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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 724—BURLEY TOBACCO

I, H. A. Wallace, Secretary of Agriculture, acting under and pursuant to, and by virtue of the authority vested in me by Section 313 of the Agricultural Adjustment Act of 1938, as amended, do hereby determine that:

§ 724.203 . *Determination of the apportionment of the national marketing quota among States and determination of State yields per acre, and State acreage allotments for burley tobacco for the 1940–41 marketing year.* The national quota for the 1940–41 marketing year, as proclaimed by the Secretary of Agriculture on October 28, 1939, is hereby apportioned among the States, and State yields per acre and State acreage allotments are hereby established in accordance with the following table: (Sec. 313, 52 Stat. 46; 7 U.S.C. Sup. IV, 1312, as amended by 53 Stat. 1261)

States and new farms	Marketing quotas	Yields per acre	Acreage allotments
	1,000 pounds	*Pounds*	*Acres*
Alabama	123	845	146
Arkansas	56	807	69
Georgia	102	850	120
Illinois	24	814	29
Indiana	7,669	852	9,001
Kansas	370	883	419
Kentucky	203,062	843	240,880
Missouri	5,055	942	5,366
North Carolina	6,047	927	6,523
Ohio	9,970	863	11,553
Oklahoma	7	850	8
South Carolina	74	875	85
Tennessee	47,284	897	52,713
Virginia	9,311	1,083	8,597
West Virginia	2,262	690	3,278
New Farms	584	860	679
Total U. S.	292,000	860	339,466

Done at Washington, D. C., this 17th day of January 1940. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 40–271; Filed, January 17, 1940; 11:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3102]

IN THE MATTER OF RALSTON PURINA COMPANY

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (a) *Misbranding or mislabeling—Composition.* Using, in connection with offer, etc., in commerce, of respondent's Purina Dog Chow, or other similar product, the terms "pure beef", or "pure meat" or "meat" or "beef", or any other terms of similar import or meaning, to designate or describe dehydrated meat meal, or any product which is not meat or beef in fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Ralston Purina Company, Docket 3102, December 28, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of December, A. D. 1939.

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

IN THE MATTER OF RALSTON PURINA COMPANY, A CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission on the

[1] 2 F.R. 1170.

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FEDERAL REGISTER

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complaint of the Commission, the answer of respondent, testimony and other evidence taken before W. W. Sheppard, Miles J. Furnas, and Randolph Preston, examiners of the Commission theretofore duly designated by it, in support of said complaint and in opposition thereto, briefs filed herein, and oral arguments by Donovan Divet, counsel for the Commission, and by Crawford Johnson, counsel for the respondent, 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 Ralston Purina Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its food for dogs known as Purina Dog Chow, or any other product containing substantially similar ingredients, whether sold under the same name or under any other name, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using the terms "pure beef", or "pure meat" or "meat" or "beef" or any other terms of similar import or meaning to designate or describe dehydrated meat meal, or any product which is not meat or beef in fact.

It is further ordered, That the respondent shall, within sixty 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. 40-255; Filed, January 16, 1940; 3:19 p. m.]

[Docket No. 3740]

IN THE MATTER OF METZ BROS. BAKING COMPANY

§ 3.45 (c) (1) *Discriminating in price—Direct discrimination—Charges and Prices—Trade areas.* Selling bread from its plants at Sioux City, Iowa, or Sioux Falls, South Dakota, on the part of respondent baking company, its officers, etc., to purchasers in trade areas designated as Southwestern Minnesota and Southeastern, Northwestern and Central South Dakota, at 8 cents for the 24-ounce loaf, while selling bread of like grade and quality to purchasers in trade area designated as Northwestern Section of the State of Iowa at 10 cents for the 24-ounce loaf; and to purchasers in former trade areas at 8 cents for the 24-ounce loaf while selling such product to purchasers in aforesaid Iowa trade area at 8 cents for the 20-ounce loaf; or continuing or resuming the discriminations in price found by the Commission in Paragraph 4 of the findings as to the facts [i. e., as there set forth, following practice and policy in discriminating in price on the part of respondent baker through selling, in certain trade areas or localities, its product of the same grade, quality and weight at a lower price than it sold identical product in other trade areas or localities, by lowering the theretofore prevailing wholesale price at which it and its competitors had sold bread in aforesaid trade areas, including those above named, with the exception of the State of Iowa and with the addition of trade area comprising Omaha, Nebraska, and in and around Marshall and Worthington, Minnesota, from 11 cents to 8 cents for the 24-ounce loaf and from 8 cents to 6 cents for the 16-ounce loaf, in trade areas designated as Southwestern Minnesota and Southeastern, Northwestern and Central South Dakota, while maintaining, in trade area of Northwestern Section of State of Iowa, prices of 10 cents for 24-ounce loaf, 8 cents for 20-ounce loaf and 6 cents for 16-ounce loaf], or from otherwise discriminating in price in manner and degree substantially similar to discriminations set forth in said Paragraph 4 of Commission's findings as to the facts, prohibited. (Sec. 2 (a), 49 Stat. 1526; 15 U.S.C., Supp. IV, sec. 13 (a)) [Cease and desist order, Metz Bros. Baking Company, Docket 3740, December 28, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of December, A. D. 1939.

