or commercial user.

(8) "Appropriate field office of the Office of Price Administration" means the district office for the district (or in the absence of such district office, the state office for the State) in which is located the seller's place of business from which his sales are made.

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

§ 1341.69 *Effective date.* This Maximum Price Regulation No. 181 (§§ 1341.51 to 1341.69 inclusive) shall become effective July 18, 1942.

Issued this 17th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 6854; Filed, July 17, 1942; 4:54 p. m.]

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

[Amendment 1 to Maximum Price Regulation 140 [1]]

SANITARY NAPKINS

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

Section 1347.157 (a) is amended and two new sections, 1347.157a and 1347.160a are added as set forth below:

§ 1347.157 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 140 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emegency Price Control Act of 1942.

* * * * *

§ 1347.157a *Licensing; applicability of registration and licensing provisions of the General Maximum Price Regulation.*[2] The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Maximum Price Regulation No. 140 selling at wholesale or retail any sanitary napkins covered by this Maximum Price Regulation No. 140. When used in this section the terms "selling at wholesale" and "selling at retail" have the definition, given to them by §§ 1499.20 (p) and 1499.20 (o), respectively of the General Maximum Price Regulation.

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[1] *Supra*, note 1.
[2] 7 F.R. 971, 3663.
[3] 7 F.R. 3096, 3824, 4294, 4541, 5059.
[1] 7 F.R. 3410.
[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4569, 4738, 5027, 5192.

§ 1347.160a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1347.157 (a), 1347.157a and 1347.160a (a)) to Maximum Price Regulation No. 140 shall become effective the 21st day of July, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 17th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6847; Filed, July 17, 1942; 4:49 p. m.]

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

[Amendment 3 to Maximum Price Regulation 114 [1]]

WOODPULP

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

A new paragraph (e) is added to § 1347.232.

§ 1347.232 *Appendix A: Maximum prices for woodpulp.* * * *

(e) All woodpulps defined, designated, or named herein shall be described whenever sold, invoiced, offered for sale or contracted to be sold, under the appropriate name provided by this Maximum Price Regulation No. 114, if any, either in place of or in addition to any other designation employed by the seller.

§ 1347.231a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1347.232 (e)) to Maximum Price Regulation No. 114 shall become effective July 21, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 17th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6846; Filed, July 17, 1942; 4:51 p. m.]

PART 1377—WOODEN CONTAINERS

[Amendment 3 to Maximum Price Regulation 160 [2]]

SEASONAL WOODEN AGRICULTURAL CONTAINERS

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

Section 1377.54 is amended as set forth below:

§ 1377.54 *Relation between Maximum Price Regulation 160 and the General Maximum Price Regulation.* [3] (a) The General Maximum Price Regulation shall apply to any sale of wooden agricultural containers which are not seasonal as that term is herein defined. This Maximum Price Regulation No. 160 supersedes the General Maximum Price Regulation as to the seasonal wooden agricultural containers, except as provided in paragraphs (b) and (c) of this section.

(b) The provisions of §§ 1499.12 and 1499.14 of the General Maximum Price Regulation, relating to records and of §§ 1499.18 and 1499.19, relating to Adjustment and Amendment, shall apply to all sales, the maximum prices for which are established by this Maximum Price Regulation No. 160, and to all persons making such sales.

(c) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Maximum Price Regulation No. 160 selling at wholesale or retail any seasonal wooden agricultural container covered by this Maximum Price Regulation No. 160. When used in this paragraph the terms "selling at wholesale" and "selling at retail" have the definitions given to them by §§ 1499.20 (p) and 1499.20 (o) respectively of the General Maximum Price Regulation.

§ 1377.60 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1377.54 (a) (b) (c)) to Maximum Price Regulation No. 160 shall be effective as of July 21, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 17th day of July, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6849; Filed, July 17, 1942; 4:50 p. m.]

PART 1386—SOAPS AND GLYCERINE

[Commodity Practices Regulation 1]

BAR OR PACKAGE SOAPS OR CLEANSERS

In the judgment of the Price Administrator it is necessary in order to effectuate the purposes of the Emergency Price Control Act of 1942 and to prevent manipulative practices which are equivalent to or are likely to result in price increases and evasions of the General Maximum Price Regulation [1] in the sale of bar or package soaps or cleansers to prescribe and limit further changes in weight and quality of such products.

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

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1 [2] issued by the Office of Price Administration, Commodity Practices Regulation No. 1 is hereby issued.

Sec.

AUTHORITY: §§ 1386.1 to 1386.8, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1386.1 *Prohibition against changes in weight or quality of bar or package soaps or cleansers sold or delivered by manufacturers thereof.* (a) On and after July 21, 1942, regardless of the terms of any contract, lease or other obligation, no manufacturer thereof may sell, offer to sell, or deliver to any person bar or package soaps or cleansers which differ in weight or quality from a bar or package soap or cleanser delivered or offered for current delivery by such manufacturer in the market area where such person is located during the thirty day period ending July 17, 1942, except as provided in paragraph (b) of this section.

(b) Notwithstanding the provisions of paragraph (a) of this section, a manufacturer may improve the quality of any bar or package soap or cleanser delivered or offered for current delivery by him during the thirty day period ending July 17, 1942, but in determining the maximum price for the improved bar or package soap or cleanser under the General Maximum Price Regulation it shall be deemed to be the same commodity as the non-improved bar or package soap or cleanser.

§ 1386.2 *Definitions.* (a) This Commodity Practices Regulation No. 1 and the terms appearing therein shall be construed as follows:

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

(2) "Manufacturer" means a person who packages soaps or cleansers or cuts or forms or stamps the same into bars.

(3) "Soap" means the product formed by the saponification or neutralization of fats, oils, waxes, rosins, or their acids (fatty acids) with organic or inorganic bases, or any detergent composition containing such product.

(4) "Bar soap or cleanser" means the following kinds of soap or cleanser in the size or type of bar which is customarily sold to household consumers:

(i) Toilet soap.

(ii) Laundry soap.

(iii) Bar cleansers.

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[1] 7 F.R. 2843.

[2] 7 F.R. 4337.

[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027.

[2] 7 F.R. 971, 3663.

(5) "Package soap or cleanser" means the following kinds of soap or cleanser in the size or type of package which is customarily sold to household consumers:

(i) Granulated, powdered or sprayed soap.

(ii) Soap chips and flakes.

(iii) Washing powder.

(iv) Cleansers and scouring powders.

(6) "Differ in weight" refers to a difference in marked weight in the case of package soaps or cleansers which have a marked weight or in packed weight in the case of package soaps or cleansers which have no marked weight or in cut weight in the case of bar soaps or cleansers.

(7) "Marked weight" is the net weight of the contents thereof as marked on a package of soap or cleanser which is not in bar form.

(8) "Packed weight" means the net weight of the contents of a package of soap or cleanser not in bar form immediately after packaging.

(9) "Cut weight" means the weight of a bar of soap or cleanser immediately after being cut, formed or stamped, into bars.

(10) "Differ in quality" refers to:

(i) A difference in serviceability per unit weight in the use for which the soap or cleanser is customarily intended, or

(ii) A difference in anhydrous soap content.

(11) "Improve the quality" refers to:

(i) An increase in the anhydrous soap content of a bar or package soap or cleanser, or

(ii) An increase in the serviceability per unit weight in the use for which the soap or cleanser is customarily intended.

(12) "Anhydrous soap content" means the anhydrous soap content as determined by the official methods for testing soap set out in Federal Specification P-S-536 for Soap and Soap Products; General Specifications for Sampling and Testing.

(13) "Market area" means the geographical area in which a manufacturer has delivered or offered for current delivery a particular bar or package soap or cleanser during the thirty day period ending July 17, 1942.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Commodity Practices Regulation No. 1.

§ 1386.3 *Records and reports.* (a) Every manufacturer shall by September 17, 1942 prepare and file with the Office of Price Administration in Washington, D. C. a detailed description of each weight and quality of bar or package soap or cleanser delivered or offered for current delivery by him during the thirty day period ending July 17, 1942 and of the geographical area in which he delivered or offered for current delivery such bar or package soap or cleanser during said period.

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

§ 1386.4 *Enforcement.* (a) Persons ity Practices Regulation No. 1 are subject to the criminal penalties and civil enforcement actions provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Commodity Practices violating any provision of this Commod-Regulation No. 1 or any price schedule, regulation, or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest District, State, Field or Regional Office of the Office of Price Administration, or its principal Office in Washington, D. C.

§ 1386.5 *Exceptions.* (a) An exception to the provisions of this Commodity Practices Regulation No. 1 may be granted to any manufacturer who can establish

(1) That compliance with the provisions of this Commodity Practices Regulation No. 1 will cause him substantial hardship,

(2) That the granting of such exception will not lead to manipulative practices which will defeat or impair the purposes of the Emergency Price Control Act of 1942, and

(3) That the granting of such exception will not lead to evasions of the General Maximum Price Regulation.[1]

(b) Petitions for exception shall be filed in accordance with the provisions of Procedural Regulation No. 1,[2] issued by the Office of Price Administration.

§ 1386.6 *Petitions for amendment.* Persons seeking any modification of this Commodity Practices Regulation No. 1 or an adjustment or exception not provided for herein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1 [2] issued by the Office of Price Administration.

§ 1386.7 *Applicability.* (a) The provisions of this Commodity Practices Regulation No. 1 shall be applicable only to sales or deliveries of bar or package soaps or cleansers to persons in the United States, its territories and possessions, and the District of Columbia.

(b) The provisions of this Commodity Practices Regulation No. 1 shall not be applicable to sales or deliveries of bar or package soaps or cleansers to the United States or any agency thereof.

§ 1386.8 *Effective date.* This Commodity Practices Regulation No. 1 (§§ 1386.1 to 1386.8, inclusive) shall become effective July 21, 1942.

Issued this 17th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6850; Filed, July 17, 1942; 4:49 p. m.]

[1] *Supra,* note 1.

[2] *Supra,* note 2.

PART 1499—COMMODITIES AND SERVICES

[Amendment 14 to General Maximum Price Regulation]

ADJUSTMENTS IN CASES OF SPECIAL DEALS

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.[1]

A new § 1499.4b is added as set forth below:

§ 1499.4b *Adjustment of maximum prices in cases of special deals:* Any seller, other than a seller at retail, whose maximum price for a commodity to purchasers of a particular class is based on a "special deal" given by him to such purchasers which he can demonstrate was to have terminated not more than 123 days from the date on which it first became effective, may adjust his maximum price to such purchasers to the highest price at which such commodity was delivered by him to a purchaser of that class during the 30 days immediately preceding the date on which the special deal first became effective.

A seller at retail whose maximum price for a commodity to purchasers of a particular class is based on a special deal given by him to such purchasers as the result of a special deal given to him by his supplier may adjust his maximum price to such purchasers to the highest price at which such commodity was delivered by him to a purchaser of that class during the 30 days immediately preceding the date on which the special deal given by him first became effective. Such adjusted maximum price shall not apply to the particular commodities purchased by the retailer under the special deal given to him by his supplier.

The words "special deal," as used in this section, mean any reduction in the price of a commodity to purchasers of a particular class from the price in effect for purchasers of that class on the day immediately preceding the date on which the special deal first became effective, including but not limited to a reduction in such price resulting from offers of free goods, combination sales, and increased quantity and other discounts to purchasers of such class.

A seller who makes an adjustment in his maximum price pursuant to this section shall, within 10 days thereafter, submit a statement to the regional office of the Office of Price Administration for the region in which the seller's place of business is located, except that if the seller makes sales of the commodity in more than one region, the statement shall be submitted to the Office of Price Administration, Washington, D. C. Such statement shall set forth:

(a) The seller's maximum price for the commodity prior to the adjustment permitted by this section;

(b) A description of the special deal given by the seller including all the terms thereof, the class or classes of purchasers to which it was applicable, the dates during which it was in effect, and copies of

[1] Copies may be obtained from Office of Price Administration.

price lists, advertisements and trade announcements pertaining to such special deal;

(c) In the case of a seller at retail, a description of the special deal given to him by his supplier including all the terms thereof, the dates during which it was in effect and copies of price lists and trade announcements pertaining to such special deal;

(d) In the case of a seller other than a seller at retail, detailed evidence demonstrating that the special deal was to have terminated on or before a date not more than 123 days from the date on which the special deal first became effective;

(e) The adjusted maximum price established by the seller pursuant to this section; and

(f) A description of all prices and terms of payment which the seller has had in effect for the commodity since January 1, 1941.

The adjusted maximum price reported by the seller pursuant to this section shall be subject to adjustment at any time by the Office of Price Administration.

§ 1499.23a *Effective dates of amendments.* * * *

(n) Amendment No. 14 (§ 1499.4b) to General Maximum Price Regulation shall become effective July 21, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 17th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6851; Filed, July 17, 1942; 4:52 p. m.]

PART 1499—COMMODITIES AND SERVICES[1]

[Amendment 2 to Revised Supplementary Regulation 4[2] to General Maximum Price Regulation]

INTERNATIONAL PAYROLL MACHINE CO.

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.[3]

In § 1499.29 a new subparagraph (17) is added to paragraph (a), as set forth below:

§ 1499.29 *Exceptions for sales and deliveries to the United States or any agency thereof of certain commodities and in certain transactions and for certain other commodities.* (a) General Maximum Price Regulation shall not apply to sales or deliveries of the following commodities or in the following transactions:

* * * * *

(17) Deliveries prior to October 1, 1942, pursuant to sales, to the United States or any agency thereof, of the standard Model F-4 payroll machine manufactured by the International Payroll Machine Company of Reading, Pennsylvania. (i) The provisions of this subparagraph may be amended or revoked by the Price Administrator at any time.

(d) Effective dates of amendments. * * *

(3) Amendment 2 (§ 1499.29 (a) (17)) to Revised Supplementary Regulation No. 4 shall become effective July 21, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 17th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6852; Filed, July 17, 1942; 4:53 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIAL OF WHICH RUBBER IS A COMPONENT

[Amendment 21 to Revised Tire Rationing Regulations[1]]

TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

Section 1315.504 (a) (10) is added as follows:

Retreaded and Recapped Tires and New Passenger Tires of an Obsolete Type for Vehicles Eligible Under List B.

§ 1315.504 *Eligibility classification—List B.* * * *

(a) On a passenger car used principally to provide one or more of the following transportation services: * * *

(10) Transportation of members of the Army or Navy of the United States between residence and post of duty (but not for transfers from post to post), or on official business, where no military vehicle is available.

(i) No certificate shall be issued under this paragraph unless the applicant presents with his application a statement from his commanding officer which sets forth the following: (*a*) the application is for tires or tubes for necessary transportation between residence and post of duty (but not for transfer from post to post), or on official business; (*b*) no quarters can be provided for the applicant at his post of duty or where his work is to be performed, or applicant's duties require frequent travel on official business; (*c*) no other practicable means of transportation are available and no military vehicle can be supplied for applicant's use; and (*d*) the commanding officer will take all reasonable steps to insure (*1*) that the applicant will limit his use of the vehicle to the purpose for which the application is made except for a minimum incidental use for necessary personal purposes other than pleasure driving and (*2*) that every effort is made by the applicant to transport as many passengers as possible, consistent with the capacity of the vehicle.

(ii) The Board shall issue a certificate under this paragraph only if the conditions of subdivision (i) are complied with and, in addition, if it is satisfied that the use of a passenger automobile is necessary for the accomplishment of the purpose for which the applicant needs tires or tubes, and that no other practicable means of transportation are available.

§ 1315.1199a *Effective dates of amendments.* * * *

(u) Amendment No. 21 (§ 1315.504) to Revised Tire Rationing Regulations shall become effective July 25, 1942.

(Pub. Law 421, 77th Cong. 2nd Sess., Jan. 30, 1942, OPM Supp. Order No. M-15c, WPB Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.R. 121, 350, 434, 473, 562, 925, 1009, 1026.)

Issued this 18th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6865; Filed, July 18, 1942; 12:43 p. m.]

PART 1394—RATIONING OF FUEL, AND FUEL PRODUCTS

[Amendment 2 to Ration Order 5A[1]]

GASOLINE RATIONING REGULATIONS

ALLOWANCE OF MILEAGE

A new subparagraph (1) is added to paragraph (b) of § 1394.504; a new subparagraph (2) (i) is added to paragraph (b) of § 1394.604, as set forth below:

§ 1394.504 *Allowance of mileage.* * * *
(b) * * *

(1) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a Board having jurisdiction over an area which it determines to be adequately served by subway, elevated railroad, or suburban commutation railroad service shall allow mileage claimed with respect to which a ride-sharing arrangement has been made only if the applicant also establishes that the use of such subway, elevated, or suburban commutation service would not be reasonably adequate for the purpose for which such mileage is claimed. The Board shall review all applications granted in which mileage has been allowed on the basis of proof of a ride-sharing arrangement alone; it shall require the applicant to establish the inadequacy of such transportation services with respect to such mileage and shall revoke any ration issued pursuant to such application to the extent that the applicant has not established such inadequacy. In reviewing such applications, the Board shall follow the procedure set forth in § 1394.1406.

§ 1394.604 *Allowance of mileage.* * * *
(b) * * *
(2) * * *

(i) In allowing mileage claimed with respect to which a ride-sharing arrangement has been established, pursuant to this subparagraph, the Board shall be governed by the provisions of subparagraph (1) of paragraph (b) of § 1394.504.

§ 1394.1902 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1394.504 (b) (1) and 1394.604 (b) (2) (i)) to Ration

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[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659.

[2] 7 F.R. 5056, 5059.

[3] Copies may be obtained from Office of Price Administration.

[1] 7 F.R. 1027, 1089, 2106, 2167, 2541, 2633.

[1] 7 F.R. 5225, 5362, 5426.

Order No. 5A shall become effective July 18th, 1942.

(Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st sess., and by Pub. No. 507, 77th Cong., 2d sess., Pub. No. 421, 77th Cong., 2d sess., W.P.B. Directive No. 1, Amendment No. 2 to Supp. Dir. No. 1 (H), 7 F.R. 562)

Issued this 18th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6862; Filed, July 18, 1942; 12:42 p. m.]

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

[Amendment 7 to Maximum Price Regulation 118[1]]

COTTON PRODUCTS

CERTAIN HUCK TOWELS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.[2]

New paragraphs (a) (5) and (d) (29) are added to § 1400.118 as set forth below:

§ 1400.118 *Specific and formula maximum prices for certain cotton products: construction reports.* (a) The effective dates of the maximum prices set forth in paragraph (d) of this section are as follows:

* * * * *

(5) For huck towels conforming to Federal Specification DDD-T-531 (with or without woven name or colored stripe, stamped or unstamped). July 18, 1942.