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

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, and the answer filed herein on December 2, 1939, by respondent admitting all the material allegations of the complaint to be true and waiving the taking of evidence and all other intervening procedure, and the Commission having made its finding as to the facts and its conclusion, which findings and conclusion are hereby made a part hereof, that said respondent has violated the provisions of Section 2 (a) of an Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, (the Clayton Act), as amended;

It is ordered, That the respondent, Metz Bros. Baking Company, its officers, representatives, agents and employees, cease and desist:

(1) from selling bread from its plants at Sioux City, Iowa, or Sioux Falls, South Dakota, to purchasers in the trade areas designated as Southwestern Minnesota and Southeastern, Northwestern and Central South Dakota at 8¢ for the 24-ounce loaf, while selling bread of like grade and quality to purchasers in the trade area designated as the Northwestern Section of the State of Iowa at 10¢ for the 24-ounce loaf; and to purchasers in the trade areas designated as Southwest Minnesota and Southeastern, Northwestern and Central South Dakota at 8¢ for the 24-ounce loaf, while selling such product to purchasers in the trade area designated as the Northwest Section of the State of Iowa at 8¢ for the 20-ounce loaf;

(2) from continuing or resuming the discriminations in price found by the Commission in Paragraph Four of the findings as to the facts;

[1] 4 F.R. 4554 DI.

(3) from otherwise discriminating in price in manner and degree substantially similar to the discriminations set forth in Paragraph Four of the Commission's findings as to the facts.

It is further ordered, That the said respondent, Metz Bros. Baking Company, within sixty (60) days from the date of the service upon it of this order, shall file with the Commission a report in writing setting forth in detail the manner and form in which it is complying and has complied with the order to cease and desist hereinabove set forth.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 40-256; Filed, January 16, 1940; 3:20 p. m.]

[Docket No. 3791]

IN THE MATTER OF MCKESSON & ROBBINS, INC.

§ 3.6 (b) (2) *Advertising falsely or misleadingly—Competitors and their products—Competitors' products:* § 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y10) *Advertising falsely or misleadingly—Scientific or other relevant facts:* § 3.6 (dd10) *Advertising falsely or misleadingly—Success, use or standing:* § 3.6 (ff10) *Advertising falsely or misleadingly—Unique nature or advantages:* § 3.48 (b) (6) *Disparaging competitors and their products—Goods—Qualities or properties.* Disseminating, etc., 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 respondent's Calox Tooth Powder, or other similar dentifrice, which advertisements represent, directly or through implication, that use of said product alone will assure possession of teeth that are white, clear and sparkling, beautiful as those of some movie stars; that it will clean proximal surfaces between teeth, result in liberation of nascent oxygen, prevent film or decay, or remove all types of stains or any stains other than ordinary surface stains, that sodium perborate therein will keep gums firm and healthy and make all normal sets of teeth white and beautiful; that the use of a tooth powder is more effective in cleansing and polishing the teeth than is the use of a tooth paste; that it will neutralize acid mouth conditions, or is an effective antacid; that, except for its use as a mild deodorant, it has any substantial value for purposes other than cleansing and polishing the teeth; that it is more economical to purchase and use than competitive dentifrices unless such is the fact; that movie stars employ it to the exclusion of all other dentifrices; that the foam obtained from the use thereof is due to the oxygen released by any ingredient thereof or is due to anything other than the soap content thereof; that many competing dentifrices have a greater tendency to injure, scratch or destroy tooth enamel, tooth structure, or mouth tissues than has Calox Tooth Powder; or that it will accomplish results which could not be accomplished by competing dentifrices; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, McKesson & Robbins, Inc., Docket 3791, December 28, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of December, A. D. 1939.

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

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that the statement of facts contained therein may be made a part of the record herein, and may be taken as the facts in this proceeding, and in lieu of testimony in support of the charges stated in the complaint, or in opposition thereto, and that the Commission may proceed upon said statement of facts to make its report stating its findings as to the facts (including inferences which it may draw from the said stipulated facts) and its conclusion based thereon, and enter its order disposing of the proceeding without the presentation of argument or the filing of briefs; and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, McKesson & Robbins, Inc., a corporation, its officers, agents and representatives, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of a dentifrice now designated by the name of Calox Tooth Powder, or any other dentifrice composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under that name or under any other name, or 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 said dentifrice, which advertisements represent, directly or through implication, that the use of Calox Tooth Powder alone will assure the possession of teeth that are white, clear, and sparkling, or will assure beautiful teeth or teeth that are as beautiful as those of some movie stars; that said dentifrice will clean the proximal surfaces between the teeth; that the use of Calox Tooth Powder will result in the liberation of nascent oxygen in the mouth; that Calox Tooth Powder will prevent film on teeth or decay of teeth or that it will remove all types of stain from the teeth or any stains other than ordinary surface stains; that the sodium perborate in Calox Tooth Powder will keep gums firm and healthy and make all normal sets of teeth white and beautiful; that the use of a tooth powder is more effective in cleansing and polishing the teeth than is the use of a tooth paste; that Calox Tooth Powder will neutralize acid mouth conditions, or is an effective antacid; that, except for its use as a mild deodorant, it has any substantial value for purposes other than cleansing and polishing the teeth; that Calox Tooth Powder is more economical to purchase and use than competitive dentifrices unless such is the fact; that movie stars employ Calox Tooth Powder to the exclusion of all other dentifrices, or rely upon it or any other dentifrice alone in the care of the teeth; that the foam obtained from the use of Calox Tooth Powder is due to the oxygen released by any ingredient thereof or is due to anything other than the soap content thereof; that many competing dentifrices have a greater tendency to injure, scratch or destroy tooth enamel, tooth structure, or mouth tissues than has Calox Tooth Powder; or that Calox Tooth Powder will accomplish results which could not be accomplished by competing dentifrices.

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. 40-257; Filed, January 16, 1940; 3:20 p. m.]

[Docket No. 3258]

IN THE MATTER OF DIESEL ENGINEERS, ASSOCIATED

§ 3.6 (a) (3) *Advertising falsely or misleadingly—Business status, advan-*

tages or connections of advertiser—Business connections: § 3.6 (a) (13.5) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Individual or corporate business as association:* § 3.6 (m) *Advertising falsely or misleadingly—Jobs and employment service:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of courses of instruction in Diesel engineering, air-conditioning or in any other subject or subjects, through advertisements in classified advertising pages of newspapers, magazines and other advertising literature, under such headings as "Help Wanted" or "Employment", or in any other manner, that persons responding to such advertisements may obtain an opportunity to work for pay while receiving instruction relating to Diesel engineering, air - conditioning equipment or any other subject, or representing that respondents, or either of them, constitutes or is connected with, or that the school which they conduct is, an association of engineers banded together for the promotion of any enterprise of mutual benefit to the members, and that their students become members of such an organization, or that respondents' students become members of any organization except as students in a school, and that the school conducted by said respondents is any kind of organization other than a trade school, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Diesel Engineers, Associated, Docket 3258, December 29, 1939]

§ 3.6 (a) (20) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Personnel or staff.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of courses of instruction in Diesel engineering, air-conditioning or in any other subject or subjects, that the teachers in respondents' school are consulting engineers, unless such persons are in fact fully qualified by education and practical experience in the engineering field to be designated as such and are employed and consulted by concerns or individuals actively engaged in the engineering field other than respondents, or that teachers in respondents' said school are engineers, unless such persons are in fact fully qualified by education and practical experience in the engineering field to be designated as such, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Diesel Engineers, Associated, Docket 3258, December 29, 1939]