* * * * *

(d) * * *

(29) *Huck towels.* The maximum price for huck towels manufactured in accordance with Federal Specification DDD-T-531 (with or without woven name or colored stripe, stamped or unstamped) shall be $1.73 per dozen, terms net, f.o.b. shipping point.

§ 1400.117 *Effective dates of amendment.* * * *

(g) Amendment No. 7 to Maximum Price Regulation No. 118 shall become effective July 18, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 18th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6863; Filed, July 18, 1942; 12:43 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 2 to Maximum Price Regulation 165[3]]

CONSUMER SERVICE

EXCEPTED SERVICES

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 1499.107 is amended to read as follows,

§ 1499.107 *Excepted services.* The provisions of this Maximum Price Regulation No. 165 shall not apply to:

(a) The services set forth in Supplementary Regulation No. 11 to the General Maximum Price Regulation or any amendments thereto; or

(b) Any of the following services:

(1) Transportation services of carriers other than common carriers within the exemption conferred by section 302 (c) of the Emergency Price Control Act of 1942.

(2) Commercial storage and warehousing and services incident thereto.

(3) Terminal services.

§ 1499.119a *Effective dates of amendments.* (a) * * *

(b) Amendment No. 2 (§ 1499.107) to Maximum Price Regulation No. 165 shall become effective at 12:01 a. m., July 18, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 17th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6864; Filed, July 18, 1942; 12:42 p. m.]

PART 1340—FUEL

[Amendment 6 to Maximum Price Regulation No. 122[1]]

SOLID FUELS DELIVERED FROM FACILITIES OTHER THAN PRODUCING FACILITIES—DEALERS

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

A new § 1340.257a is added as set forth below:

§ 1340.257a *Incorporations of provisions of the General Maximum Price Regulation.*[2] The provisions of § 1499.18 (*Applications for adjustment*) of the General Maximum Price Regulation shall apply to all persons subject to this Maximum Price Regulation No. 122.

§ 1340.260a *Effective dates of amendments.* * * *

(f) Amendment No. 6 (§ 1340.257a) to Maximum Price Regulation No. 122 shall become effective July 21, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 20th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6896; Filed, July 20, 1942; 11:43 a. m.]

PART 1413—SOFTWOOD LUMBER PRODUCTS

[Revised Price Schedule No. 13[1]]

DOUGLAS FIR PLYWOOD

The title, the preamble, and §§ 1312.1 to 1312.10,[1] inclusive, are renumbered and amended to read as follows:

[Maximum Price Regulation No. 13]

DOUGLAS FIR PLYWOOD

In the judgment of the Price Administrator, the prices of Douglas fir plywood have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of Douglas fir plywood prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. 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 maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, Maximum Price Regulation No. 13 is hereby issued.

Sec.

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[1] 7 F.R. 3038, 3211, 3522, 3578, 3624, 3905, 4405, 5524.

[2] Copies may be obtained from the Office of Price Administration.

[3] 7 F.R. 4734, 5028.

[1] 7 F.R. 3239, 3666, 3856, 3940, 3941, 5024.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027.

[1] 7 F.R. 1235, 1836, 2132.

[2] 7 F.R. 971, 3663.

[3] 7 F.R. 4482.

Sec.

AUTHORITY: §§ 1413.1 to 1413.17 inclusive, issued under Pub. Law 421, 77th Cong.

§ 1413.1 *Maximum prices for Douglas fir plywood.* (a) On and after July 25, 1942, regardless of any contract or other obligation, no person shall sell or deliver any Douglas fir plywood, where shipment originates at the mill rather than at a distribution plant, and no person shall buy or receive in the course of trade or business any Douglas fir plywood so shipped, at prices higher than the maximum prices set forth in the Appendices A to F hereof, inclusive, incorporated herein as §§ 1413.12 to 1413.17, inclusive; and no person subject to this Maximum Price Regulation No. 13 shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Maximum Price Regulation No. 13 shall not be applicable to sales or deliveries of Douglas fir plywood to a purchaser, if prior to July 25, 1942, such plywood had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) The maximum prices established by this Maximum Price Regulation No. 13 shall not be increased by any charges for the extension of credit or by any decrease in the time customarily allowed for payment, and shall be decreased for prompt payment to the same extent that the sale price would have been decreased during the period March 1 to 15, 1941.

§ 1413.2 *Less than maximum prices.* Lower prices than those set forth in Appendices A to F, inclusive, §§ 1413.12 to 1413.17, inclusive, may be charged, demanded, paid, or offered.

§ 1413.3 *Conditional agreements.* No seller subject to this Maximum Price Regulation No. 13 shall enter into an agreement permitting the adjustment of the price of Douglas fir plywood to prices which may be higher than the maximum prices in effect on the date of the agreement: *Provided*, That if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be made in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1413.4 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 13 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to Douglas fir plywood, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Unnecessarily routing plywood through a distribution plant;

(2) Use of estimated average shipping weights when the seller has not filed such estimated weights with the Office of Price Administration in accordance with paragraph (a) (2) of § 1413.17, Appendix F.

(3) Making charges for delivery which exceed the actual cost to the seller of such delivery (except as provided in paragraph (a) of § 1413.17, Appendix F.)

§ 1413.5 *Records and reports.* (a) Every seller and purchaser subject to this Maximum Price Regulation No. 13 making sales or deliveries or purchases of one or more carloads of Douglas fir plywood in any one month, after July 25, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years a complete and accurate record of each sale or delivery or purchase of Douglas fir plywood, showing the date of purchase or sale, the name and address of the buyer and seller, the quantities and grades purchased or sold, the place from which shipment to the purchaser originated, and the price paid or received.

(b) Every manufacturer of Douglas fir plywood shall keep records showing, and shall submit to the Lumber Branch of the Office of Price Administration, Washington, D. C. on or before November 1, 1942, a report showing (1) the total production of all grades and sizes of moisture resistant type Douglas fir plywood and the total production of Plywall (Douglas fir plywood wallboard) during the period March 1, 1942 to May 31, 1942; and (2) the total production of all grades and sizes of moisture resistant type Douglas fir plywood, the total production of Plywall (Douglas fir plywood wallboard), and the total production of Sound 1 Side Plypanel during the period July 1, 1942 to September 30, 1942.

(c) Every seller and purchaser subject to this Maximum Price Regulation No. 13 shall keep such other records in addition to or in place of the records required in paragraphs (a) and (b) of this section and shall submit such reports in addition to or in place of the report required in paragraph (b) of this section to the Office of Price Administration as that Office may from time to time require or permit.

§ 1413.6 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 13 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 13 or any Price Schedule, regulation or order issued by the Office of Price Administration or any acts or practices which constitute such a violation are urged to communicate with the nearest field, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1413.7 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 13 or any adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1413.8 *Definitions.* (a) When used in Maximum Price Regulation No. 13, the term:

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

(2) "Mill" means a factory or plant which processes Douglas fir peeler logs into Douglas fir plywood.

(3) "Less than carload" means a quantity of one or more grades or sizes of Douglas fir plywood, the aggregate weight of which is less than 38,000 pounds. Either Douglas fir doors or Douglas fir millwork, or both, may be included with plywood in computing such aggregate weight.

(4) "Distribution plant" means a wholesale or retail warehouse or yard which purchases or receives Douglas fir plywood from a mill or another distribution plant for purposes of unloading and resale or redistribution, and which regularly maintains a stock of plywood.

(5) "Sound 1 Side Plypanel" means a grade of moisture resistant type Douglas fir plywood which satisfies the following standards: The face shall be of one or more pieces of firm smoothly cut veneer. When of more than one piece, it shall be well joined and reasonably matched for grain and color at the joints. It shall be free from knots, splits, checks, pitch pockets and other open defects. Streaks, discolorations, sapwood, shims and neatly made patches shall be admitted. The face shall present a smooth surface suitable for painting. The back shall present a solid surface with all knots in excess of one inch patched and with the following permitted: Not more than six knotholes or borer holes ⅝ of an inch or less in greatest dimension, splits ⅛ of an inch or less in width and pitch pockets not in excess of one inch wide or three inches long or that do not penetrate through veneer to glue line. There may be any number of patches and plugs in the back.

(6) Grades of Douglas fir plywood, other than Sound 1 Side Plypanel, shall be in accord with the standards of the United States Department of Commerce, National Bureau of Standards, as contained in Commercial Standard CS45–40 (Douglas Fir Plywood, Domestic Grades), Fourth Edition, effective August 20, 1940.

(b) Unless the context otherwise requires, the definitions set forth in sec-

tion 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1413.9 *Applicability of General Maximum Price Regulation.* The provisions of the General Maximum Price Regulation [4] shall not, on and after July 25, 1942, apply to sales and deliveries of Douglas fir plywood where shipment originates at the mill rather than at a distribution plant.

§ 1413.10 *Export sales.* The maximum price at which a seller may make an export sale of Douglas fir plywood, shall be determined in accordance with the provisions of the Maximum Export Price Regulation [5] issued by the Office of Price Administration.

§ 1413.11 *Effective date.* This Maximum Price Regulation No. 13 (§§ 1413.1 to 1413.17, inclusive) shall become effective July 25, 1942.

§ 1413.12 *Appendix A: Maximum prices for moisture resistant type Douglas fir plywood in grades and sizes listed in § 1276.1 (b) of Limitation Order L–150.* (a) The maximum prices for moisture resistant type Douglas fir plywood in grades and sizes listed in § 1276.1 (b) of Limitation Order L–150 [6] shall be as follows:

(1) PLYSCORD

(Douglas fir plywood sheathing)

(i) *Maximum prices for Plyscord in widths of 36" and 48" and in lengths of 96":*

	Price per M sq. ft. f. o. b. mill	
	Straight carloads	Less than carloads
5/16" 3 ply, rough	$25.30	$26.40
3/8" 3 ply, rough	30.30	31.75
1/2" 3 or 5 ply at mill's option, rough	40.45	43.00
5/8" 3 or 5 ply at mill's option, rough	50.55	53.95

(ii) *Long standard lengths.* For panels in widths of 36" and 48" and in lengths of 9', 10', 11' and 12', the following additional charges may be made:

$5.25 per M Sq. Ft. for 9' lengths.
$8.00 per M Sq. Ft. for 10' lengths.
$13.25 per M Sq. Ft. for 11' lengths.
$16.00 per M Sq. Ft. for 12' lengths.

(2) PLYWALL

(Douglas fir plywood wallboard)

(i) *Maximum prices for plywall in widths of 48" and in lengths of 60", 72", 84", and 96":*

	Price per M sq. ft. f. o. b. mill	
	Straight carloads	Less than carloads
5/16" 3 ply S2S to 1/4"	$28.00	$29.20
7/16" 3 ply S2S to 3/8"	38.50	40.90
9/16" 5 ply S2S to 1/2"	52.50	56.15
1/4" studding strips (per M lineal feet)	5.30	5.30

(ii) *Long standard lengths.* For panels in widths of 48" and in lengths of 9', 10', 11', and 12', the following additional charges may be made:

$5.25 per M Sq. Ft. for 9' lengths.
$8.00 per M Sq. Ft. for 10' lengths.
$13.25 per M Sq. Ft. for 11' lengths.
$16.00 per M. Sq. Ft. for 12' lengths.

(3) PLYFORM

(Douglas fir plywood concrete form panels)

(i) *Maximum prices for Plyform in widths of 36" and 48" and in lengths of 60", 72", 84", and 96":*

	Price per M sq. ft. f. o. b. mill	
	Straight carloads	Less than carloads
5/16" 3 ply S2S to 1/4" (Form liners)	$44.00	$47.00
9/16" 5 ply S2S to 1/2"	76.10	83.15
5/8" 5 ply S2S to 9/16"	81.40	89.00
1 1/16" 5 ply S2S to 5/8"	85.50	93.15
1 3/16" 5 ply S2S to 3/4"	94.30	103.05

(ii) *Plyform with oiled faces.* For Plyform with oiled faces, a charge not to exceed $1.00 per M Sq. Ft. may be added to the maximum prices established in paragraph (a) (3) (i) immediately above.

(4) AUTOMOBILE AND INDUSTRIAL PLYWOOD—ROUGH PANELS

Maximum prices for automobile and industrial plywood—rough panels:

	Price per M sq. ft. f. o. b. mill	
	Straight carloads	Less than carloads
1/4" rough—3 ply—sizes up to 48" x 96"	$29.20	$31.95
5/16" rough—3 ply—sizes up to 48" x 96"	29.20	31.95
3/8" rough—3 ply—sizes up to 48" x 96"	35.00	38.50
1/2" rough—5 ply—sizes up to 48" x 96"	48.80	53.40
9/16" rough—5 ply—sizes up to 48" x 96"	53.75	58.90
5/8" rough—5 ply—sizes up to 48" x 96"	58.75	64.35
1 1/16" rough—5 ply—sizes up to 48" x 96"	63.70	69.80
3/4" rough—5 ply—sizes up to 48" x 96"	68.65	75.20
7/8" rough—5 ply—sizes up to 48" x 96"	78.60	86.05
7/8" rough—7 ply—sizes up to 48" x 96"	82.30	90.10

(5) PLYPANEL—SOUND 1 SIDE

Maximum prices for Plypanel—Sound 1 Side in Widths of 24", 30", 36", and 48" and in lengths of 60", 72", 84", and 96":

	Price per M sq. ft. f. o. b. mill	
	Straight carloads	Less than carloads
5/16" 3 ply S2S to 1/8" or 1/4"—3 ply S2S to 3/16":		
24" width	$29.65	$30.80
30" and 36" width	30.45	31.55
48" width	32.00	33.20
5/16" 3 ply S2S to 1/4":		
24" width	27.55	28.75
30" and 36" width	28.40	29.55
48" width	30.00	31.20
7/16" 3 ply S2S to 3/8":		
24" width	38.05	40.35
30" to 36" width	38.85	41.20
48" width	40.50	42.90
9/16" 5 ply S2S to 1/2":		
24" width	52.05	55.55
30" to 36" width	52.85	56.35
48" width	54.50	58.15
1 1/16" 5 ply S2S to 5/8":		
24" width	62.00	67.95
30" to 36" width	62.80	68.85
48" width	64.40	70.60
1 3/16" 5 ply S2S to 3/4":		
24" width	70.35	77.05
30" to 36" width	71.10	77.85
48" width	72.70	79.70

(6) PLYPANEL—SOUND 2 SIDES

Maximum prices for Plypanel—Sound 2 Sides in widths of 24", 30", 36", and 48" and in lengths of 60", 72", 84", and 96":

	Price per M sq. ft. f. o. b. mill	
	Straight carloads	Less than carloads
5/16" 3 ply S2S to 1/8" or 1/4"—3 ply S2S to 3/16":		
24" width	$35.65	$38.85
30" and 36" width	36.65	39.80
48" width	38.50	41.85
5/16" 3 ply S2S to 1/4":		
24" width	32.15	35.35
30" and 36" width	33.15	36.30
48" width	35.00	38.35
7/16" 3 ply S2S to 3/8":		
24" width	43.25	47.45
30" and 36" width	44.20	48.45
48" width	46.05	50.45
9/16" 5 ply S2S to 1/2":		
24" width	58.95	64.55
30" and 36" width	59.85	65.50
48" width	61.70	67.60
1 1/16" 5 ply S2S to 5/8":		
24" width	69.95	76.65
30" and 36" width	70.90	77.65
48" width	72.70	79.65
1 3/16" 5 ply S2S to 3/4":		
24" width	79.25	86.75
30" and 36" width	80.10	87.70
48" width	81.90	89.75

(b) The following additions to the maximum price established in paragraph (a) of this section may be made for the specified special extras:

(1) *Selected sound cores and crossbands:*

$2.50 per M Sq. Ft. for 3 Ply.
$7.50 per M Sq. Ft. for 5 Ply.
$12.50 per M Sq. Ft. for 7 Ply.

[4] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5365, 5445.
[5] 7 F.R. 5059.
[6] 7 F.R. 4482.

(2) *Core stock:* (In lengths not over 48")

Add to maximum price for Sound 2 Side in 48" widths:

$10.00 per M Sq. Ft. for widths up to 96".

$15.00 per M Sq. Ft. for widths up to 108".

$20.00 per M Sq. Ft. for widths up to 120".

$25.00 per M Sq. Ft. for widths up to 132".

$30.00 per M Sq. Ft. for widths up to 144".

(3) *Redrying:*

$3.00 per M Sq. Ft. (No addition for 1/8" or 3/16" sanded panels).

(4) *Special gluing specifications:*

$5.00 per M Sq. Ft. for 3 Ply.
$10.00 per M. Sq. Ft. for 5 Ply.
$15.00 per M Sq. Ft. for 7 Ply.

NOTE: This shall include all special glue specifications and assembly requirements. Each panel so manufactured shall be stamped with the word "Special".

(5) *Treating panels with waterproofing agent (oiling):* $2.50 per M Sq. Ft. (This addition may not be made for Plyform.)

(6) *Treating panels with edge sealer:* $1.00 per M Sq. Ft. (This addition may not be made for Plyform.)

(7) *Treating panels with resin sealer (one or two sides):* $10.50 per M Sq. Ft.

(8) *Bundling in paper packing:* $0.35 per 1/16" in thickness per M Sq. Ft.

(9) *Wire or twine bundling:* $0.50 per M Sq. Ft. for small cut-to-size panels, 3 Ply (containing less than 9 Sq. Ft. per panel) tied with either twine or wire. $1.00 per M Sq. Ft. for small cut-to-size panels, 5 Ply or heavier (containing less than 9 Sq. Ft. per panel) tied with either twine or wire.

(10) *Segregating and/or lot-marking on car of two or more lots:* $2.50 per lot for each lot over one.

(c) The following deduction from the maximum prices for moisture resistant type Douglas fir plywood stated in paragraph (a) of this section shall be made for unsanded stock in grades other than Plyscord and Automobile and Industrial Plywood:

Deduct $1.25 per M Sq. Ft. from the maximum price for the thickness to which the panel would regularly be sanded.

(d) No additions to the maximum prices for moisture resistant type Douglas fir plywood stated in paragraph (a) of this section may be made for special extras not expressly provided for in this section: *Provided*, That the seller may apply to the Lumber Branch of the Office of Price Administration, Washington, D. C., for instructions as to additions for special extras for which no express provision has been made. Pending receipt of such instructions the seller may quote and deliver at a price which is agreed by the parties to be subject to adjustment to the price determined by the Office of Price Administration, but the seller may not accept payment and the purchaser may not make payment until such instructions have been received.