§ 3.69 (a) (11) *Misrepresenting oneself and goods—Business status, advantages or connections—Personnel or staff:* § 3.69 (a) (14) *Misrepresenting oneself and goods—Business status, advantages or connections—Size and equipment:* § 3.69 (b) (2) *Misrepresenting oneself and goods—Goods—Demand for or business opportunities:* § 3.69 (b) (2.5) *Misrepresenting oneself and goods—Goods—Earnings:* § 3.69 (b) (7.3) *Misrepresenting oneself and goods—Goods—Jobs and employment:* § 3.69 (b) (8) *Misrepresenting oneself and goods—Goods—Nature:* § 3.69 (b) (16.6) *Misrepresenting oneself and goods—Goods—Undertakings, in general:* § 3.72 (c) *Offering deceptive inducements to purchase—Excessive earnings:* § 3.72 (g) *Offering deceptive inducements to purchase—Job guarantee:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings, in general.* Misrepresenting and exaggerating, in connection with offer, etc., in interstate commerce or in District of Columbia, of courses of instruction in Diesel engineering, air-conditioning or in any other subject or subjects, the demand for and the qualifications and earnings of persons trained in respondents' school, and the education, training and experience of teachers employed by respondents, and the equipment available to respondents' students at respondents' place of business or elsewhere, and representing, in said connection, that upon completion of any of respondents' courses of study and instruction positions will be available offering work in the field of said courses of study and instruction, unless such positions are available and may be secured by students, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Diesel Engineers, Associated, Docket 3258, December 29, 1939]

§ 3.69 (b) (7.3) *Misrepresenting oneself and goods — Goods — Jobs and employment:* § 3.69 (b) (15) *Misrepresenting oneself and goods—Goods—Refunds:* § 3.69 (b) (16.4) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.72 (k15) *Offering deceptive inducements to purchase—Returns and reimbursements:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.72 (o) *Offering deceptive inducements to purchase—Tuition.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of courses of instruction in Diesel engineering, air-conditioning or in any other subject or subjects, that initial payments made by prospective students, or any other amounts paid by students for tuition, will be refunded, when such refunds are not in fact made, or that students will receive a specified salary, or any salary, while pursuing courses of instruction at respondents' school, or that students will be reimbursed for their tuition in any way, unless and until a salary is paid or students are reimbursed for the tuition paid in some manner, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Diesel Engineers, Associated, Docket 3258, December 29, 1939]

§ 3.69 (c) (5) *Misrepresenting oneself and goods — Prices — Usual as reduced or to be increased:* § 3.72 (n) *Offering deceptive inducements to purchase—Special or limited offers.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of courses of instruction in Diesel engineering, air-conditioning or in any other subject or subjects, that the price at which a course of study is offered is a special price, unless said price is lower than the sum charged other students for the same course of study and instruction at the same time, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Diesel Engineers, Associated, Docket 3258, December 29, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of December, A. D. 1939.

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

IN THE MATTER OF ROY E. REED AND FLORENCE A. REED, TRADING UNDER THE NAME AND STYLE DIESEL ENGINEERS, ASSOCIATED

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents and other evidence taken before Charles P. Vicini, an examiner of the Commission theretofore duly designated by it, in support of the allegations of the complaint, brief filed by William L. Pencke, counsel for the Commission (respondents having neither filed a brief nor requested an oral argument), and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Roy E. Reed and Florence A. Reed, individually and trading under the name and style of Diesel Engineers, Associated, Diesel Training School, Allied Engineering School, or any other name, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in interstate commerce or in the District of Columbia of courses of instruction in Diesel engineering, air-conditioning or in any other subject or subjects, do forthwith cease and desist.

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[1] 3 F.R. 1195 DI.

(1) From representing, through advertisements in classified advertising pages of newspapers, magazines and other advertising literature, under such headings as "Help Wanted" or "Employment", or in any other manner, that persons responding to such advertisements may obtain an opportunity to work for pay while receiving instruction relating to Diesel engineering, air-conditioning equipment or any other subject;

(2) From representing, in any way, that said respondents, or either of them, constitutes or is connected with, or that the school which they conduct is, an association of engineers banded together for the promotion of any enterprise of mutual benefit to the members, and from representing that their students become members of such an organization;

(3) From representing, in any manner, or by any method, that their students become members of any organization except as students in a school, and from representing that the school conducted by said respondents is any kind of organization other than a trade school;

(4) Representing that the teachers in respondents' said school are consulting engineers, unless such persons are in fact fully qualified by education and practical experience in the engineering field to be designated as such and are employed and consulted by concerns or individuals actively engaged in the engineering field other than respondents;

(5) Representing that teachers in respondents' said school are engineers, unless such persons are in fact fully qualified by education and practical experience in the engineering field to be designated as such;