§ 1413.13 *Appendix B: Maximum prices for moisture resistant type Douglas fir plywood in grades and sizes not listed in § 1276.1 (b) of Limitation Order L-150, and which qualifies as "work in process" under § 1276.1 (c) (1) of the Limitation Order.* (a) The maximum prices for moisture resistant type Douglas fir plywood in grades and sizes not listed in § 1276.1 (b) of Limitation Order L-150,[5] and which qualifies as "work in process" under § 1276.1 (c) (1) of the Limitation Order, shall be the maximum prices established in Revised Price Schedule No. 13.[7]

§ 1413.14 *Appendix C: Maximum prices for moisture resistant type Douglas fir plywood in grades and sizes not listed in § 1276.1 (b) of Limitation Order L-150, and which is shipped pursuant to a "military order" as defined in § 1276.1 (c) (2) of the Limitation Order.* (a) The maximum price for moisture resistant type Douglas fir plywood (1) in grades and sizes not listed in § 1276.1 (b) of Limitation Order L-150,[5] (2) which does not qualify as "work in process" under § 1276.1 (c) (1) of the Limitation Order, and (3) which is shipped pursuant to a "military order" as defined in § 1276.1 (c) (2) of the Limitation Order, shall be computed by adjusting the maximum prices established in § 1413.12, Appendix A, of this Maximum Price Regulation No. 13 in acordance with the differentials which would have been recognized by the seller during the period of March 1 to 15, 1941: *Provided*, That the seller must, within thirty days of entering into a contract for the sale of plywood subject to the provisions of this section, file a notarized report with the Lumber Branch of the Office of Price Administration, Washington, D. C., setting forth full details of the transaction including the name and address of the purchaser, the point of origin and the point of delivery of the plywood, the specifications for the plywood, and the price charged. Where the Office of Price Administration within thirty days of receipt of the report rules that the seller has made an excessive charge for furnishing the plywood, the seller must readjust the sale price in accordance with the ruling of the Office of Price Administration. If the Office of Price Administration does not rule on the price within such time, the price submitted shall be considered approved.

§ 1413.15 *Appendix D: Maximum prices for moisture resistant type Douglas fir plywood in grades and sizes which are produced after July 1, 1942 upon specific written authorization of the Director of Industry Operations of the War Production Board, pursuant to § 1276.1 (b) of Limitation Order L-150.* (a) On and after July 25, 1942, no person shall sell moisture resistant type Douglas fir plywood in grades and sizes which are produced after July 1, 1942 upon specific written authorization of the Director of Industry Operations of the War Production Board, pursuant to § 1276.1 (b) of Limitation Order No. L-150,[5] unless:

(1) The producing mill files with the Lumber Branch of the Office of Price Administration, Washington, D. C., a notarized statement describing the special grade or size and the price at which it desires to sell such plywood; and

(2) The Office of Price Administration expressly approves such price.

§ 1413.16 *Appendix E: Maximum prices for exterior type Douglas fir plywood.* (a) The maximum prices for exterior type Douglas fir plywood in widths of 12" to 48" in even 2" breaks and in lengths of 96" and shorter shall be as follows:

	Per M Sq. ft. in carload lots, f. o. b. mill		
	Sound 2 sides	Industrial grade	Sound 1 side
1/4" sanded	----------	----------	----------
5/16" unsanded	----------	----------	----------
5/16" sanded	----------	----------	----------
3/8" unsanded	$47.50	$45.50	$43.50
3/8" sanded	----------	----------	----------
7/16" unsanded	48.50	46.50	44.50
7/16" sanded	----------	----------	----------
1/2" unsanded	55.00	53.00	51.00
1/2" sanded	----------	----------	----------
9/16" unsanded	61.00	59.00	57.00
9/16" sanded	----------	----------	----------
5/8" unsanded	81.50	79.00	76.50
5/8" sanded	----------	----------	----------
11/16" unsanded	88.00	86.00	84.00
11/16" sanded	----------	----------	----------
3/4" unsanded	95.00	93.50	91.50
3/4" sanded	----------	----------	----------
13/16" unsanded	103.50	101.50	99.50
13/16" sanded	----------	----------	----------
7/8" unsanded	112.00	110.00	107.50
7/8" sanded	121.00	119.00	117.00
15/16" unsanded	----------	----------	----------
15/16" sanded	----------	----------	----------
1" unsanded	143.00	140.50	138.50
1" sanded	----------	----------	----------
1 1/16" unsanded	152.00	149.50	147.00
1 1/16" sanded	----------	----------	----------
1 1/8" unsanded	160.50	158.50	156.50
1 1/8" sanded	----------	----------	----------
1 3/16" unsanded	170.50	168.00	166.00
1 3/16" sanded	----------	----------	----------
1 1/4" unsanded	180.00	178.00	176.00
1 1/4" sanded	----------	----------	----------
1 5/16" unsanded	190.50	188.00	185.50

(b) The following additions to the maximum prices established in paragraph (a) of this section may be made for the specified special extras:

(1) *Wide widths:* Add to maximum price for 48" widths:

	Per M sq. ft.
Over 48" to 60", inclusive, sanded or unsanded	$8.15
Over 60" to 72", inclusive, sanded or unsanded	10.90
Over 72" to 84", inclusive, unsanded only	16.30
Over 84" to 96", inclusive, unsanded only	24.50
Up to 96" wide where length is not more than 48"	5.45

(2) *Long lengths:* Add to the maximum price for 96" lengths:

	Per M sq. ft.
Over 96" to 108", inclusive, sanded or unsanded	$5.45

[5] Note 5 *supra*.
[7] 7 F.R. 1235.

	Per M sq. ft.
Over 108" to 120", inclusive, sanded or unsanded	8.15
Over 120" to 132", inclusive, sanded or unsanded	13.60
Over 132" to 144", inclusive, sanded or unsanded	16.30

(3) *Treating panels with waterproofing agent (oiling):* $2.75 per M Sq. Ft.

(4) *Treating panels with resin sealer:* $8.15 per M Sq. Ft.

(5) *Bundling in paper packing:* $0.40 per 1/16" in thickness per M Sq. Ft.

(6) *Bundling; carton packed, steel strapped:* $0.65 per 1/16" in thickness per M Sq. Ft.

(7) *Sizes containing less than one square foot:* 10 percent of the maximum price stated in paragraph (a) of this section.

(c) No additions to the maximum prices for exterior type Douglas fir plywood stated in paragraph (a) of this section may be made for special extras not expressly provided for in this section: *Provided,* That the seller may apply to the Lumber Branch of the Office of Price Administration, Washington, D. C., for instructions as to additions for special extras for which no express provision has been made. Pending receipt of such instructions the seller may quote and deliver at a price which is agreed by the parties to be subject to adjustment to the price determined by the Office of Price Administration, but the seller may not accept payment and the purchaser may not make payment until such instructions have been received.

§ 1413.17 *Appendix F: Maximum delivered prices for Douglas fir plywood.* (a) A delivered price in excess of the maximum f. o. b. mill prices set forth in §§ 1413.12 to 1413.16, inclusive, Appendices A to E, inclusive, may be charged by the seller and paid by the buyer, consisting of such maximum prices plus actual transportation costs paid or incurred by the seller in transporting the plywood from the mill to the location designated by the purchaser. However, for the purposes of this section, the following two practices shall not be deemed a deviation from the use of actual transportation costs:

(1) The computation of transportation costs on the basis of the applicable freight rate and a system of estimated average weights used by the seller during the month of July 1941: *Provided,* That a copy of such system of estimated average weights has been filed with the Lumber Branch of the Office of Price Administration, Washington, D. C., before the use of such system in a transaction subject to Maximum Price Regulation No. 13; and

(2) the charging of a sum equivalent to the one-twentieth of a dollar nearest to the transportation costs per 1,000 square feet of plywood computed in accordance with subparagraph (1) above.

(b) The seller must in all cases give the buyer the option of purchasing Douglas fir plywood f. o. b. the mill and making his own arrangements for transportation. Refusing to sell plywood except on a delivered basis is prohibited.

Issued this 20th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6898; Filed, July 20, 1942; 11:42 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Maximum Prices Authorized Under § 1499.3 (b) of the General Price Regulation[1]—Order 36]

DOW CHEMICAL COMPANY

The Dow Chemical Company of Midland, Michigan, has made application under § 1499.3 (b) of the General Maximum Price Regulation for specific authorization to determine the maximum prices for two new products which cannot be priced under § 1499.2 thereof. Due consideration has been given to the application and an Opinion in support of this Order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the Opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is ordered:

§ 1499.74 *Approval of maximum prices for O-Phenoxybenzoic Acid and Tri (penta-chlor phenyl) Phosphate in experimental quantities only.* (a) The Dow Chemical Company, Midland, Michigan, may sell and deliver and agree, solicit and attempt to sell and deliver, and any person may buy from the Dow Chemical Company O-Phenoxybenzoic Acid and Tri (penta chlor phenyl) Phosphate for experimental purposes in the quantities and at the prices not in excess of those hereinafter set forth:

O-Phenoxybenzoic Acid at $9.00 per pound f. o. b., Midland, Michigan, in a total quantitiy of not more than five pounds.

Tri (penta chlor phenyl) Phosphate at $2.50 per pound f. o. b. Midland, Michigan in a total quantity of not more than ten pounds.

(b) This Order No. 36 may be revoked or amended at any time.

(c) This Order No. 36 (§1499.74) shall become effective July 21, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 20th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6894; Filed, July 20, 1942; 11:41 a. m.]

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[1] 7 F.R. 3153, 8330, 3666, 3990, 3991, 4339, 4487, 4659.

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

PART 202—MINIMUM WAGE DETERMINATIONS

CERTAIN BRANCHES OF FURNITURE MANUFACTURING INDUSTRY

In the matter of an amendment to the determination of the prevailing minimum wages in the Wood Furniture Branch and in the Public Seating Branch of the Furniture Manufacturing Industry.

This matter is before me pursuant to section 1 (b) of the act of June 30, 1936 (49 Stat. 2036, 41 U.S.C. Supp. III, 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act.

On May 3, 1939, I issued a determination (4 F.R. 1915) that the prevailing minimum wages for employees engaged in the performance of contracts with agencies of the United States subject to the Walsh-Healey Public Contracts Act in the Wood Furniture Branch of the Furniture Manufacturing Industry are—

(1) 35 cents an hour for the States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Maryland, West Virginia, Delaware, Kansas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Nevada, and the District of Columbia;

(2) 30 cents an hour for the States of Virginia, Kentucky, North Carolina, Georgia, South Carolina, Florida, Alabama, Tennessee, Arkansas, Louisiana, Oklahoma, Texas, and Mississippi; and

(3) 50 cents an hour for the States of California, Washington, and Oregon;

and that the prevailing minimum wage for such employees in the Public Seating Branch of the Furniture Manufacturing Industry is 37½ cents an hour.

On June 11, 1942, the Administrator of the Division of Public Contracts of the Department of Labor issued a Notice of Opportunity to Show Cause on or before July 6, 1942, why my determination for the Wood Furniture Branch should not be amended by (a) increasing the prevailing minimum wage to 40 cents an hour for the District of Columbia and all States other than California, Washington, and Oregon for which the prevailing minimum shall continue to be 50 cents an hour, the rate specified in my determination of May 3, 1939, and (b) amending the definition of the Wood Furniture Branch to which this prevailing minimum wage shall apply to be substantially the same as the definition of the Wood Furniture Manufacturing

Industry contained in the Wage Order of the Administrator of the Wage and Hour Division issued on November 3, 1941, for that industry, and why my determination for the Public Seating Branch should not be amended by increasing the prevailing minimum wage from 37½ cents an hour to 40 cents an hour.

The notice sets forth that: (1) The minimum wage required to be paid by wood furniture manufacturers subject to the provisions of the Fair Labor Standards Act of 1938 became 40 cents an hour on November 3, 1941, pursuant to the Wage Order; (2) the definition of the Wood Furniture Manufacturing Industry in the Wage Order includes all of the products covered by my determination for the Wood Furniture Branch and certain of the products covered by my determination for the Public Seating Branch; (3) substantially all employers subject to my determination for the Wood Furniture Branch are engaged in commerce or in the production of goods for commerce and consequently the Wage Order has the effect of establishing 40 cents an hour as the prevailing minimum wage in the Wood Furniture Branch for the District of Columbia and all states other than California, Washington, and Oregon for which the prevailing minimum is 50 cents an hour; (4) the processes of manufacture and the prevailing minimum wage rates in the production of the articles covered by the Wage Order but not covered by my determination for the Wood Furniture Branch are similar to the processes and prevailing minimum wage rates in the production of the articles covered by that determination; and (5) the processes of manufacture and prevailing minimum wage rates in the production of the articles covered by my determination for the Public Seating Branch but not covered by the Wage Order are similar to the processes and prevailing minimum wage rates in the production of articles covered by the Wage Order.

This notice was sent to members of the industry, to trade unions, trade associations, and publications and was duly published in the FEDERAL REGISTER (7 F.R. 4504). No objections, protests, or any statements in opposition to the proposed amendments have been received. Statements in support of the proposed amendments have been received from four manufacturers, one union, and one association.

Upon consideration of all the facts and circumstances, I hereby determine that:

§ 202.27[1] *Furniture manufacturing industry*—(a) *Definitions*—(1) *Wood Furniture Branch.* The definition of the Wood Furniture Branch of the Furniture Manufacturing Industry is amended to mean the manufacturing, assembling, upholstering, and finishing, from wood, reed, rattan, willow, and fiber, of upholstered and other household, office, lawn, camp, porch, and juvenile and toy furniture, including but without limitation porcelain top breakfast furniture and radio, phonograph and sewing machine cases and cabinets; the manufacturing and assembling from wood, of furniture parts for the above, separately, set up or knocked down including but without limitation parlor furniture frames and chairs in the white: *Provided, however,* That this definition shall not include the manufacture of any product covered by the prevailing minimum wage determination of the Secretary of Labor for the Public Seating Branch of the Furniture Manufacturing Industry.

The manufacturing of any products covered under this definition shall be deemed to begin following the delivery of the wood from the kiln or from the air-dried dimension shed.

* * * * *

(b) *Minimum wages*—(1) *Wood Furniture Branch.* The prevailing minimum wages for persons employed in the performance of contracts with agencies of the United States Government, subject to the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U.S.C. Supp. III, 35), for the manufacture and furnishing of the products of the Wood Furniture Branch of the Furniture Manufacturing Industry shall be (i) 40 cents an hour, or $16.00 for a week of 40 hours, arrived at either on a time or piece-work basis for the District of Columbia and all states other than California, Washington, and Oregon and (ii) 50 cents an hour, or $20.00 for a week of 40 hours, arrived at either on a time or piece-work basis, for the States of California, Washington, and Oregon;

(2) *Public Seating Branch.* The prevailing minimum wage for persons employed in the performance of contracts with agencies of the United States Government subject to the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U.S.C., Supp. III, 35), for the manufacture and furnishing of the products of the Public Seating Branch of the Furniture Manufacturing Industry as defined in my determination of May 3, 1939, shall be 40 cents an hour, or $16.00 for a week of 40 hours, arrived at either on a time or piece-work basis.

This determination shall be effective and the minimum wages hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced by the contracting agency on or after August 15, 1942.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938 or any wage order thereunder, or under any other law, or agreement, more favorable to employees than the requirements of this determination.

* * * * *

(49 Stat. 2036; 41 U.S.C. 35)

Dated: July 16, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-6860; Filed, July 18, 1942; 11:20 a. m.]

[1] 6 F.R. 3437.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter III—Grazing Service

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

MODIFICATION OF NEVADA GRAZING DISTRICT NO. 2

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. Code, sec. 315, *et seq.*), as amended, the departmental order of October 18, 1935, establishing Nevada Grazing District No. 2,[1] is hereby modified in order to correct an error in the land description as follows:

NEVADA

Mount Diablo Meridian

That part reading: "T. 39 N., R. 20 E.," is amended to read: "T. 30 N., R. 20 E."

ABE FORTAS,
Acting Secretary of the Interior.

JUNE 30, 1942.

[F. R. Doc. 42-6873; Filed, July 20, 1942; 10:21 a. m.]

[1] Affects tabulation in § 502.1e.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

POSTPONEMENT OF EFFECTIVE DATE OF SECOND PARAGRAPH OF RULE 27 OF TARIFF CIRCULAR 20

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 16th day of July, A. D. 1942.

The Commission having under consideration the petition dated November 5, 1941, filed on behalf of all carriers by B. T. Jones, their duly authorized agent, requesting further postponement from July 20, 1942, of the effective date of the second paragraph of Rule 27 of Tariff Circular 20 in all tariffs containing routing in accordance with Plan (2) of Rule 4 (k) of Tariff Circular 20;

It is ordered, That the date shown in the second paragraph of Rule 27 of Tariff Circular 20 as heretofore postponed to July 20, 1942, is hereby further postponed until six months after the termination of the War in which the United States is now engaged unless prior to such date the Commission shall prescribe a specific effective date: *Provided, however,* That such extension shall be effective only as to tariffs which publish routing in the manner provided in Plan (2) of Rule 4 (k) of Tariff Circular 20.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-6897; Filed, July 20, 1942; 11:38 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1450]

DELTA ISSUE

ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 10 for the establishment of a price exception of the Delta Mine.

This proceeding having been instituted upon a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board No. 10, requesting the following price exception in the Schedule of Effective Minimum Prices for District No. 10, for All Shipments Except Truck and for Truck Shipments for the coals of the Delta Mine, Mine Index No. 36, of the Delta Coal Mining Company, a code member in District No. 10:

At Mine Index No. 36 the resultant coal, which is a mixture of coal which passes through the dewatering screens with openings not larger than 10 mesh nor smaller than ½ mm., or the equivalent thereof, after the production of washed coal in other sizes, may be sold at a price not less than 85 cents per net ton.

Petitioner having also requested that no determination of a price classification and minimum price be made until petitioner has had an opportunity to properly evaluate the coal of the producer, the Delta Mine; petitioner having proposed, therefore, that the minimum price be established on a temporary basis subject to further proposal by the District Board, after further investigation and taking of other samples;

Pursuant to an appropriate order and after notice to interested persons, a hearing having been held in this matter on June 23, 1942, before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived, and the record thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law herein and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That, commencing forthwith and pending final disposition of the above-entitled matter, the Schedules of Effective Minimum Prices for District No. 10 for All Shipments Except Truck be, and it is hereby amended to include in the Price Exceptions and Instructions the following price exception:

At Mine Index No. 36 the resultant coal, which is a mixture of coal which passes through the dewatering screens with openings not larger than 10 mesh nor smaller than ½ mm., or the equivalent thereof, after the production of washed coal in other sizes, may be sold at a price not less than 85 cents per net ton: *Provided, however,* That Mine Index No. 36, selling sludge under this price exception, shall file with the Bituminous Coal Division, at 734 Fifteenth Street NW., Washington, D. C., and with District Board No. 10, within 10 days after the date of such sale, a complete description of such sale as is required by the Marketing Rules and Regulations of the Division, Order No. 313, or any other Order of the Division. The filing herein shall be in addition to that required for filing with the field office.