(6) From misrepresenting and exaggerating the demand for and the qualifications and earnings of persons trained in respondents' school;

(7) From misrepresenting and exaggerating the education, training and experience of teachers employed by respondents;

(8) From misrepresenting and exaggerating the equipment available to respondents' students at respondents' place of business or elsewhere;

(9) From representing that initial payments made by prospective students, or any other amounts paid by students for tuition, will be refunded, when such refunds are not in fact made;

(10) From representing that students will receive a specified salary, or any salary, while pursuing courses of instruction at respondents' school, or that students will be reimbursed for their tuition in any way, unless and until a salary is paid or students are reimbursed for the tuition paid in some manner;

(11) From representing that upon completion of any of respondents' courses of study and instruction positions will be available offering work in the field of said courses of study and instruction, unless such positions are available and may be secured by students;

(12) From representing that the prices at which a course of study is offered is a special price, unless said price is lower than the sum charged other students for the same course of study and instruction at the same time.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-265; Filed, January 17, 1940; 10:37 a. m.]

[Docket No. 3276]

IN THE MATTER OF A. SCHOTTLAND, INC., ET AL.

§ 3.66 (a) *Misbranding or mislabeling—Composition.* Using, in connection with offer, etc., in commerce, of textile fabrics, including women's undergarments and garments or similar products, the words "pure dye" or any other word or words of similar import or meaning, to designate or describe fabrics which are not composed wholly of unweighted silk, the product of the cocoon of the silkworm, prohibited; subject to the provision, however, that in the case of a fabric or material composed in part of unweighted silk and in part of materials other than unweighted silk, such words may be used as descriptive of the unweighted silk content if there is used in immediate connection or conjunction therewith in letters of equal size and conspicuousness, a word or words accurately describing and designating each constituent fiber or material thereof in the order of its predominance by weight, beginning with the largest single constituent. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, A. Schottland, Inc., et al., Docket 3276, December 28, 1939]

§ 3.66 (a) *Misbranding or mislabeling—Composition.* Using, in connection with offer, etc., in commerce, of textile fabrics, including women's undergarments and garments or similar products, the words "Satin", "taffeta" or "crepe" or any other word or words of similar import or meaning to describe or designate any fabric or product which is not composed wholly of silk, the product of the cocoon of the silkworm, prohibited; subject to the provision, however, that when said words are used truthfully to designate or describe the type of weave, construction or finish, such words must be qualified by using in immediate connection and conjunction therewith in letters of at least equal size and conspicuousness a word or words clearly and accurately naming or describing the fibers or materials from which said product is made. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, A. Schottland, Inc., et al., Docket 3276, December 28, 1939]

§ 3.66 (a) *Misbranding or mislabeling—Composition.* Using, in connection with offer, etc., in commerce, of textile fabrics, including women's undergarments and garments or similar products, the term "silk" or any other term or terms which includes the word "silk", or any colorable simulation thereof, or using any other term of similar import or meaning to describe or designate any fabric or product which is not wholly composed of silk, the product of the cocoon of the silkworm, prohibited; subject to the provision, however, that in the case of a fabric or product composed in part of silk and in part of materials other than silk, such term or similar terms may be used as descriptive of the silk content when immediately accompanied by a word or words accurately describing and designating such other materials in the order of their predominance by weight, beginning with the largest single constituent. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, A. Schottland, Inc., et al., Docket 3276, December 28, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of December, A. D. 1939.

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

IN THE MATTER OF A. SCHOTTLAND, INC., A CORPORATION, AND VALMOR UNDERGARMENT COMPANY, INC., A CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent Valmor Undergarment Company, Inc., in which answer the Valmor Undergarment Company, Inc., admits all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts; the answer of the respondent, A. Schottland, Inc., denying many of the material allegations of the complaint, testimony and other evidence taken before Edward E. Reardon, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, and brief filed by the counsel for the Commission, and the Commission having made its findings as to the facts and its conclusion that said

[1] 3 F.R. 2583 DI.

respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, A. Schottland, Inc., and Valmor Undergarment Company, Inc., their respective officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of textile fabrics including women's undergarments and garments or similar products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "pure dye" or any other word or words of similar import or meaning to designate or describe fabrics which are not composed wholly of unweighted silk, the product of the cocoon of the silkworm, provided that in the case of a fabric or material composed in part of unweighted silk and in part of materials other than unweighted silk, such words may be used as descriptive of the unweighted silk content if there is used in immediate connection or conjunction therewith in letters of equal size and conspicuousness, a word or words accurately describing and designating each constituent fiber or material thereof in the order of its predominance by weight, beginning with the largest single constituent;

2. Using the words "satin", "taffeta" or "crepe" or any other word or words of similar import or meaning to describe or designate any fabric or product which is not composed wholly of silk, the product of the cocoon of the silkworm, provided, however, that when said words are used truthfully to designate or describe the type of weave, construction or finish, such words must be qualified by using in immediate connection and conjunction therewith in letters of at least equal size and conspicuousness a word or words clearly and accurately naming or describing the fibers or materials from which said product is made;

3. Using the term "silk" or any other term or terms which includes the word "silk", or any colorable simulation thereof, or using any other term of similar import or meaning to describe or designate any fabric or product which is not wholly composed of silk, the product of the cocoon of the silkworm, provided that in the case of a fabric or product composed in part of silk and in part of materials other than silk, such term or similar terms may be used as descriptive of the silk content when immediately accompanied by a word or words accurately describing and designating such other materials in the order of their predominance by weight, beginning with the largest single constituent.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40–259; Filed, January 17, 1940; 10:35 a. m.]

[Docket No. 3364]

IN THE MATTER OF GIMBEL BROTHERS, INC., ET AL.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods.* Using, in connection with offer, etc., in commerce, of textile fabrics, the word "wool" or "woolens," or any other word or term descriptive of wool, to describe, designate or in any way refer to any fabric or product which is not composed wholly of wool; subject to the provision, however, in the case of fabrics or products composed in part of wool and in part of other fibers, that such words may be used as descriptive of the wool content if there is used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing and designating each constituent fiber or material thereof in the order of its predominance by weight, beginning with the largest single constituent, and subject to the further provision that if any particular fiber in said fabrics or products is not present in a substantial amount by weight, the percentage in which such fiber is present shall then be specifically disclosed; or representing in any manner whatsoever that fabrics or products offered for sale or sold by it contain wool in greater quantity, percentage or degree than is actually the case; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Gimbel Brothers, Inc., et al., Docket 3364, December 29, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of December, A. D. 1939.

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

IN THE MATTER OF GIMBEL BROTHERS, INC., A CORPORATION, AND MORRIS KAPLAN & SON, INC., A CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answers of the respondents, testimony and other evidence taken before John J. Keenan, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, and briefs of counsel for the Commission and counsel for the respondents, and the Commission having made its findings as to the facts and its conclusion that the respondent Gimbel Brothers, Inc., a corporation, has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Gimbel Brothers, Inc., its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of textile fabrics in commerce, as "Commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the word "wool", or "woolens" or any other word or term descriptive of wool, to describe, designate or in any way refer to any fabric or product which is not composed wholly of wool; provided, however, that in the case of fabrics or products composed in part of wool and in part of other fibers such words may be used as descriptive of the wool content if there is used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing and designating each constituent fiber or material thereof in the order of its predominance by weight, beginning with the largest single constituent, and provided further that if any particular fiber in said fabrics or products is not present in a substantial amount of weight, the percentage in which such fiber is present shall then be specifically disclosed;

(2) Representing in any manner whatsoever that fabrics or products offered for sale or sold by it contain wool in greater quantity, percentage or degree than is actually the case;

It is further ordered, That the respondent Gimbel Brothers, Inc., 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.

It is further ordered, That the complaint be dismissed as to the respondent Morris Kaplan & Son, Inc., a corporation.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40–260; Filed, January 17, 1940; 10:35 a. m.]

[Docket No. 3387]

IN THE MATTER OF CIVILIAN PREPARATORY SERVICE, INC.

§ 3.69 (a) (6.5) *Misrepresenting oneself and goods—Business status, advantages or connections—Government con-*

[1] 3 F.R. 1801 DI.

nection: § 3.69 (a) (7) *Misrepresenting oneself and goods—Business status, advantages or connections—Government indorsement or sponsorship.* Representing, in connection with offer, etc., in commerce, of respondent's courses of study and instruction, that the respondent or its representatives have any connection with or are under the supervision of the United States Government or the United States Civil Service Commission, or that respondent is cooperating with or working in conjunction with or by authorization of the United States Civil Service Commission in preparing students for Civil Service examinations, or that its school has been selected by the United States Civil Service Commission to select and prepare candidates for Civil Service examinations and positions, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Civilian Preparatory Service, Inc., Docket 3387, December 28, 1939]