It is further ordered, That jurisdiction be, and it hereby is, reserved by the Acting Director to modify or revoke the price exception granted herein, and

It is further ordered, That the request herein be, and it is hereby granted to the extent set forth above and in all other respects denied.

Dated: July 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-6881; Filed, July 20, 1942; 11:24 a. m.]

[Docket No. 1708-FD]

SHEBAN MINING COMPANY, CODE MEMBER

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATION OF THE EXAMINER, AND REVOKING CODE MEMBERSHIP

A complaint pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on June 11, 1941, by the Bituminous Coal Producers Board for District No. 4, alleging that Karam Sheban (Sheban Mining Company), code member in District No. 4, has wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder, and praying that the Division either cancel or revoke the defendant's code membership or in its discretion, direct the code member to cease and desist from violation of Code and rules and regulations thereunder;

A hearing having been held before C. R. Larrabee, a duly designated Examiner of the Division at a hearing room thereof in Youngstown, Ohio, on April 8, 1942;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in the matter, dated June 10, 1942, in which it was found that the code member had wilfully violated the provisions of sections 4 II (e) and 4 II (g) of the Act, the Code, and the Schedule of Effective Minimum Prices for District No. 4 For Truck Shipments, and in which it was recommended that an order be entered cancelling and revoking its code membership;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions or supporting briefs having been filed;

The undersigned having determined that the proposed findings of fact and proposed conclusions of law of the Examiner should be approved and adopted as the findings of fact and conclusions of law of the undersigned and that his recommendation should also be adopted;

Now, therefore, it is ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner be and the same are hereby approved and adopted as the findings of fact and conclusions of law of the undersigned; and

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of Karam Sheban (Sheban Mining Company) be and it hereby is revoked and cancelled, effective fifteen (15) days from the date hereof; and

It is further ordered, That pursuant to section 5 (c) of the Act, the code member, prior to reinstatement to membership in the Code, shall pay to the United States a tax in the amount of $3,515.08.

Dated: July 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R Doc. 42-6882; Filed, July 20, 1942; 11:24 a. m.]

[Docket No. B-10]

J. B. WILLIAMSON, CODE MEMBER

ORDER REOPENING AND RESCHEDULING MATTER FOR HEARING

A hearing having been held in the above-entitled matter on November 24 and 25, 1941, at a hearing room of the Bituminous Coal Division (the "Division") at Room 4086, New Post Office Building, Cleveland, Ohio, before W. A. Cuff, Trial Examiner, which hearing was concluded on November 25, 1941; and

It appearing that the record of said hearing has not been submitted by the Official Reporter to the Division; and

It further appearing to the undersigned that in order to obtain a full and complete record of all the facts and circumstances relating to the matters alleged in the complaint herein that the hearing in the above-entitled matter should be reopened and rescheduled as hereinafter provided.

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same hereby is reopened.

It is further ordered, That the reopened hearing on the subject matters of the complaint in the above-entitled matter be held on July 31, 1942, at 10:00 a. m. at a hearing room of the Division at Room 518, Bulkley Building, at Cleveland, Ohio.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at such hearing vice W. A. Cuff.

It is further ordered, That the Notice of and Order for Hearing dated October 7, 1941, entered in the above-entitled

matter shall, in all other respects, remain in full force and effect.

Dated: July 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-6883; Filed, July 20, 1942; 11:24 a. m.]

Bureau of Mines.

EXPERIMENT STATION, BOULDER CITY, NEVADA

WAGE FIXING PROCEDURES

For the purpose of determining the prevailing rate of wages to be paid certain classes of Government employees at the Bureau of Mines Experiment Station, Boulder City, Nevada, and to enable the payment to such employees of time and one-half for work in excess of 40 hours per week, the following procedure is established:

I. *Wage Board*

A Wage Board, composed of three representatives of the Department, one selected from the Office of the Secretary of the Interior, and at least one of the other two members selected from the Bureau of Mines, is hereby established to determine prevailing wages for similar work in the locality of the Station for persons employed by the Government in the various trades and occupations in the construction or operation and maintenance of the Station excluding employees whose wages are fixed on an annual basis pursuant to the Classification Act of 1923, as amended, and to make recommendations with respect to such wages to the Secretary of the Interior. The representative selected from the Office of the Secretary of the Interior shall act as Chairman of the Board.

II. *Procedure To Be Followed by Board*

In determining the prevailing wages of various trades and occupations being considered by the Board in the locality of the Station, the Board shall procure evidence of the wages and compensation being paid to and perquisites received by those employed in these trades and occupations from local contractors, Federal agencies (including wage scales currently being paid pursuant to minima established pursuant to the Davis-Bacon Act), private industrial employers, and others employing labor in the locality, whether pursuant to union agreements or otherwise. Hearings for the purpose of adducing evidence of wages paid in the locality may be held when, in the judgment of the Board, this is required in order to determine the prevailing rates of wages.

Based on the evidence procured as to prevailing wages and the perquisites of employment in the locality in the classifications under consideration by the Wage Board, the Board shall make its recommendations to the Secretary of the Interior as to the rates of wages to be paid to the Government employees of the classes above specified at the Experiment Station. The wages recommended shall become effective upon the date they are approved by the Secretary of the Interior, unless otherwise directed by him: *Provided*, That the Secretary of the Interior may direct the Board to reconsider any recommendation in whole or in part when, in his judgment, the recommended wage does not accord with the evidence procured as to the prevailing wage in the locality or when there is insufficient evidence to support the wage recommended.

III. *Effective Period of Approved Wage Determinations*

Any wage rate fixed in the manner above provided shall remain in effect until that rate has been supplanted by a different rate determined by the Wage Board with the approval of the Secretary of the Interior. Unless directed by the Secretary of the Interior to do so at other intervals, the Wage Board shall review wage rates at six-month intervals, beginning with the effective date of the first schedule of wages made in accordance with the procedure herein provided: *Provided*, That the Secretary of the Interior may direct a review at any other time when, in his judgment, this is desirable.

Unless otherwise ordered, the Board shall be composed of these departmental representatives:

Duncan Campbell, selected from the Office of the Secretary of the Interior,

R. G. Knickerbocker and J. D. Secrest, selected from the Bureau of Mines.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-6899; Filed, July 20, 1942. 11:54 a. m.]

BOULDER CITY EXPERIMENT STATION WAGE BOARD

RECOMMENDATIONS TO SECRETARY OF THE INTERIOR

Pursuant to the Order of the Secretary of the Interior, dated April 30, 1942, and entitled *Wage Fixing Procedures, Bureau of Mines Experiment Station, Boulder City, Nevada*, the Wage Board has determined prevailing wage rates for certain classes of laborers and mechanics for work of a similar nature prevailing in the vicinity of the Boulder City Experiment Station.

The Board has conducted a field investigation of wage rates paid in the vicinity of the Experiment Station. Conferences were held with representatives of labor organizations and the principal employers of labor in the vicinity of the Station.

In addition to the testimony secured during the field investigation, the Wage Board has considered wage rate data included in collective bargaining agreements; decisions of the Secretary of Labor made pursuant to the Davis-Bacon Act, as amended; statements of wages paid to and benefits earned by employees of the Bureau of Power and Light, City of Los Angeles, and the Southern California Edison Company; and tabular analyses of wages and other compensation paid by the Bureau of Reclamation on the Boulder Canyon Project.

The Wage Board finds that the hourly wage rates listed below are prevailing for similar work in the vicinity of the Station, and recommends them for your adoption.

Labor classification	Prevailing hourly rate on private work	Recommended basic hourly rate for B/M employees
Armature and rotor winder	$1.25	$1.25
Ball mill operator	1.50	1.50
Blacksmith	1.37½	1.37½
Blacksmith's helper	1.00	1.00
Bricklayer	1.50	1.50
Bricklayer's helper [1]	.80	.80
Carpenter	1.25	1.25
Carpenters helper [1]	.80	.80
Cement finisher	1.50	1.50
Compressor operator	1.25	1.25
Concrete mixer operator	1.25	1.25
Crushing plant operator	1.50	1.50
Dust collector operator	1.25	1.25
Electrician	1.50	1.50
Electrician's helper	.90	.90
Electrode stripper	1.25	1.25
Electrolytic cell operator	1.50	1.50
Engineer, stationary boiler	1.50	1.50
Evaporator operator	1.50	1.50
Filter operator	1.25	1.25
Flotation plant operator	1.50	1.50
Furnace operator	1.50	1.50
General mechanic	1.50	1.50
Kiln operator	1.50	1.50
Laborer, general	.80	.80
Laborer, leadman	1.00	1.00
Laborer, special, crushing plant, electrolytic plant, flotation plant, furnace plant, leaching plant, milling plant, kiln	.90	.90
Leaching plant operator	1.50	1.50
Lead burner	1.50	1.50
Lead burner's helper	1.00	1.00
Machinist	1.50	1.50
Machinist's helper	1.00	1.00
Mechanic, air conditioner	1.50	1.50
Mechanic's helper	1.00	1.00
Motor truck driver (under 7½ tons)	.87½	.87½
Motor truck driver (7½-10 tons)	1.00	1.00
Moulder	1.50	1.50
Oiler and greaser	1.00	1.00
Painter, brush	1.25	1.25
Painter, spray	1.87½	1.87½
Painter, swing stage & structural steel	1.50	1.50
Painter's helper [1]	.80	.80
Pipefitter	1.50	1.50
Pipefitter's helper	1.00	1.00
Plumber	1.50	1.50
Plumber's helper	1.00	1.00
Power-shovel operator, light duty	1.60	1.60
Pump operator	1.12½	1.12½
Rigger	1.50	1.50
Sampler	1.25	1.25
Sheet metal worker	1.25	1.25
Sheet metal workers' helper [1]	.80	.80
Spray dryer operator	1.25	1.25
Structural steel worker	1.50	1.50
Table operator, concentrator	1.50	1.50
Welder	1.50	1.50
Welder's helper	1.00	1.00

[1] Classifications of labor thus designated not to be used for new employments.

It is the understanding of the Wage Board that Bureau of Mines employees paid in accordance with this schedule will receive overtime pay on a basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week. Refer to 40-hour week act (Sec. 23, Act of March 28, 1934; 48 Stat., 522).

No reduction in current rates. The Wage Board recommends that no present employee of the Bureau of Mines suffer a reduction in hourly wage rates as a result of the promulgation of wage changes based upon these recommendations.

Wage rates for foremen. The Wage Board finds with respect to foremen who do not work with the tools of the trade

that there is a prevailing differential between wages paid to foremen and wages paid to laborers and mechanics, namely, that foremen receive not less than twelve and one-half cents per hour in excess of the rate paid to the workers they supervise. The Wage Board recommends that the basic hourly wage rate for foremen employed by the Government at the Experiment Station be fixed at twelve and one-half cents per hour in excess of the basic hourly rate established for the classification of labor supervised.

The foregoing recommendations approved and adopted by the Boulder City Experiment Station Wage Board this tenth day of June, 1942.

DUNCAN CAMPBELL,
Chairman.
J. D. SECREST,
Member.
R. G. KNICKERBOCKER,
Member.

Approved: July 6, 1942.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-6900; Filed, July 20, 1942; 11:54 a. m.]

General Land Office.

FARMERS' BANCO, ARIZONA

REVOCATION OF TEMPORARY WITHDRAWAL OF ACCRETED LANDS

Whereas, this Department by letter of September 28, 1927, ordered a temporary withdrawal of all accreted lands in Ts. 8 and 9 S., R. 24 W., and Ts. 9 and 10 S., R. 25 W., G. & S. R. M., Arizona, which might be found to belong to the public domain pending final determination of the title to the land in the Farmers' Banco, and,

Whereas, under date of April 15, 1942, this Department was informed by the Department of Justice that no reason then existed for treating these lands differently from other lands of the United States,

Now, therefore, the Order of September 28, 1927, having served its purpose is hereby revoked, leaving the lands subject to all other withdrawals and appropriations now affecting them.

OSCAR L. CHAPMAN,
Assistant Secretary.

JUNE 18, 1942.

[F. R. Doc. 42-6870; Filed, July 20, 1942; 10:21 a. m.]

STOCK DRIVEWAY WITHDRAWAL NO. 144, WYOMING NO. 18, MODIFIED

Under the authority of section 7 of the act of June 28, 1934, as amended by the act of June 26, 1936, 48 Stat. 1272, 49 Stat. 1976, 43 U. S. C. 315f, the following-described public lands in Wyoming are hereby classified as necessary and suitable for the purpose and, under the provisions of section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, such lands, excepting any mineral deposits therein, are withdrawn from all disposal under the public-land laws and reserved for the use of the general public as an addition to Stock Driveway Withdrawal No. 144, Wyoming No. 18, subject to valid existing rights:

SIXTH PRINCIPAL MERIDIAN

T. 37 N., R. 80 W.,
Sec. 22, NE¼SE¼ and S½S½,
Sec. 23, S½;
T. 37 N., R. 81 W.,
Sec. 33, W½W½;
aggregating 680 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

And the departmental orders of withdrawal of April 20, 1921, and May 16, 1927, for stock driveway purposes are hereby revoked so far as they affect the following-described lands:

T. 37 N., R. 80 W.,
Sec. 26, S½NE¼ and NW¼,
Sec. 27, S½N½,
Sec. 28, NW¼NE¼ and S½NE¼;
T. 35 N., R. 82 W.,
Sec. 4, N½,
Sec. 5, E½NE¼,
Sec. 14, SE¼;
aggregating 1,081.19 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

JULY 7, 1942.

[F. R. Doc. 42-6872; Filed, July 20, 1942; 10:22 a. m.]

[Public Land Order 11]

OREGON

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS A CAMP SITE

By virtue of the authority vested in the President, and pursuant to Executive Order 9146 of April 24, 1942,[1] it is ordered as follows:

The public lands in the following-described areas are hereby withdrawn, subject to valid existing rights and to existing classifications and reservations for power purposes, from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as a camp site:

WILLAMETTE MERIDIAN

T. 36 S., R. 1 E.,
Secs. 27 to 34, inclusive;
T. 37 S., R. 1 E.,
Secs. 3 to 10, 15 to 18, inclusive;
T. 34 S., R. 1 W.,
Secs. 30, 31;
T. 35 S., R. 1 W.,
Secs. 6, 7;
Sec. 18, N½, SW¼, W½SE¼, NE¼SE¼;
Sec. 19, W½, W½E½;
Sec. 30, W½, W½E½;
Sec. 31, W½;
T. 36 S., R. 1 W.,
Secs. 25, 26;
Sec. 27, E½;
Sec. 34, E½;
Secs. 35, 36;
T. 37 S., R. 1 W.,
Secs. 1, 2, 11, 12, 18;
T. 34 S., R. 2 W.,
Secs. 25, 26;
Sec. 33, S½;
Sec. 34, NE¼ S½;
Secs. 35, 36;
T. 35 S., R. 2 W.,
Secs. 1 to 4, 9 to 16, 22 to 27, 34 to 36, inclusive;
T. 36 S., R. 2 W.,
Sec. 1;
Sec. 13, Lot 7.

The areas described, including both public and non-public lands, aggregate 41,152.27 acres.

This order shall take precedence over but shall not rescind or revoke, Executive Order No. 6910 of November 26, 1934, as amended, as to any of the above-described lands affected thereby.

It is intended that the lands herein described shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

HAROLD L. ICKES,
Secretary of the Interior.

JULY 8, 1942.

[F. R. Doc. 42-6871; Filed, July 20, 1942; 10:22 a. m.]

[1] 7 F.R. 3067.

DEPARTMENT OF LABOR.

Wage and Hour Division.

LUGGAGE, LEATHER GOODS, AND WOMEN'S HANDBAG INDUSTRY

HEARING ON EMPLOYMENT OF LEARNERS AT LESS THAN THE MINIMUM WAGE RATE

Whereas the Administrator of the Wage and Hour Division duly appointed Industry Committee No. 41 for the purpose of recommending to the Administrator the highest minimum wage rate (not in excess of 40 cents per hour) which will not substantially curtail employment in the Luggage, Leather Goods and Women's Handbag Industry; and

Whereas the said Committee duly filed its Report and Recommendation on February 4, 1942, to the effect that every employer shall pay not less than 40 cents per hour to each of his employees in the Luggage, Leather Goods and Women's Handbag Industry as defined in Administrative Order No. 138 dated January 10, 1942; and which recommendation was approved by the Administrator to become effective on July 27, 1942, and

Whereas Industry Committee No. 41 was unanimous in its recommendation to the Administrator that "if, after proper inquiry, the Administrator deems it advisable, he hold a hearing for the Luggage, Leather Goods and Women's Handbag Industry to consider the problem of learners."

Now, therefore, notice is hereby given of a public hearing to commence at 10:00 A. M. on August 3, 1942 in the College Room of the Hotel Astor at 44th Street

and Broadway, New York, New York, before Merle D. Vincent of the Hearings Branch of the Wage and Hour Division, hereby duly authorized as Presiding Officer to conduct said hearing, to take testimony for the purpose of determining:

(a) What, if any, occupation, or occupations in the Luggage, Leather Goods and Women's Handbag Industry require a learning period, and if any occupation is found to require a learning period;

(b) The factors which may have a bearing upon curtailment of opportunities for employment within the Luggage, Leather Goods and Women's Handbag Industry; and

(c) Under what limitation as to wages, time, number, proportion, and length of service, special certificates may be issued for the employment of learners in the Luggage, Leather Goods and Women's Handbag Industry.

At this hearing opportunity to present evidence relevant to above questions will be afforded any interested person, provided the Presiding Officer shall have received from such person, prior to noon, Saturday, August 1, 1942, a notice of intention to appear, setting forth his name and address, the company or organization which he represents, and the approximate length of time required for such presentation. Any interested party unable to appear in person may file a brief or a statement which will be considered if received by August 1, 1942.

As used in this notice, the term "Luggage, Leather Goods and Women's Handbag Industry" is defined as follows:

(a) The manufacture from any material of luggage including, but not by way of limitation, trunks, suit cases, traveling bags, brief cases, sample cases; the manufacture of instrument cases covered with leather, imitation leather, or fabric including, but not by way of limitation, portable radio cases; the manufacture of small leather goods and like articles from any material except metal; the manufacture of women's, misses', and children's handbags, pocketbooks, purses, and mesh bags from any material except metal; but not the manufacture of bodies, panels, and frames from metal, wood, fibre, or paper board for any of the above articles.

(b) The manufacture from leather, imitation leather, or fabric of cut stock and parts for any of the articles covered in section (a).

The definition of the Luggage, Leather Goods, and Women's Handbag Industry covers all occupations in the industry which are necessary to the production of the articles within the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That this definition does not include employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale.

On the close of the hearing, the Presiding Officer shall file a complete record of the proceeding with, and shall make findings of fact and recommendations to the Administrator.

Signed at New York, N. Y., this 16th day of July 1942.

WILLIAM B. GROGAN,
Acting Administrator.

[F. R. Doc. 42-6838; Filed, July 17, 1942; 1:44 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 204 and 334]

AMERICAN AIRLINES, INC.

NOTICE OF FURTHER ORAL ARGUMENT

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, under section 406 of the Civil Aeronautics Act of 1938, as amended, of American Airlines, Inc.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that further oral argument is now assigned to be held on Monday, July 27, 1942, at 10:00 o'clock a. m., (eastern war time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated, July 18, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-6883; Filed, July 20, 1942; 11:30 a. m.]

[Docket No. 335]

EASTERN AIR LINES, INC.

NOTICE OF FURTHER ORAL ARGUMENT

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith of Eastern Air Lines, Inc.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that further oral argument is hereby assigned to be held on July 24, 1942, 10 a. m. (eastern war time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated Washington, D. C., July 18, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-6887; Filed, July 20, 1942; 11:30 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration

[Docket Nos. FDC-12, FDC-29]

CREAM, NEUFCHATEL, COTTAGE, AND CREAMED COTTAGE CHEESES

DEFINITIONS AND STANDARDS OF IDENTITY

In the matter of fixing and establishing a definition and standard of identity for cream cheese (Docket No. FDC-12); in the matter of fixing and establishing definitions and standards of identity for neufchatel cheese, cottage cheese, and creamed cottage cheese (Docket No. FDC-29).

Proposed Order

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 (e); 52 Stat. 1046, 1055; 21 U.S.C. 341, 371 (e), 1940 ed.); the Reorganization Act of 1939 ([53 Stat. 561 ff.; 5 U.S.C. 133-133v (Supp. V, 1939)); and Reorganization Plans No. I (53 Stat. 1423) and No. IV (54 Stat. 1234); and upon the basis of evidence of record at the above-entitled hearings duly held pursuant to the notices issued respectively on August 18, 1939 (4 F.R. 3683) and on January 6, 1941 (6 F.R. 679), the following order be made:

Findings of Fact[1]

Finding 1. There are produced and marketed various cheeses of the class of soft uncured cheeses which have similar characteristics but which are separate and distinct identities. R. pp. 63, 93-94, 138-157, 232-234, 659-661, 675, 679-683, 741-744, 924-925, 1988-1991, 2018-2020, 2271, 2711-2712; U. S. Dept. Agri. Bulletins Nos. 608-669)

Finding 2. The organoleptic characteristics, that is, the appearance, smell, feel, and taste, serve in general to distinguish each of such soft uncured cheeses from the others. (R. pp. 138-140, 148-149, 232-233, 246, 659-662, 681-682, 703-704, 924-925, 940, 1228-1229, 1258, 1359, 1463, 1625, 1732-1733, 1735-1736, 1787, 1917-1918, 1944-1945, 1967-1969, 2017-2020, 2271, 2712)

Finding 3. The basic constituents of each such cheese are the same, namely, the coagulated proteins of milk, a portion of the soluble nonfat milk solids, and widely varying proportions of water and

[1] The above-entitled hearings having been consolidated for the purpose of considering the identities of the several kinds of cheeses which were the subject of said hearings on the basis of all the evidence of record at both hearings (R. p. 1218), the findings of fact are based upon all such evidence of record. The page references to certain relevant portions of the record are for the convenience of the reader; however, the findings of fact are not based solely on that portion of the record to which reference is made but on consideration of all the evidence of record.

milk fat. (R. pp. 1839, 1917–1918, 1951–1952, 2206, 2321; U. S. Dept. Agri. Bulletins Nos. 608 and 896)

Finding 4. The proportions in which these basic constituents are present in a soft uncured cheese determine, to a large extent, the organoleptic characteristics on the basis of which it is distinguished from other kinds of cheeses. (R. pp. 93–94, 246, 260–261, 272, 680–682, 746, 1376, 1640–1641, 1656, 1674, 1681, 1684, 1686–1687, 1813–1814, 1917–1920, 1926–1927, 1935–1938, 1940, 1969–1970, 1982–1983, 1985–1986, 1988, 2030–2034, 2075–2076, 2271)

Finding 5. The percentage of milk fat present in the dairy product from which such soft uncurred cheese is made is one of the important factors which determine the composition of the finished cheese. (R. pp. 148–149, 704, 1229, 1375–1376, 1433–1434, 1586–1587, 1669, 1673, 1819, 1919, 2178–2183; O. P. Ex. 141, 2192–2193, 2246–2248)

Finding 6. The desired percentage of fat in the dairy product from which a soft uncured cheese is made may be obtained by "adjustment" when necessary, that is, by adding skim milk, milk, or cream as may be required to raise or lower the fat content of the starting material to the desired percentage. The starting material, after adjustment when necessary, is generally referred to as the "starting mix" or "mix." (R. pp. 234, 1407–1408, 1432–1434, 1750, 2178–2183)

Finding 7. The proportions in which the basic constituents are present in a soft uncured cheese are determined by the composition of the starting mix used and the method of manufacture employed. (R. pp. 232–234, 680–682, 704, 1226–1728, 1750, 1775–1776, 2178–2183; O. P. Ex. 141)

Finding 8. The growth of certain bacteria usually present in raw milk may, and frequently does, contribute objectionable odors and flavors to a soft uncured cheese, that is, flavors and odors not normally associated with that type of cheese. The development of such flavors and odors is avoided and the desired flavor and odor characteristic of such soft uncured cheese is obtained by pasteurizing the starting mix from which such cheese is made and then inoculating it with a culture of harmless lactic-acid-producing bacteria, usually called "starter", selected on the basis of their ability to produce the desired characteristic flavor and odor. (R. pp. 29, 141, 155, 183, 189, 234, 731, 1747–1748, 1893–1894, 2034, 2598–2599, 2742–2745)

Finding 9. Basically, the process by which soft uncured cheeses are made consists of pasteurizing the starting mix, adding starter, holding the mix at a suitable temperature for developing acidity and coagulating the curd, and draining the whey from the curd. A small quantity of rennet is sometimes added to produce a firmer curd. The curd is usually seasoned with salt. (R. pp. 29–30, 93, 141–142, 234–238, 235–237, 248, 668, 680, 704, 731, 774, 779, 801, 1743–1744, 1748, 1890, 2030, 2577–2578, 2716–2717, 2733, 2752, 2788–2789)

Finding 10. The food commonly or usually known as cream cheese is one of the several soft uncured cheeses. (R. pp. 63, 139, 230, 232, 660–661, 683, 743, 770, 1917)

Finding 11. Cream cheese, made basically as stated in finding 9, is made from cream, with or without added milk or skim milk or both. The fat content of the starting mix varies from about 10 to about 20 percent by weight, depending on the proportions of fat and water desired in the finished cream cheese. The starting mix is usually homogenized. The separation of the curd and the whey is sometimes facilitated by warming. Pressure is sometimes applied to facilitate drainage of whey, and the curd is sometimes chilled. (R. pp. 28–29, 141, 155, 234, 984, 1612, 1668, 1684, 1702, 1714, 1920 (a), 2179, 2203, 2248)

Finding 12. All finished cream cheese leaks water to some extent. (R. pp. 75, 226, 259, 884–885, 1594)

Finding 13. Any noticeable leakage of water from cream cheese is undesirable as it renders the cheese unattractive and creates merchandising problems. (R. pp. 153, 193, 227, 259, 270, 273, 277, 351, 373–374, 885, 984–985)

Finding 14. About 1927 it was discovered that the addition of small quantities of harmless vegetable gum in the preparation of cream cheese would prevent noticeable leakage of water, and such gum was first used and is today used by some manufacturers solely for this purpose. (R. pp. 193, 226, 374, 626, 752, 754–755, 790, 799, 819–821, 833–834, 884, 1358, 1593, 1620–1621, 2323–2325)

Finding 15. The vegetable gums most commonly used in the preparation of cream cheese for the purpose of preventing excessive leakage of water are carob or locust bean gum, karaya gum, and tragacanth gum. (R. pp. 31, 153, 239, 774–775, 790–791, 821, 1360, 1595–1596, 1798–1799)

Finding 16. Gelatin and algin (sodium alginate) will also prevent such leakage, and they are sometimes used for such purpose in the preparation of cream cheese. (R. pp. 31, 45, 68, 76, 142, 154, 209, 240, 244, 2036–2059; O. P. Ex. No. 7)

Finding 17. The amount of gum, gelatin, or algin, or any mixture of two or more of these, as the case may be, necessary for such purpose does not exceed 0.5 percent by weight of the finished cream cheese. (R. pp. 206–207, 885, 984, 1027, 1624, 1993, 2036–2059; O. P. Ex. No. 7)

Finding 18. Because the nondairy substances vegetable gum, gelatin, and algin have come into use as optional ingredients in soft uncured cheeses comparatively recently, consumers are not generally familiar with the fact that they are so used and normally do not expect such substances to be present in soft uncured cheeses. (R. pp. 46, 655, 772, 779, 861–862)

Finding 19. Traditionally, cream cheese has been a relatively high-fat, low-moisture soft uncured cheese and most of the product marketed today as cream cheese contains from 35 to 40 percent or more of fat and from 55 to 50 percent or less of moisture. (R. pp. 1053, 1230, 1617, 1619, 1929, 2097–2098, 2108, 2179, 2181; Govt. Ex.'s Nos. 2 and 4)

Finding 20. In good commercial practice the percentages of fat and moisture in the finished cream cheese vary as much as 2 percent above or below the percentages which the manufacturer desires to obtain in the finished product. (R. pp. 1367–1368, 1484–1485, 1561, 1670–1673, 1729–1730, 1775, 1914–1915, 2001–2002, 2093, 2098–2100, 2179–2180, 2185–2186)

Finding 21. The appearance, smell, feel, and taste of cream cheese become less characteristic of that product as the fat content is lowered and the moisture content is correspondingly raised. The line of demarcation is not clearly fixed, but when the fat is less than about 33 percent and the moisture is more than about 55 percent, the finished product (unless subjected to the hot-pack process hereinafter described) commences to acquire characteristics of appearance, smell, feel, and taste closely related to but different from those of cream cheese. (R. pp. 265–267, 746, 799–800, 1599–1600, 1607, 1619, 1700, 1732, 1935–1938, 1982–1984, 2249–2250)

Finding 22. With all due allowances made for the variations in the fat and moisture content referred to in finding 20, a reasonable minimum limit for the fat content of the finished cream cheese is 33 percent, and a reasonable maximum limit for the moisture content is 55 percent. (R. pp. 1325–1326, 1498, 1617, 1619, 1647–1648, 1679–1680, 1700, 1780, 1792, 2097–2098, 2179–2181)

Finding 23. Following the discovery that the use of gum in cream cheese would prevent excessive leakage of moisture, it became the practice of some manufacturers to heat the gum together with the curd, and to disperse it in the curd usually by homogenization. This modification became known as the "hot-pack" process and, to distinguish the process followed prior to such modification, the earlier process became known as the "cold-pack" process. (R. pp. 30–31, 74–76, 79, 138, 142–143, 238–245, 790, 834–835, 1225, 1248–1249, 1349–1351, 1355–1358, 1642)

Finding 24. By subjecting the gum-containing curd to the hot-pack process, it was possible to produce a finished product containing a substantially higher percentage of moisture and a correspondingly lower percentage of fat than the product which had been manufactured and marketed as cream cheese prior to discovery of the hot-pack process. (R. pp. 74–76, 142–143, 238–239, 268–270, 280–282, 834–835, 1264, 1593–1594, 1620–1621, 1639, 1823, 2181–2183, 2260)

Finding 25. Most of the soft uncured cheese made by the hot-pack process which is marketed today contains from about 23 percent to about 30 percent of fat and from about 60 percent to about 65 percent of moisture. (R. pp. 289, 295, 335, 337, 346, 350, 361, 372, 588, 621, 653, 672, 718–719, 766, 792–793, 798, 880, 907–908, 927, 930, 954, 1012, 1230, 1234, 1296, 1300–1302, 1322–1323, 1498, 1579, 1617, 1619, 1640–1641, 1644, 1781, 1788–1789, 1792, 1802, 1832, 1856–1857, 1933–1934, 2069–2071; Govt. Ex.'s Nos. 2 and 4)

Finding 26. The desired percentage of fat and moisture in soft uncured cheese made by the hot-pack process may be obtained by adjustment through adding to the curd appropriate quantities of cream, milk, skim milk, or any mixture of two or all of these, before the curd is heated and homogenized. (R. pp. 1356–1358, 1452–1453, 1457, 1459, 1607, 1649, 1660, 1726–1728, 1738, 1805–1807, 1915–1917, 1920 (a), 2000–2002, 2246–2248)

Finding 27. A low-fat, high-moisture soft uncured cheese made by the hot-pack process cannot be readily distinguished from cream cheese by the ordinary purchaser. (R. pp. 46–47, 75, 80, 82, 156–157, 245, 260–261, 268, 317–318, 358, 383–384, 653, 1043, 1264, 1339, 1498, 1499–1510, 1526, 1921–1922, 1970, 1991, 2066)

Finding 28. Such cheese has from the beginning and is today distinguished by manufacturers, wholesalers, and retailers by such qualifying words as "low test", "cheap", "second grade", "No. 2", "hot-pack", and often by some arbitrary brand name. (R. pp. 288, 295, 337, 361, 386, 538, 663, 744, 930, 951, 1224–1225, 1248, 1271–1273, 1282, 1310, 1347–1351, 1425–1427, 1440–1441, 1497–1498, 1613, 1790, 1831–1832, 1930, 1935, 2105)

Finding 29. Such cheese was produced by some of the smaller manufacturers to enable them to compete profitably with large manufacturers of cream cheese. The competitive situation thus created led to the production, in some quantity at least, of the low-fat, high-moisture product by all or substantially all manufacturers of cream cheese. (R. pp. 288–291, 306, 330, 335, 348, 352, 386–387, 588, 601, 613, 656, 718, 737, 767, 896, 946, 964, 981–983, 989, 1012, 1230, 1249–1250, 1310, 1930, 2110, 2206–2207)

Finding 30. The manufacturing cost of soft uncured cheese is determined primarily by the fat content in the finished cheese. Low-fat, high-moisture cheese is therefore less expensive than cream cheese, and manufacturers usually sell it to distributors and retailers at a lower price than that of cream cheese. (R. pp. 272, 949, 1225–1227; 1241–1242, 1388–1390, 1426, 1437–1438, 1528, 2027–2028, 2254; Govt. Ex.'s Nos. 4 to 10, incl.; O. P.'s Ex. No. 15)

Finding 31. Retailers frequently sell the low-fat, high-moisture soft uncured cheese to consumers at the price of cream cheese and sometimes even at higher prices. There is no uniform differentiation between the two cheeses on the basis of retail prices. (R. pp. 1609, 2137, 2216; Govt. Ex.'s Nos. 4 to 10, incl.; O. P.'s Ex. No. 15)

Finding 32. The low-fat, high-moisture soft uncured cheese is not known to consumers by any of the designations whereby manufacturers, wholesalers, and retailers distinguish it from cream cheese because it has been sold to them under the name "cream cheese"; consumers generally do not know that kind of cheese by any other name. (R. pp. 28, 312–313, 345, 354–355, 378, 611, 778, 815, 861, 863, 946, 951, 979, 1020, 1037–1038, 1234, 1245, 1339, 1588–1589, 1783, 1791, 2105)

Finding 33. In the administration of the Federal Food and Drugs Act of June 30, 1906, the Secretary of Agriculture promulgated the following standard of identity for cream cheese:

> Cream cheese is the unripened cheese made by the Neufchatel process from whole milk enriched with cream. It contains, in the water-free substance, not less than sixty-five percent (65%) of milk fat.

This standard was advisory in character and did not have the force and effect of law. (R. pp. 21–23, 2320–2325)

Finding 34. When such advisory standard was promulgated, the hot-pack process was not known and such treatment of cream cheese was not then contemplated. (R. pp. 2320–2325)

Finding 35. The ratio of fat to non-fat solids prescribed by such advisory standard limited the composition of cream cheese fairly satisfactorily as long as it was manufactured by the cold-pack process and without gum, because leakage limited the amount of moisture which could be incorporated in such cheese. (R. pp. 2320–2325)

Finding 36. When excess moisture is held in the cheese by use of the hot-pack process, such advisory standard is ineffective because it does not limit the moisture content of the product. (R. pp. 181–182, 217, 1993, 2320–2325)

Finding 37. Although such low-fat, high-moisture soft uncured cheese made by the hot-pack process simulates cream cheese in appearance and texture, the composition of such finished cheese is more nearly like the composition of neufchatel cheese. (R. pp. 1683–1687, 1700–1701, 1706–1707, 2197–2207)

Finding 38. The soft uncured cheese made from whole milk by the process described generally in finding 9 is commonly or usually known as neufchatel cheese. Although it is not made in substantial quantities at the present time, it is defined in Webster's dictionary and by experts as a cheese made from sweet milk with or without cream. Neufchatel cheese is made by the cold-pack process, but there are no technical difficulties in applying the hot-pack process to the curd so produced. (R. pp. 1683–1686, 1705, 1713, 1737, 1922–1927. 2088, 2167, 2173, 2267–2271)

Finding 39. Neufchatel cheese has traditionally contained a percentage of fat within the range next lower than that of cream cheese and a percentage of moisture within the range next higher than that of cream cheese. Prior to the development of the hot-pack process, it was the only soft uncured cheese with fat and moisture contents falling within such ranges. (R. pp. 1683–1687, 1927–1929, 2197–2207)

Finding 40. When the usual method of manufacture is employed, neufchatel cheese contains a minimum of about 20 percent of fat and a maximum of about 65 percent of moisture. (R. pp. 1684, 1688, 1928–1929, 2197–2206, 2279)

Finding 41. Prior to about 1920, a very substantial volume of neufchatel cheese was marketed. However, the volume of sales of this product gradually declined and since about 1925 practically no neufchatel cheese has been marketed, and today only one manufacturer is known to market a soft uncured cheese under that name. Commencing about 1916 it became the practice of manufacturers, for competitive reasons, to progressively lower the fat content and increase the moisture content of the product, so that by about 1920 most of it was made from partly skimmed milk but continued to be sold as neufchatel cheese. The result of this practice was a progressively inferior or "cheaper" product. Consumer demand for it declined until its manufacture was virtually discontinued. (R. pp. 1684–1686, 1922–1926)

Finding 42. The food commonly or usually known as cottage cheese is one of the several soft uncured cheeses. (R. pp. 1710–1711, 1742, 2711–2712, 2714)

Finding 43. Cottage cheese is made from skimmed milk, the process being, basically, that described in finding 9. The percentage of milk fat contained in the starting mix varies from traces to something less than 1½ percent. The separation of the curd and whey is facilitated by warming or cutting or both; the curd is drained and is sometimes washed with water during or after draining, followed by further draining; after draining, the curd is sometimes chilled, or pressed, or both. (R. pp. 1740, 1872-1873, 1910, 2012, 2577–2578)