§ 3.69 (a) (16) *Misrepresenting oneself and goods—Business status, advantages or connections—Unique status or advantages:* § 3.69 (b) (2) *Misrepresenting oneself and goods—Goods—Demand for or business opportunities:* § 3.69 (b) (7.3) *Misrepresenting oneself and goods—Goods—Jobs and employment:* § 3.69 (b) (15.7) *Misrepresenting oneself and goods—Goods—Scientific or other relevant facts:* § 3.72 (g) *Offering deceptive inducements to purchase—Job guarantee.* Representing, in connection with offer, etc., in commerce, of respondent's courses of study and instruction, that the respondent is able to secure any advance information with respect to Civil Service examinations which is not available to the general public, or that Government positions are open or available to students taking respondent's course and passing the Civil Service examination, or that Civil Service examinations will be held at a specified time or place, unless such examinations have in fact been set by the United States Civil Service Commission for such time and place, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Civilian Preparatory Service, Inc., Docket 3387, December 28, 1939]

§ 3.69 (a) (7) *Misrepresenting oneself and goods—Business status, advantages or connections—Government indorsement or sponsorship:* § 3.69 (b) (7.3) *Misrepresenting oneself and goods—Goods—Jobs and employment:* § 3.69 (b) (15.7) *Misrepresenting oneself and goods—Goods—Scientific or other relevant facts:* § 3.69 (b) (16.8) *Misrepresenting oneself and goods—Goods—Unique nature or advantages:* § 3.72 (g) *Offering deceptive inducements to purchase—Job guarantee:* § 3.72 (n) *Offering deceptive inducements to purchase—Special or limited offers.* Representing, in connection with offer, etc., in commerce, of respondent's courses of study and instruction, that a prospect solicited has been selected for a definite Government position after qualifying by taking respondent's course and passing the Civil Service examination, or that it is necessary to take respondent's course in order to take a Civil Service examination or secure a government position under the classified Civil Service, or that students of the school conducted by respondent are given preferences in Civil Service examinations or in appointments to Government positions, or that respondent's school has the recognition or approval of the United States Government or the Civil Service Commission, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Civilian Preparatory Service, Inc., Docket 3387, December 28, 1939]

§ 3.69 (b) (16.4) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.72 (o) *Offering deceptive inducements to purchase—Tuition.* Representing, in connection with offer, etc., in commerce, of respondent's courses of study and instruction, that the payment of the purchase price of respondent's course of instruction, or any part thereof, may be deferred until after the student has obtained a position with the Government, unless and until such is the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Civilian Preparatory Service, Inc., Docket 3387, December 28, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of December, A. D. 1939.

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

ORDER TO CEASE AND DESIST

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

It is ordered, That the respondent, Civilian Preparatory Service, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its courses of study and instruction, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that the respondent or its representatives have any connection with or are under the supervision of the United States Government or the United States Civil Service Commission, or that respondent is cooperating with or working in conjunction with or by authorization of the United States Civil Service Commission in preparing students for Civil Service examinations, or that its school has been selected by the United States Civil Service Commission to select and prepare candidates for Civil Service examinations and positions;

2. Representing that the respondent is able to secure any advance information with respect to Civil Service examinations which is not available to the general public;

3. Representing that Government positions are open or available to students taking respondent's course and passing the Civil Service examination, or that Civil Service examinations will be held at a specified time or place, unless such examinations have in fact been set by the United States Civil Service Commission for such time and place;

4. Representing that a prospect solicited has been selected for a definite Government position after qualifying by taking respondent's course and passing the Civil Service examination, or that it is necessary to take respondent's course in order to take a Civil Service examination or secure a government position under the classified Civil Service;

5. Representing that students of the school conducted by respondent are given preferences in Civil Service examinations or in appointments to Government positions, or that respondent's school has the recognition or approval of the United States Government or the Civil Service Commission;

6. Representing that the payment of the purchase price of respondent's course of instruction, or any part thereof, may be deferred until after the student has obtained a position with the Government, unless and until such is the fact.

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. 40-266; Filed, January 17, 1940; 10:38 a. m.]

[1] 4 F.R. 889 DI.

[Docket No. 3826]

IN THE MATTER OF PREMIER COLOR WORKS ET AL.