Finding 44. The extent of the warming and draining, and also whether rennet is used of not, and whether the curd is washed or unwashed, chilled or unchilled, cut or uncut, pressed or not, during the process of manufacture, are all factors which affect the physical form of the finished cottage cheese, so that such cheese is sometimes of a relatively granular or crumbly form, or of a relatively smooth texture, or in the form of flakes; and in some forms it may be dryer than in others. But all such differences are merely minor differences in the same kind of cheese. (R. pp. 1873, 2012, 2577–2578, 2584, 2588–2590, 2605–2606, 2627, 2638–2639, 2690–2691, 2708–2712, 2726–2727, 2764–2788)

Finding 45. The choice of a particular texture in cottage cheese is determined by the intended use of the cheese. In some localities it is customary to distinguish between textures of cottage cheese by such descriptive words as "bakers", "pot", "cup", "hoop", "block", "dry", "pressed", "popcorn", "flake", but the meaning of such words is not uniform. Such a descriptive word which identifies cottage cheese of a particular texture in one locality may identify such cheese of a different texture in another locality. (R. pp. 2584–2587, 2606, 2638–2639, 2690–2691, 2708–2712, 2721–2722, 2726–2727, 2730, 2764–2769, 2775–2788; O. P. Ex. 11)

Finding 46. Most cottage cheese marketed contains less than 80 percent of moisture, and a limitation of moisture in cottage cheese to not more than 80 percent is a reasonable limit. (R. pp. 1739–1740, 1871–1872, 2005, 2588–2589, 2649, 2655–2657, 2676–2677; O. P. Ex. 11)

Finding 47. The calcium content of milk varies, the amount present depend-

ing on such factors as seasons, geographical locations, the kind of feed fed to the cows, and perhaps others. (R. pp. 1874–1877, 1906–1907, 2003)

Finding 48. When cottage cheese is made from skim milk deficient in calcium, the curd is too soft and "mushy" to give the finished cheese the desired characteristic texture. (R. pp. 1874–1877, 2003–2004, 2015)

Finding 49. Calcium deficiency in skim milk from which cottage cheese is made is corrected by adding calcium chloride to the starting mix. (R. pp. 1751, 1874–1877, 2003, 2015, 2600, 2677, 2716)

Finding 50. The maximum calcium chloride required to correct any likely calcium deficiency in skim milk is never in excess of 0.02 percent by weight of the starting mix. (R. pp. 1875–1877, 1894–1895, 2003, 2654–2655, 2677–2678)

Finding 51. The food commonly or usually known as creamed cottage cheese is one of the several soft uncured cheeses. (R. pp. 1740, 2005, 2577–2579, 2649)

Finding 52. Creamed cottage cheese is cottage cheese which has been creamed by adding thereto and admixing therewith sweet cream, or a mixture of sweet cream and sweet milk or sweet skim milk or both. The cottage cheese ordinarily used for making creamed cottage cheese contains from fractions up to about 1 percent of milk fat. Creamed cottage cheese contains in excess of 4 percent of milk fat. The cream or the mixture of cream and milk or skim milk or both which is added to cottage cheese is the principal source of milk fat in creamed cottage cheese. Such cream or such mixture, as the case may be, is added in such quantity that the fat derived from this source is not less than 4 percent by weight of the finished creamed cottage cheese. (R. pp. 1740–1746, 1749–1750, 1877–1881, 1883–1885, 1888, 1899–1900, 1904–1906, 2017–2018, 2022–2023, 2579, 2593–2594, 2601–2603, 2753–2755, 2761; Govt. Ex. 13)

Finding 53. Some manufacturers have added gelatin to cottage cheese and to creamed cottage cheese. The addition of gelatin to such products does not affect the preparation of the curd, but it eliminates the "watery" appearance of the curd and gives it a glossy appearance, and gives the impression that the finished product is richer or higher in butterfat than it actually is. (R. pp. 2006–2009, 2024–2027, 2579–2580, 2595, 2652–2654, 2725)

Finding 54. Most of the soft uncured cheese marketed as creamed cottage cheese contains not more than 80 percent of moisture, which is a reasonable limit for moisture in creamed cottage cheese. (R. pp. 1877–1879, 2017, 2649–2650, 2655–2657, 2680–2681, 2687; O.P. Ex. 11)

Finding 55. The amount of moisture and the amount of milk fat contained in each of the cheeses heretofore described can be accurately determined by the methods of analysis for cheese described in the publication entitled "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940: the moisture content under the heading "Moisture—Official", on page 301, and the milk fat content under the heading "Fat—Official", on page 302. Such methods are well-known to, and recognized by, food chemists and the publication referred to is a publication well-known and readily available to food chemists. (R. p. 152)

Finding 56. The milk used in the manufacture of any soft uncured cheese is sweet milk of cows, and the skim milk so used is such cows' milk from which the fat has been separated. (R. pp. 1745, 1897, 1911–1912, 2590–2596)

Finding 57. There is a kind of soft uncured cheese which, according to some testimony, appears to be made by a process slightly different from the process employed in making cottage cheese. Its minimum fat content is somewhere within the range of 10 to 12 percent, but this kind of cheese contains less fat than neufchatel cheese. This kind of cheese differs in identity from cottage cheese, from creamed cottage cheese, and from neufchatel cheese. Most soft uncured cheese of this composition has been sold under the designation "farmer cheese". There is evidence of record that a designation of this product by the term "farmer cheese" would be misleading to consumers. (R. pp. 2012–2013, 2019–2021, 2620–2621, 2624–2626, 2628–2629, 2635–2637, 2659–2666, 2697–2703, 2763, 2767–2770, 2785; Govt. Ex. 13)

Finding 58. Soft uncured cheeses, like milk, cream, and most other dairy products, are comparatively perishable. The principal causes of spoilage are microorganisms, including bacteria, yeasts, and molds. (R. pp. 69–71, 404–407A, 410–415, 417–418, 428–439, 442, 454, 456, 459, 476, 479–480, 490, 498, 521, 835, 862, 2010, 2018)

Finding 59. The length of time during which soft uncured cheeses remain fit for use depends on the rate of the development of microorganisms, and the rate of such development depends on such factors as the sanitary quality of the raw material from which such cheeses are made, the sanitary precautions taken during the process of manufacture, packaging, and distribution, the method of packaging, and the efficiency of refrigeration during storage and distribution. When cream cheese and the low-test, high-moisture product which has been sold as such are prepared from raw materials of reasonable sanitary quality and when reasonable precautions as to sanitation and refrigeration are taken in manufacturing, packaging, and distribution, such cheeses remain free from spoilage for a period of from about two to three weeks, except when the finished curd is subjected to the hot-pack process this period may be somewhat longer. The same is true of cottage cheese and creamed cottage cheese, except that they do not remain free from spoilage for so long a period. (R. pp. 69–70, 417–418, 437, 442A–443A, 456, 465, 665–667, 710–714)

Finding 60. Bacterial growth will eventually cause soft uncured cheeses to spoil irrespective and independent of yeast and mold development. Such growth commences immediately after or even during the manufacture of the products and, as it progresses, the cheeses deteriorate until they become unfit for use. (R. pp. 428–438, 452–454, 490, 1108)

Finding 61. Yeast growth in soft uncured cheeses will result in objectionable or "off" flavors. Such off flavors make the cheeses unfit for use, but they ordinarily do not develop until about the time that the cheeses become spoiled from bacterial or mold development. The length of the period from the time of manufacture until such off flavors develop depends largely on the extent of the yeast spore contamination of such products during the process of manufacture. However, the character of the yeast spore is such that excessive contamination of soft uncured cheese made from a pasteurized starting material can be avoided by observing proper sanitary precautions. (R. pp. 69–70, 442A–443A, 456, 498, 500–502, 527, 665–667, 807–808)

Finding 62. It is difficult to prevent the development of mold on soft uncured cheeses. Contamination with mold sphores during the process of manufacture cannot be entirely avoided. The rate and extent of mold development increase with increasing degrees of contamination, such as are likely to occur when the products are cut into small pieces and wrapped by hand, and with increases in the moisture content of the products. However, when rigid precautions as to sanitation and refrigeration are taken (such as should be taken with respect to relatively perishable foods and which are taken in the manufacture of most soft uncured cheese), visible mold seldom develops during the period that the cheeses remain otherwise fit for consumption. When the precautions are not so rigid, visible mold may develop anywhere from 1 to 5 days prior to the time when the cheeses become otherwise unfit for consumption. (R. pp. 69–70, 308, 404–407, 415–416, 442A–443A, 456–457, 459, 463–466, 482–483, 497–498, 500–502, 505–512, 581–582, 665–667, 684–685, 699, 758–759, 761–762, 794–795, 809)

Finding 63. Consumers know that soft uncured cheeses are relatively perishable and therefore consumers usually purchase such products in small quantities and consume them before they become unfit for use by reason of the development of microorganisms. (R. pp. 278, 712–713, 862–863)

Finding 64. Comparatively recently about 10 manufacturers have added one or the other of the chemical substances sodium propionate and calcium propionate to some of their soft uncured cheeses for the purpose of retarding the development of yeast and mold in such products. (R. pp. 302–303, 308–310, 365, 368–369, 419–421, 438, 455, 464, 501–503, 570–571, 665–667, 780, 1034, 1113–1115, 2795)

Finding 65. Sodium propionate and calcium propionate have undesirable characteristic flavors. When sodium propionate or calcium propionate is used in soft uncured cheese in the usual quantity of 0.15 percent (the quantity recommended by the advocates of propionates), the characteristic flavor is not

readily noticeable in the product. In the quantity of 0.2 percent the flavor is definitely noticeable. (R. pp. 442–443, 483–485, 542, 548, 796, 811–812)

Finding 66. The evidence does not establish (1) a need for the use of propionates to inhibit or otherwise control the development of microorganisms in soft uncured cheeses; (2) that purchasers or consumers of such cheeses which are of good merchandisable quality at the time of sale, suffer loss by reason of failure to consume the product before the development of yeast or mold; (3) that, upon the assumption that the use of propionates would extend the commercial life of such cheeses by from 1 to 4 days and reduce the volume of returns to manufacturers because of excess yeast and mold development, consumers would derive any subsantial benefit from such extension; and (4) the scope and extent of the inhibitory effect of propionates on the various microorganisms present in soft uncured cheeses, such as whether all mold or only certain kinds, are retarded; whether th development of yeasts is retarded; and the effect upon bacteria, including lactic-acid-forming bacteria. The experiments and market survey which constitute, primarily, the basis for the testimony relating to the effect of propionates do not take account of the material factor of the degree of contamination by mold, yeast, and other microorganisms of the samples involved, or of such other material factors as the age and method of storing and handling of most of such samples; the experiments were not scientifically controlled, and were preliminary in character.

Finding 67. One manufacturer has occasionally added vitamin D to cream cheese (R. pp. 1051–1952, 1087–1090), but the record fails to establish that cream cheese is a suitable carrier for vitamin D or that there is a need for the addition of this ingredient to cream cheese.

On the basis of the foregoing findings of fact, it is found and concluded that:

(1) It would not promote honesty and fair dealing in the interest of consumers to establish a definition and standard of identity for low-fat, high-moisture soft uncured cheese made by the hot-pack process, under the name "cream cheese" or a name which includes the words "cream cheese".

(2) It will promote honesty and fair dealing in the interest of consumers to establish a definition and standard of identity for such low-fat, high-moisture cheese under the name "neufchatel cheese".

(3) The evidence does not provide an adequate basis for determination that it would promote honesty and fair dealing in the interest of consumers to establish a definition and standard of identity under the name "farmer cheese" for the soft uncured cheese sometimes sold under that name.

(4) It will not promote honest and fair dealing in the interest of consumers to include gelatin as an ingredient in cottage cheese and in creamed cottage cheese.

(5) The evidence does not provide an adequate basis for a determination that the inclusion as optional ingredients in soft uncured cheese of sodium propionate, calcium propionate, and vitamin D would promote honesty and fair dealing in the interest of consumers.

(6) Promulgation of the regulations hereinafter prescribed, fixing and establishing definitions and standards of identity for cream cheese, neufchatel cheese, cottage cheese, and creamed cottage cheese, will promote honesty and fair dealing in the interest of consumers.

Wherefore each of the following regulations is hereby promulgated:

§ 19.515 *Cream cheese—identity; label statement of optional ingredients.* (a) Cream cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished cream cheese contains not less than 33 percent of milk fat and not more than 55 percent of moisture, as determined, respectively, by the methods prescribed under "Fat—Official" on page 302 and under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940.

(b) (1) Cream or a mixture of cream with milk or skim milk or both is pasteurized and may be homogenized. To such cream or mixture harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without added cream or milk or skim milk or any mixture of two or all of these, until it becomes fluid and it may then be homogenized or otherwise mixed.

(2) In the preparation of cream cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, or algin may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished cream cheese.

(3) For the purposes of this section milk means sweet milk of cows and skim milk means milk from which the milk fat has been separated.

(c) When an optional ingredient listed in paragraph (b) (2) is present in cream cheese, the label shall bear the statement "_____ Added" or "With Added _____", the blank being filled in with the word or words "Vegetable Gum" or "Gelatin" or "Algin" or any combination of two or all of these, as the case may be. Wherever the name "Cream Cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.520 *Neufchatel cheese—identity; label statement of optional ingredients.* (a) Neufchatel cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished neufchatel cheese contains not less than 20 percent but less than 33 percent of milk fat and not more than 65 percent of moisture, as determined, respectively, by the methods prescribed under "Fat—Official" on page 302 and under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940.

(b) (1) Milk or a mixture of cream with milk or skim milk or both is pasteurized and may be homogenized. To such milk or mixture harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without added cream or milk or skim milk or any mixture of two or all of these, until it becomes fluid and it may then be homogenized or otherwise mixed.

(2) In the preparation of neufchatel cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, or algin may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished neufchatel cheese.

(3) For the purposes of this section milk means sweet milk of cows and skim milk means milk from which the milk fat has been separated.

(c) When an optional ingredient listed in paragraph (b) (2) of this section is present in neufchatel cheese, the label shall bear the statement "_____ Added" or "With Added_____", the blank being filled in with the word or words "Vegetable Gum" or "Gelatin" or "Algin" or any combination of two or all of these, as the case may be. Wherever the name "Neufchatel Cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.525 *Cottage cheese—identity.* (a) Cottage cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished cottage cheese contains not more than 80 percent of moisture, as determined by the method prescribed under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940.

(b) (1) Sweet skim milk is pasteurized; calcium chloride may be added in a quantity not more than 0.02 percent (calcu-

lated as anhydrous calcium chloride) of the weight of such skim milk; harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained. The curd may be washed with water and further drained; it may be pressed, chilled, worked, seasoned with salt.

(2) For the purposes of this section skim milk means the milk of cows from which the milk fat has been separated.

§ 19.530 *Creamed cottage cheese—identity.* (a) Creamed cottage cheese is the soft uncured cheese prepared by mixing cottage cheese with pasteurized cream or a pasteurized mixture of cream with milk or skim milk or both. Such cream or mixture is used in such quantity that the milk fat added thereby is not less than 4 percent by weight of the finished creamed cottage cheese. The finished creamed cottage cheese contains not more than 80 percent of moisture as determined by the method prescribed under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940.

For the purposes of this section milk means sweet milk of cows and skim milk means milk from which the milk fat has been separated.

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

[SEAL] WATSON B. MILLER,
Acting Federal Security Administrator.

JULY 17, 1942.

[F. R. Doc. 42-6855; Filed, July 18, 1942; 10:31 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4327]

CLARA STANTON, DRUGGIST TO WOMEN

ORDER CORRECTING COMMISSION'S FINDINGS AS TO THE FACTS

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of July, A. D. 1942.

In the matter of Clara Stanton, an individual, trading as Clara Stanton, Druggist to Women.

This matter coming on this day for consideration by the Commission, and it appearing that in Paragraph Four of the findings as to the facts entered herein on November 18, 1941, Calcium Carbide is listed as an ingredient of respondent's preparation, "Anti-Fat Tablets", and it further appearing that the ingredient is in fact, as the record shows and the Commission found, Calcium Carbonate and not Calcium Carbide, and the listing of the ingredient as the latter substance was inadvertent error, and the Commission having duly considered the matter and being now fully advised in the premises;

It is ordered, That Paragraph Four of the findings as to the facts entered herein on November 18, 1941, be, and the same hereby is, corrected and amended *nunc pro tunc* by striking the word "Carbide" immediately following the word "Calcium", and by inserting in lieu thereof the word "Carbonate", so that the entire line as corrected and amended reads "Calcium Carbonate ⅛ gr."

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-6877; Filed, July 20, 1942; 11:01 a. m.]

OFFICE OF PRICE ADMINISTRATION.

DURHAM TIRE EXCHANGE

SUSPENSION ORDER

Suspension Order No. 2 under Revised Tire Rationing Regulations[1] restricting transactions by B. D. Farthing, Eugene Neuwirth, and the Durham Tire Exchange.

B. D. Farthing and Eugene Neuwirth, individually, and as copartners doing business as Durham Tire Exchange, 126 Morgan Street, Durham, North Carolina, hereinafter called respondents, are engaged in recapping and retreading tires and are subject to the provisions of the Revised Tire Rationing Regulations, dated February 19, 1942, issued by the Office of Price Administration. A notice of hearing was duly served on respondents, stating specifically that respondents were charged with having made false and unlawful representations to the Office of Price Administration in an application for authorization to purchase camelback. Pursuant to said notice a hearing upon this charge was held on May 11, 1942, in Durham, North Carolina, at which time and place there appeared a representative of the Atlanta Regional Office of the Office of Price Administration and respondents. Both parties presented their evidence pertaining to such charge before a duly authorized presiding officer. Such evidence having been duly considered by the Deputy Administrator,

It is hereby determined:

That respondents on February 24, 1942, wilfully violated the said Revised Tire Rationing Regulations by falsely stating in said application for authorization to purchase camelback, the number of molds or curing tables owned, controlled or operated by said Durham Tire Exchange which were capable of retreading a tire 7.50–20 or larger. Because of the violation committed by respondents as aforesaid, camelback has been diverted from primary defense needs to non-essential uses.

It is the judgment of the Deputy Administrator that such violation by respondents contributed to the shortage in the supply of this essential material for defense, for private account, or for export, and that a continuance of the situation resulting from such violation or a repetition of such violation will result in an increased shortage in the supply of this critical material. Therefore, in order properly to allocate such materials in a manner necessary and appropriate in the public interest, and to promote national defense, it is hereby ordered:

(a) Within ten (10) days after the effective date of this Suspension Order No. 2 respondents, their successors or assigns, shall transfer twenty-two hundred (2,200) pounds of camelback to the Gate City Motor Company, Greensboro, North Carolina, or to the United States Rubber Company. Such transfer shall be made in the manner authorized by § 1315.803 (d) (1) of the Revised Tire Rationing Regulations, and shall be for a consideration not to exceed the amount paid by respondents for the twenty-two hundred (2,200) pounds of camelback delivered to respondents in March, 1942 on the authorization of the certificate issued to respondents pursuant to the application therefor falsely made as aforesaid, and not to exceed the maximum prices for said camelback as set forth in Maximum Price Regulation No. 131, issued by the Office of Price Administration April 28, 1942, whichever is the lower. The camelback to be delivered by respondents, their successors or assigns, pursuant to this Suspension Order No. 2 shall be as nearly as possible of the same sizes, types, gauges and qualities and in the same amounts of each thereof as were delivered to respondents in March, 1942 by the Gate City Motor Company as aforesaid. If respondents, their successors or assigns, at the time this order becomes effective do not have under their control and cannot transfer twenty-two hundred (2,200) pounds of camelback as ordered herein they shall nevertheless transfer camelback as ordered herein in such amounts as they are able. Respondents, their successors or assigns, shall exhibit to Philip Weltner, Regional Attorney, Office of Price Administration, Candler Building, Peachtree Street, Atlanta, Georgia, within said ten (10) days after the effective date of this Suspension Order No. 2, satisfactory evidence of such transfer of camelback, and in addition shall surrender to said Philip Weltner, Regional Attorney, such replenishment portions of certificates and receipts as would, but for this order, authorize them to purchase under the provisions of § 1315.803 (c) of the Revised Tire Rationing Regulations camelback in the amount equal to the

[1] 7 F.R. 1027.

difference between the amount of camelback transferred pursuant to this order and twenty-two hundred (2,200) pounds. It is the intention of this paragraph (a) and it is to be interpreted to accomplish the result that respondents, their successors or assigns, will, by compliance herewith, be placed in the same position with respect to the quantity of camelback at their disposal as they would have been in if they had not made false representations in the application of February 24, 1942, as aforesaid, and received camelback pursuant thereto.

(b) During the period in which this Suspension Order No. 2 shall be in effect, respondents, their successors and assigns, shall accept no deliveries or transfers of, nor in any manner receive from any source, any camelback, or other retreading or recapping material.

(c) During the period in which this Suspension Order No. 2 shall be in effect, respondents, their successors and assigns, shall accept no purchase orders, nor enter into any contracts or commitments, for the recapping or retreading of tires, nor in any manner sell, transfer, or deliver any recapped or retreaded tires, nor recap or retread any tires, nor in any way use or consume any camelback or other retreading or recapping material except that in any instance where a contract for the retreading or recapping of tires has been entered into by respondents, and such tires have been prepared in any degree for retreading or recapping, or have been retreaded or recapped, prior to the effective date of this Suspension Order No. 2, the transaction may be completed and the retreaded or recapped tires delivered in accordance with the Revised Tire Rationing Regulations.

(d) During the period in which this Suspension Order No. 2 shall be in effect, no person, firm, or corporation shall sell, transfer, or in any manner deliver any camelback, or other retreading or recapping material, to respondents, their successors or assigns, regardless of whether such camelback has been previously purchased and completely paid for.

(e) This Suspension Order No. 2 shall take effect July 20, 1942, and, unless sooner terminated, shall expire at 12:01 A. M. September 19, 1942. (Sec. 2 (a) Public Law No. 671, 76th Cong., 3d Sess., as amended, Public Law No. 89, 77th Cong., 1st Sess., Public Law No. 507, 77th Cong., 2d Sess.; Sec. 201 (b), Public Law No. 421, 77th Cong., 2d Sess.; O.P.M. Supp. Ord. M-15-c, Dec. 27, 1941, 6 F.R. 6792; W.P.B. Dir. No. 1, Jan. 24, 1942, 7 F.R. 562; W.P.B. Supp. Dir. No. 1B, Feb. 9, 1942, 7 F.R. 925; O.P.A. Rev. Tire Rat. Reg., Feb. 19, 1942, 7 F.R. 1027; E.O. 9125, April 7, 1942, F.R. Doc. 42-3138, filed April 8, 1942)

Issued this 15th day of July 1942

PAUL M. O'LEARY,
Deputy Administrator.

[F. R. Doc. 42-6853; Filed, July 17, 1942; 4:54 p. m.]

[Docket Nos. 3122-13, 3122-28]

WYATT, INCORPORATED AND T. A. D. JONES AND COMPANY, INC.

ORDER GRANTING ADJUSTMENTS

Order No. 5 under Maximum Price Regulation No. 122[1]—Solid Fuels Delivered from Facilities Other Than Producing Facilities—Dealers.

Petitions for amendment of Maximum Price Regulation No. 122 were filed by Wyatt, Incorporated, 157 Church Street, New Haven, Connecticut on May 30, 1942 and by T. A. D. Jones and Company, Inc., 205 Church Street, New Haven, Connecticut on June 15, 1942. The petitions are being treated as petitions for adjustment pursuant to the provisions of § 1340.257a of Maximum Price Regulation No. 122[2] which incorporates by reference the provisions of § 1499.18 (c) of the General Maximum Price Regulation.[3] Due consideration has been given to the petitions, and an opinion in support of this Order No. 5 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the Opinion, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[3] it is hereby ordered:

(a) (1) Wyatt, Incorporated may sell and deliver, and agree, offer, solicit, and attempt to sell and deliver, to industrial consumers, the kinds, sizes and qualities of bituminous coal specified in paragraph (b) (1) below, at prices not in excess of those stated therein. Industrial consumers may buy and receive, agree, offer, solicit, and attempt to buy and receive, such kinds, sizes and qualities of bituminous coal at such prices from Wyatt, Incorporated.

(2) T. A. D. Jones and Company, Inc. may sell and deliver, and agree, offer, solicit, and attempt to sell and deliver, to industrial consumers, the kinds, sizes and qualities of bituminous coal specified in paragraph (b) (2) below, at prices not in excess of those stated therein.

Industrial consumers may buy and rereceive, agree, offer, solicit, and attempt to buy and receive, such kinds, sizes, and qualities of bituminous coal at such prices from T. A. D. Jones and Company, Inc.

(b) (1) Maximum prices for the sale of the following kinds, sizes and qualities of bituminous coal by Wyatt, Incorporated from its New Haven dock to industrial consumers shall be the maximum prices determined in accordance with § 1340.261 of Maximum Price Regulation No. 122, plus not more than the following amounts per net ton:

(i) 31 cents per ton in the case of Class C ¾" coals (Size Group 9) produced in District No. 7 by Raleigh Wyoming Mining Company, Mine Index No. 73; Algona Coal and Coke Company, Mine Index No. 2; and American Coal Company, Mine Index No. 46;

(ii) 41 cents per ton in the case of Class B ⅝" coals (Size Group 9) produced in District No. 7 by Red Jacket Coal Corporation, Mine Index No. 208; and Marianna Smokeless Coal Corporation, Mine Index Nos. 223 and 266;

(iii) 36 cents per ton in the case of Class B 1¼" coals (Size Group 8) produced in District No. 7 by the McAlpin Coal Company, Mine Index No. 112; and Marianna Smokeless Coal Corporation, Mine Index Nos. 223 and 266;

Provided, That in the event of decreases in the mine prices charged to Wyatt, Incorporated for these kinds, sizes and qualities of bituminous coal, from those charged to it on the date of filing its petition, May 30, 1942, then the maximum prices as above adjusted shall be reduced accordingly for application to sales to industrial consumers of the coal purchased by it at such decreased prices.

(2) Maximum prices for the sale of the following kinds, sizes and qualities of bituminous coal by T. A. D. Jones and Company, Inc. from its New Haven and Bridgeport docks to industrial consumers shall be the maximum prices determined in accordance with §1340.261 of Maximum Price Regulation No. 122, plus not more than the following amounts per net ton:

From New Haven Dock:

(i) 46 cents per ton in the case of Class C ¾" coals (Size Group 9) produced in District No. 7 by Algoma Coal and Coke Company, Mine Index No. 2; American Coal Company, Mine Index No. 46; Mill Creek Coal and Coke Company, Mine Index No. 65; Premier Pocahontas Colleries Company, Mine Index No. 151; Johnstown Coal and Coke Company, Mine Index Nos. 47 and 48;

(ii) 29 cents per ton in the case of Class C 1¼" coals (Size Group 8) produced in District No. 7 by Johnstown Coal and Coke Company, Mine Index Nos. 47 and 48, and Premier Pocahontas Collieries Company, Mine Index No. 151; and Class D 1¼" coals (Size Group 8) produced in District No. 8 by Page Pocahontas Coal Corporation, Mine Index No. 362;

(iii) 12 cents per ton in the case of Class E high volatile 2" x 1" coals (Size Group 9) produced in District No. 8 by Tierney Mining Company, Mine Index No. 461, and Eastern Coal Corporation, Mine Index Nos. 183, 325, 449;

From Bridgeport Dock:

(iv) 31 cents per ton in the case of Class C 1¼" coals (Size Group 8) produced in District No. 7 by Premier Pocahontas Collieries Company, Mine Index No. 151;

(v) 26 cents per ton in the case of Class E high volatile 2" modified coals (Size Group 18) produced in District No. 8 by Truax-Traer Coal Company, Mine Index Nos. 1, 318, 386, 416, 468;

(vi) 12 cents per ton in the case of Class E high volatile 2" x 1" coals (Size Group 9) produced in District No. 8 by Tierney Mining Company, Mine Index No. 461, and Eastern Coal Corporation, Mine Index Nos. 183, 325, 449;

Provided, That in the event of decreases in the mine prices charged to

[1] 7 F.R. 3239, 3666, 3856, 3940, 3941.
[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4939, 4487, 4659, 4738, 5027.
[3] 7 F.R. 971, 3663.

T. A. D. Jones and Company, Inc., for these kinds, sizes, and qualities of bituminous coal, from those charged to it on the date of filing its petition, June 15, 1942, then the maximum prices as above adjusted shall be reduced accordingly for application to sales to industrial consumers of the coal purchased by it at such decreased prices.

(c) This order No. 5 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to terms used herein.

(e) All prayers of the petitions not granted herein are denied.

(f) This Order No. 5 shall become effective July 21, 1942.

Issued this 20th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6895; Filed, July 20, 1942; 11:44 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-538]

KENTUCKY-TENNESSEE LIGHT AND POWER COMPANY

ORDER CONSENTING TO WITHDRAWAL OF DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 15th day of July, A. D. 1942.

Kentucky-Tennessee Light and Power Company having filed with the Commission a declaration with respect to the sale of all of its physical properties and other assets located in the City of Frankfort, Kentucky, and immediate vicinity, in accordance with the terms and provisions of an agreement dated April 13, 1942, by and between the company and John Kirtley and Louis Cox, residents of the Commonwealth of Kentucky; and

Said agreement of April 13, 1942, having expired by its terms on July 1, 1942, and said declarants having filed a request for withdrawal of the said declaration;

The Commission having considered said request and deeming it appropriate that the same should be granted;

It is ordered, That said declaration be and is hereby permitted to be withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-6841; Filed, July 17, 1942; 4:20 p. m.]

[File Nos. 37-28, 60-19]

ATLANTIC UTILITY SERVICE CORPORATION, ET AL.

NOTICE OF AND ORDER FOR HEARING, ORDER OF CONSOLIDATION, AND ORDER FOR POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 15th day of July, A. D. 1942.

In the Matter of Atlantic Utility Service Corporation, File No. 37-28; Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, and Gilbert Associates, Inc., File No. 60-19.

Atlantic Utility Service Corporation having filed with the Commission an application for approval as a mutual service company, pursuant to the Public Utility Holding Company Act of 1935, and particularly section 13 thereof; hearings having been held on said application, the last of said hearings having been held on May 11, 1942, and said hearing having been continued to July 21, 1942; and

The Commission, by order dated June 24, 1942, having consolidated the application filed by Atlantic Utility Service Corporation for hearing with applications and declarations filed by Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, NY PA NJ Utilities Company, and Associated Utilities Corporation (File Nos. 70-529 and 70-530), and the record in the latter two matters having been closed; and

It having come to the attention of the Commission that as a result of plans of Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, and officials of Atlantic Utility Service Corporation, a new service company by the name of Gilbert Associates, Inc., has been formed by the officials of said Atlantic Utility Service Corporation; and

It further having been brought to the attention of the Commission that the capitalization of Gilbert Associates, Inc., consists of common stock, a portion of which has been, or is to be, subscribed for by department heads of Atlantic Utility Service Corporation, and the balance of which is reserved for sale to other employees of said Atlantic Utility Service Corporation; and

It further appearing that substantial cash advances will be made to Gilbert Associates, Inc., by subsidiaries and affiliates of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, for the purpose of supplying working capital to said Gilbert Associates, Inc.; and

It further appearing that Gilbert Associates, Inc., has represented that it is prepared to serve, advise, and consult with the subsidiaries and affiliates of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, in the following category of services:

1. General engineering,
2. General purchasing,
3. Rate and research consultation,
4. Labor relations counselling,
5. Safety direction and engineering,
6. Chemical engineering, and
7. Other services, such as in connection with cost accounting, blue printing, duplicating, etc.; and

It further appearing that such services are to be rendered at the request of the subsidiaries and affiliates of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, and that the charges for such services will be cost to Gilbert Associates, Inc., plus 10%, but in no event to be less than a stated minimum charge; and

It further appearing that various subsidiaries and/or affiliates of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, have entered into, or are about to enter into, service contracts with Gilbert Associates, Inc.; and

It appearing to the Commission that proceedings should be instituted pursuant to the provisions of sections 2 (a) (8) (B), 2 (a) (11) (D), 12 (f), 13 (b), 13 (e), 13 (f), and 18 of the Public Utility Holding Company Act of 1935 for the purpose of determining whether the organization, transactions, operations and activities of Gilbert Associates, Inc., and the relationship of Atlantic Utility Service Corporation, and Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation thereto conform to the standards of the applicable provisions of the Act; and

It further appearing to the Commission that matters concerning the application of Atlantic Utility Service Corporation, and the transactions involving the organization, operations, and activities of Gilbert Associates, Inc., and the relationship of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation thereto are related and involve common questions of law and fact and questions as to the relationship of each company to the other, and that evidence adduced with respect to said issues in each of the matters may have a bearing on the other, and that substantial savings in time, effort and expense and substantial progress toward the speedy and effective carrying out of the purposes of the Act and of the applicable provisions thereof will result if the hearings in said matters are consolidated, so that they will be heard as one matter, and that evidence adduced in each matter may stand as evidence in the other for all purposes;

It is ordered, That proceedings "In the Matter of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation and Gilbert Associates, Inc." be and hereby are instituted.

It is further ordered, That the said application filed by Atlantic Utility Service Corporation be and hereby is consolidated for hearing with this cause, "In the Matter of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, and Gilbert Associates, Inc."

It is further ordered, That the hearing heretofore scheduled, "In the Matter of Atlantic Utility Service Corporation," for July 21, 1942, be and hereby is postponed to July 30, 1942, and said consolidated hearing be held on July 30, 1942, at 10: 00 a. m. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. (On such day the hearing room clerk in room 318 will advise as to the room where such hearing will be held.)

It is further ordered, That at said consolidated hearing consideration be given to the following matters:

(1) Whether, by virtue of its relationship to Atlantic Utility Service Corporation, the manner of its organization, the source of its working capital, the character of its proposed service contracts, and the mode of its operations, Gilbert Associates, Inc., is a subsidiary or affiliated service company of the holding company system of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation;

(2) What requirements, if any, this Commission should impose to insure the maintenance of competitive conditions in the negotiation and entering into of any contracts between Gilbert Associates, Inc., and Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, or any of their subsidiaries or affiliates;

(3) Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers, or to prevent the circumvention of the provisions of the Public Utility Holding Company Act, and especially sections 12 and 13 thereof, and of any rules or regulations promulgated thereunder to impose any conditions in regard to the organization, capitalization, contracts, and operations of Gilbert Associates, Inc.;

(4) Generally, whether the manner of the organization, the source of the working capital, the character of the proposed service contracts, and the mode of operations of Gilbert Associates, Inc., are consistent with the applicable standards of the Act, and especially sections 12 (f), 13 (b) and 13 (e), or of section 13 (f) thereof, and the Rules promulgated thereunder.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-6842; Filed, July 17, 1942; 4:20 p. m.]

[File No. 70-572]

MIDLAND UNITED COMPANY, TRUSTEES, ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 15th day of July, A. D., 1942.

In the Matter of Midland United Company, trustees Traction Light & Power Company, Shirley Realty Company and Indiana Industrial Land Company.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than August 1, 1942 at 1:00 p. m. E. W. T., request the Commission in writing that a hearing be held on such matter stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed:

Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The Trustee of Midland United Company, a company in reorganization in the United States District Court of Delaware, proposes to acquire from Traction Light & Power Company all of its assets which consist of 17,906.19 shares of the common stock of Public Service Company of Indiana, Inc., and cash which as at March 31, 1942 approximated $64,000 in exchange for all of the outstanding capital stock consisting of 500 shares of common stock, par value $100 a share, and $288,550 in principal amount of promissory notes. Upon the acquisition by Traction Light & Power Company of said capital stock and promissory notes, Traction Light & Power Company is to be dissolved.

In an entirely unrelated series of transactions which have, however, been embraced in the instant filing, the Trustee of Midland United Company proposes to sell 1,012.61 shares of the common stock of Shirley Realty Company and $1,850 in principal amount of outstanding notes of Shirley Realty Company to Indiana Industrial Land Company for a total cash consideration of $23,677.71. Upon the acquisition of the above described securities Indiana Industrial Land Company will own the entire capitalization of Shirley Realty Company. Indiana Industrial Land Company proposes to thereupon acquire the assets of Shirley Realty Company consisting of real estate and mineral rights and effect the dissolution of Shirley Realty Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-6843; Filed, July 17, 1942; 4:20 p. m.]

[File Nos. 70-282; 59-11; 59-17, 54-25]

COMMUNITY POWER AND LIGHT COMPANY, ET AL.

ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of July, 1942.

In the Matter of Community Power and Light Company, the Kansas Utilities Company, et al., File No. 70-282; The United Light and Power Company, Continental Gas & Electric Corporation, and Eastern Kansas Utilities, Inc., et al., File Nos. 59-11, 59-17 and 54-25.

Continental Gas & Electric Corporation, a registered holding company and a subsidiary of The United Light and Power Company, and Eastern Kansas Utilities, Inc. (a newly organized company), having jointly filed with the Commission applications and declarations designated as "Application No. 9" pursuant to sections 6, 7, 9, 10, 11 and 12 of the Public Utility Holding Company Act of 1935 and the applicable rules thereunder with respect to the transactions necessary to enable Eastern Kansas Utilities, Inc., to acquire the public utility and other assets of The Kansas Utilities Company and also to enable Continental Gas & Electric Corporation to acquire the common stock of Eastern Kansas Utilities, Inc.; and Community Power and Light Company, a registered holding company, and its subsidiary, The Kansas Utilities Company, having jointly filed applications and declarations pursuant to the provisions of section 12 of the Act and the applicable rules thereunder to enable The Kansas Utilities Company to sell its utility and other assets and to apply the proceeds of such sale to the redemption of securities outstanding, and payment of its debt; and the above described applications and declarations having been consolidated for the purpose of a hearing; and

A public hearing having been held after appropriate notice and the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said applications and to permit said declarations to become effective pursuant to the applicable sections of the Act and rules thereunder; and

The Commission having found with respect to said applications and declarations under sections 9 and 10 of said Act that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act and that the transactions have the tendency required by section 10 (c) (2) of the Act and with respect to sections 12 (c) and 12 (d) and Rules U-42 and U-44 that the applicable requirements thereof are met;

It is hereby ordered, Pursuant to the applicable provisions of said Act and the applicable rules thereunder, subject to the terms and conditions prescribed in Rule U-24, that the applications and declarations with respect to the transactions therein described be and are hereby granted and permitted to become effective respectively;

It is further ordered, That Eastern Kansas Utilities, Inc. shall dispose of all its interest in its ice and cold storage business within one year from the date hereof; and

It is further ordered, That Eastern Kansas Utilities, Inc. be and is hereby

made a party to these proceedings to the extent necessary to enable it to join in said Application Number 9 and for the purpose of obtaining authority to consummate the transactions in which it has an interest.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-6844; Filed, July 17, 1942; 4:21 p. m.]

[File No. 37-42]

APPLIANCE CREDIT CORPORATION

ORDER DISMISSING DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 15th day of July, A. D. 1942.

Appliance Credit Corporation, a subsidiary of New England Gas and Electric Association, a registered holding company, having filed a declaration with respect to its organization and conduct of business of a subsidiary service company, pursuant to section 13 of the Public Utility Holding Company Act of 1935 and Rules and Regulations promulgated thereunder; and

The Commission by its order of April 25, 1942, having permitted declarations to become effective and granted applications with respect to the dissolution and liquidation of Appliance Credit Corporation and the acquisition of its assets subject to its liabilities by Negea Service Corporation, a subsidiary of New England Gas and Electric Association (File No. 70-514); and

It appearing to the Commission that in light of such dissolution and liquidation that the said declaration of Appliance Credit Corporation with respect to its organization and conduct of business of a subsidiary service company should be dismissed;

It is ordered, That said declaration be and is hereby dismissed.

By the Commission.

[SEAL] ORVAL L. DUBOIS *Secretary*

[F. R. Doc. 42-6845; Filed, July 17, 1942; 4:21 p. m.]

[File No. 70-24]

HOBART LIGHT & WATER COMPANY, ET AL.

NOTICE OF FILING OF AMENDMENT AND ORDER OPENING RECORD AND SETTING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 17th day of July, A. D. 1942.

In the matter of Hobart Light & Water Company, Northern Indiana Public Service Company, and Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company.

The Commission having on April 23, 1940, issued its Notice of and Order for Hearing in the above captioned matter setting a hearing thereon for May 9, 1940; hearings having been held on the scheduled date and on August 20, 1940, after appropriate notice to interested parties; certain documents, including the application-declaration with three amendments thereto, having been placed in the record, no witnesses appearing or otherwise presenting testimony; further amendments having now been filed to such application-declaration which materially change the nature of the transactions as originally proposed so that it now appears to the Commission necessary and appropriate that a public hearing be held on the application-declaration, as amended.

All interested persons are referred to said application-declaration, as amended, which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

The estate of Midland Utilities Company proposes to sell all of the assets of Hobart Light & Water Company, except cash on hand, to Northern Indiana Public Service Company. The proposed consideration is $500,000, to be evidenced by 69,500 shares of common capital stock of Northern Indiana Public Service Company. The application-declaration indicates that sections 6 (b), 10, 12 (f), and Rule U-43 may be applicable to these proposed transactions.

It appearing to the Commission that it is appropriate and in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters, and that said declaration as amended shall not become effective or said application as amended be granted except pursuant to further order of this Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth.

It is ordered, That the record heretofore closed in this proceeding be opened and that a hearing be held on said matters, as amended, on August 4, 1942, at 10 a. m. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such application, as amended, should be granted and such declaration, as amended, become effective.

It is further ordered, That Charles Lobingier, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Public Utility Holding Company Act of 1935, and to a trial examiner under the Commission's Rules of Practice.

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

1. Whether the proposed price of $500,000 is, under all the circumstances of this case, fair and equitable, and whether or not 69,500 shares of common stock of Northern Indiana Public Service Company, the proposed consideration to the estate of Midland United for all the assets of Hobart Light & Water Company, is, under the circumstances of this case, a fair and reasonable consideration;

2. Whether or not Northern Indiana Public Service Company, considering the provisions of section 11 (b) (1) of the Act, should be allowed to acquire the water assets of Hobart Light & Water Company:

3. In the event that it is found that Northern Indiana Public Service Company may appropriately acquire the water properties of Hobart Light & Water Company, what entries on its books may properly be made by Northern Indiana Public Service Company to reflect the carrying value of such assets;

4. What entries on its books may properly be made by Northern Indiana Public Service Company to record the acquisition of the electric fixed property of Hobart Light & Water Company, and the taking over of the retirement reserve applicable thereto.

5. Whether terms and conditions are necessary to be imposed to insure compliance with the requirements of the Public Utility Holding Company Act of 1935, or any rules, regulations or orders promulgated thereunder;

6. Generally, whether all actions proposed to be taken comply with the requirements of such Act and rules, regulations, or orders promulgated thereunder.

Notice of such hearing is hereby given to such declarant and applicants and to any other person whose participation in such proceeding may be in the public interest and for the protection of investors or consumers.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-6866; Filed, July 20, 1942; 10:19 a. m.]

[File Nos. 59-17, 59-11, 54-25]

UNITED LIGHT AND POWER COMPANY, ET AL.

ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of July 1942.

In the Matter of The United Light and Power Company, The United Light and Railways Company, American Light & Traction Company, Continental Gas & Electric Corporation, Iowa-Nebraska Light and Power Company, Respondents, (File No. 59-17); The United Light and Power Company and its Subsidiary Companies, Respondents, (File No. 59-11); and The United Light and Power Company, Applicant (File No. 54-25).

The United Light and Power Company, The United Light and Railways Company, a subsidiary of The United Light and Power Company, and Continental Gas & Electric Corporation, a subsidiary

of The United Light and Railways Company, all registered holding companies, having filed joint applications and declarations with the Commission, designated as "Application No. 10", pursuant to sections 11 and 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 thereunder, with respect to the transactions necessary to enable Continental Gas & Electric Corporation to sell all of its interest—consisting of capital stock, notes, and open-account indebtedness—in three subsidiary utility companies, Panhandle Power and Light Company, Cimarron Utilities Company and Guymon Gas Company, to Community Power and Light Company, a non-affiliated registered holding company, for a consideration of $7,250,000 cash, subject to certain adjustments; and

A public hearing having been held after appropriate notice and the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said applications and to permit said declarations to become effective; and

The Commission having found with respect to said applications and declarations that the applicable requirements of sections 11 and 12 (d) of the Act and Rule U-44 thereunder have been met;

It is hereby ordered, pursuant to the applicable provisions of the Act and the Rules, subject to the terms and conditions prescribed in Rule U-24, that said applications and declarations be, and the same hereby are, granted and permitted to become effective, respectively;

It is further ordered, That jurisdiction be, and it hereby is, reserved with respect to the use of said proceeds of sale remaining after the expenditure of $1,500,000 by Continental Gas & Electric Company for the purchase of common stock of Eastern Kansas Utilities, Inc., its newly-formed subsidiary.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-6867; Filed, July 20, 1942; 10:23 a. m.]

[File No. 70-574]

ASSOCIATED GAS AND ELECTRIC CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 16th day of July, A. D. 1942.

In the Matter of Denis J. Driscoll and Willard L. Thorp, Trustees, Associated Gas and Electric Corporation.

Notice is hereby given that declarations and applications have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company; and

Notice is further given that any interested persons may, not later than July 30, 1942 at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing therein. At any time thereafter such declarations or applications as filed or as amended may become effective or may be granted as provided in Rule U-23 and Rule U-100 (a) of the rules and regulations promulgated pursuant to the Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declarations and applications which are on file in the office of said Commission for a statement of the transactions therein proposed. These transactions are summarized below:

The Trustees of Associated Gas and Electric Corporation propose to distribute the assets received by them from Howard C. Hopson, Amy H. Starch, Norma H. Jones, Perle M. Hopson and the so-called Hopson Service and Investment Companies (collectively hereinafter referred to as the "Hopson group"), pursuant to an agreement dated as of August 4, 1941 between the said Trustees, Stanley Clarke, Trustee of Associated Gas and Electric Company, New England Gas and Electric Association, and the Hopson group. The assets were received by the Trustees of Associated Gas and Electric Corporation and Associated Gas and Electric Company in settlement of the claims against the Hopson group on the part of the Company and the Corporation and all direct and indirect subsidiaries of Associated Gas and Electric Corporation and affiliated interests thereof. Since receiving such assets, the Trustees have marshaled them and prepared a formula for the distribution of such assets. These assets as of June 15, 1942 consist primarily of the following:

	Principal amount	Market value June 3, 1942, or estimated value where no market available
Cash		$523,412.82
SECURITIES AND OTHER ASSETS		
Ageco and Agecorp debt securities	$5,129,215	717,461.38
Utilities Employees Securities Co., income notes, due 1981	864,470	475,458.50
Associated General Utilities Co. debt securities	535,020	125,729.70
Other associated system securities	208,600	186,000.50
Nonsystem securities		15,313.00
Notes receivable		25,335.00
Miscellaneous assets		5,000.00
Total, cash, securities, and other assets		2,073,710.90

Claims against the Hopson group which are recommended for allowance against the Hopson assets consist of claims of the distributee companies to recover profits realized at the expense of such companies by the Hopson group through the operations of the so-called Service Companies (claims approximating $6,250,000) and claims arising out of security transactions pursuant to which assets were diverted to the Hopson group (claims approximating $15,600,000). The distribution formula recommended by the Trustees contemplates the distribution of securities to Associated Gas and Electric Company, Associated Gas and Electric Corporation, Utilities Employees Securities Company, Associated General Utilities Company, Inc., Lake Shore Gas Company, Pennsylvania Electric Company, General Gas & Electric Corporation, NY PA NJ Utilities Company, Long Island Water Corporation, New Jersey Power & Light Company, New York State Electric & Gas Corporation, and York Railways Company. It also includes the distribution of cash dividends to Associated Gas and Electric Company, Employees Welfare Association, Incorporated (Delaware), Associated Real Properties, Inc., Dover Casualty Insurance Company, Atlantic Utilities Service Corporation and to various subsidiaries of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation.

Provision is also made for the execution and delivery on the part of the Trustees of Associated Gas and Electric Corporation to Denis J. Driscoll and Willard L. Thorp and Stanley Clarke, as Trustees over the Hopson fund, the formers' non-interest bearing note in the amount of approximately $489,052.40. This note shall be junior to administration expenses of the Estate of Associated Gas and Electric Corporation and to the Trustees Certificate in the principal amount of $5,000,000. It is represented that the execution and the delivery of the note is part of the over-all program for the distribution of the Hopson assets, to substitute the distribution of cash dividends to distributee companies where the distribution of securities may complicate the structure of the subsidiaries.

Applicants-declarants represent that sections 6 (a), 7, 9 (a), and 10 are applicable to the transactions. They also submit that the acquisitions by the distributee companies are exempt pursuant to the terms of Subdivision (5) of Rule U-42 of the rules and regulations promulgated under the Act, and further in the instances where such exemptive provisions do not apply request that the Commission, pursuant to Rule U-100 (a), exempt distributee companies from the provisions of Rule U-20 (c) and from the provisions of sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-6868; Filed, July 20, 1942; 10:23 a. m.]

[File No. 70-282]

COMMUNITY POWER AND LIGHT COMPANY, ET AL.

ORDER APPROVING PLAN PERMITTING DECLARATIONS TO BECOME EFFECTIVE, AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pennsylvania, on the 8th day of July, A. D. 1942.

In the Matter of Community Power and Light Company, General Public Utilities, Inc., Southwestern Public Service Company et al.

Community Power and Light Company, General Public Utilities, Inc. and Southwestern Public Service Company, each of which is a registered holding company, and companies subsidiary thereto, having filed applications and declarations, and amendments thereto, pursuant to section 11 (e) and other sections of the Public Utility Holding Company Act of 1935, and the Rules and Regulations of this Commission promulgated thereunder, whereby said applicants request approval of a plan submitted pursuant to said section 11 (e), a report upon such plan by this Commission pursuant to section 11 (g) of said Act and authorization for certain particular transactions, constituting component parts of said plan, and actions incidental thereto, including, among other things, a merger of said three registered holding companies, and, in connection with such proposed merger the transmission of certain solicitation material to the common stockholders of Community Power and Light Company and of General Public Utilities, Inc., intra-system sales and acquisitions of certain properties and securities, the liquidation of certain subsidiary companies, the recapitalization of certain remaining subsidiaries, the acquisition of certain properties from non-affiliated interests, the refinancing of the surviving parent company, Southwestern Public Service Company, as well as the exemption, pursuant to Rule U-100, of such investment houses and brokers and the members, officers and employees of such investment houses, or brokerage firms or companies as may render services (without compensation, other than reimbursement for expenditures made) in connection with the solicitation of assents of stockholders to said merger agreement, from any disqualification which might otherwise be imposed upon such companies or individuals by reason of Rule U-62 (g) (2) in respect of future participation in the purchase or sale of any securities which may hereafter be issued and sold by said Southwestern Public Service Company;

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein; and

The Commission having found, subject to the conditions and reservations hereinafter set forth, (1) that the plan, for which approval is so sought, is necessary to effectuate the provisions of section 11 (b) of the Act, (2) that the plan is fair and equitable to the persons affected thereby, (3) that the requirements of Rule U-62 (g) (2) as applied to the prospective activities of investment houses and brokers and of the members, officers and employees of such houses and firms, in respect of the buying and selling of any securities which may hereafter be issued and sold by Southwestern Public Service Company, are neither necessary nor appropriate in the public interest or for the protection of investors or consumers, and (4) that all other applicable requirements of said Act have been satisfied;

It is hereby ordered, That said plan be, and the same is hereby, approved, that said applications, as amended, be, and the same are hereby granted, and that said declarations, as amended, be, and the same are hereby, permitted to become effective forthwith, subject, however, to the following conditions and reservations:

(1) Southwestern Public Service Company, upon the consummation of the merger proposed to be made in pursuance of the plan for which approval is sought in this proceeding, and the acquisition by said company of the properties to be acquired by it which are presently owned by Panhandle Light and Power Company, Cimarron Utilities Company and Guymon Gas Company, will immediately enter upon a program of amortization of the amount designated in said corporation's pro forma balance sheet, (reflecting said acquisitions and certain other transactions) filed in this proceeding, as "Excess Cost of Net Assets Acquired over Value Recorded in Accounts of Predecessor", said amount being $442,790.94. Such amortization shall be effected by the writing off of said aggregate amount through charges against income or earned surplus to be made in substantially equal amounts annually over a period of five years from the date of the acquisitions;

(2) Southwestern Public Service Company, upon the consummation of the merger above mentioned, shall create upon its books a reserve in the amount of $200,000 against any losses which may hereafter be realized upon the securities to be acquired by it through said merger, or otherwise pursuant to said plan, proposed to be carried upon the books of said corporation as investments;

(3) Upon consummation of the abovementioned merger, Southwestern Public Service Company shall not declare or pay any dividend upon the common stock of that corporation, nor shall it make any other payment or distribution thereon, by purchase, or otherwise, in money or other property, pending the further order, or orders, of this Commission, except that such restriction shall not apply to any payment which may be made in connection with any rights, or asserted rights, of appraisal and payment which any stockholder of Community Power and Light Company and/or General Public Utilities, Inc., may have under any state statute applicable to said proposed merger;

(4) That within one year from the date of the entry of this order, unless such time shall be further extended by this Commission, Southwestern Public Service Company, the surviving parent company, shall take such action as may be necessary to divest itself of all ownership and all control of:

(a) The physical properties in east-central Texas to be owned by said Southwestern Public Service Company after consummation of the proposed merger and related transactions which are, at present, owned by Texas-New Mexico Utilities Company and by Gulf Public Service Company, respectively;

(b) Gulf Public Service Company or of the physical properties owned or controlled by it;

(c) Flagstaff Electric Light Company;

(d) Arizona Electric Power Company;

(e) Holbrook Light and Power Company;

(f) Southwestern Ice Company;

(g) Royal Palm Ice Company; and

(h) Arkansas Utilities Company.

(5) That no charge shall be made to the capital surplus account of Southwestern Public Service Company, after said merger is consummated, pending the further order or orders, of this Commission;

(6) That jurisdiction be, and is hereby, reserved with respect to the issuance and sale of the securities proposed to be issued and sold to the public by Southwestern Public Service Company, and with respect to the imposition of conditions relative to such securities and their issuance and sale, until the terms and provisions of such new securities and of the sale thereof shall be submitted to this Commission in definitive form, and a further order, or further orders entered in respect thereof:

(7) That jurisdiction be, and is hereby, reserved in respect of the reasonableness, and approval or disapproval, of fees and expenses incurred, and to be incurred, in connection with the subject plan, and transactions incident thereto;

(8) That jurisdiction be, and is hereby, reserved to this Commission to entertain such further proceedings, to make such further and supplemental findings, and to take such additional and further action, as may be found by it to be appropriate in the premises in connection with said plan and the several transactions incident to the consummation thereof;

(9) That the several transactions, approval or authorization of which is granted by this order, shall be carried out in accordance with the terms and conditions of, and for the purposes stated in the declarations and applications, as amended, filed in this proceeding;

(10) That the material to be transmitted to the common stockholders of Community Power and Light Company and of General Public Utilities, Inc., shall be accompanied by a copy of the report of this Commission on the plan which is the subject of this proceeding, which report is being entered and issued concurrently with the entry of this order.

It is further ordered, That Southwestern Public Service Company shall take the several actions, recited in those conditions of this order numbered (1), (2), and (4), as in said conditions set forth, and shall comply with those restrictions recited in that condition numbered (4) of this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-6869; Filed, July 20, 1942; 10:24 a. m.]