§ 3.18 *Claiming indorsements or testimonials falsely:* § 3.66 (b10) *Misbranding or mislabeling—History:* § 3.66 (c) *Misbranding or mislabeling—Indorsements or awards:* § 3.66 (c20) *Misbranding or mislabeling—Manufacture.* Representing, in connection with offer, etc., in commerce, of respondent's line of effervescent and laxative products designated by the brand name of "Ave Maria", "Ave Maria Effervescent Preparation", "Ave Maria Laxative Preparation" or by any other name or names, that the formulas from which said products are manufactured are or were originated or recommended by an official or representative of the Royal University of Naples, or by any other person or persons who in truth and in fact have not originated or recommended said formulas, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Premier Color Works et al., Docket 3826, December 28, 1939]

§ 3.66 (c) *Misbranding or mislabeling—Indorsements or awards.* Representing, in connection with offer, etc., in commerce, of respondent's line of effervescent and laxative products designated by the brand name of "Ave Maria", "Ave Maria Effervescent Preparation", "Ave Maria Laxative Preparation", or by any other name or names, through the use of medals or any other decoration depicted on the containers or cartons in which said products are packaged, or in any other manner, that said products have been awarded any medals, prizes or other awards of merit by any International Exposition or any other Exposition, or by any divisions thereof, until and unless said products have in fact won the awards represented, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Premier Color Works et al., Docket 3826, December 28, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of December, A. D. 1939.

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

IN THE MATTER OF MICHAEL P. BRIGANTI, FRED C. MATTIA, INDIVIDUALLY AND AS CO-PARTNERS, TRADING AS PREMIER COLOR WORKS AND MATTIA AND BRIGANTI COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, Fred C. Mattia, individually, and as the sole owner of and trading as Premier Color Works and Mattia and Briganti Company, in which answer said respondent admits all the material allegations of fact set forth in said complaint, and in addition thereto alleges that on September 29, 1939, the respondent, Fred C. Mattia, purchased the entire interest of his co-partner, Michael P. Briganti, in the business operated under the trade names of Premier Color Works and Mattia and Briganti Company, and since said date has been and is now the sole owner and proprietor thereof, in which the said Michael P. Briganti owns no interest, and has not been connected therewith in any manner since thus disposing of his interest, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Fred C. Mattia, an individual, trading as Premier Color Works and Mattia and Briganti Company, or trading under any other name or names, his agents, servants, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of his line of effervescent and laxative products designated by the brand name of "Ave Maria", "Ave Maria Effervescent Preparation", "Ave Maria Laxative Preparation" or by any other name or names; in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that the formulas from which said products are manufactured are or were originated or recommended by an official or representative of the Royal University of Naples, or by any other person or persons who in truth and in fact have not originated or recommended said formulas;

(2) Representing through the use of medals or any other decoration depicted on the containers or cartons in which said products are packaged, or in any other manner that said products have been awarded any medals, prizes or other awards of merit by any International Exposition or any other Exposition or by any divisions thereof until and unless said products have in fact won the awards represented.

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

It is further ordered, That this case be closed as to the individual respondent Michael P. Briganti, without prejudice to the right of the Commission to reopen the same and continue the prosecution thereof in the event such action is warranted by the facts.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 40-261; Filed, January 17, 1940; 10:36 a. m.]

[Docket No. 3827]

IN THE MATTER OF HOWARD D. JOHNSON COMPANY

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (m10) *Advertising falsely or misleadingly—Manufacture:* § 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product.* Disseminating, etc., 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 respondent's food products, which advertisements represent, directly or through implication, that said food products are home made or home cooked, unless and until said products are in fact made or cooked in the manner and of the ingredients characteristic of the preparation of such products in the home for consumption in the home, as distinguished from factory made products made of the ingredients and by the ordinary means of production used in factories manufacturing such products for sale, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Howard D. Johnson Company, Docket 3827, December 28, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of December, A. D. 1939.

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

IN THE MATTER OF HOWARD D. JOHNSON COMPANY, A CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of the complaint to be true and states that it waives hearing on the charges set forth in said complaint and that without further evidence or other intervening procedure the case might proceed to final hearing upon the record, and the Commission having made its findings as to the facts and conclu-

[1] 4 F.R. 3593 DI.

sion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Howard D. Johnson Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of its food products, or 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 said food products, which said advertisement represents, directly or through implication, that said food products are home made or home cooked, unless and until said products are in fact made or cooked in the manner and of the ingredients characteristic of the preparation of such products in the home for consumption in the home, as distinguished from factory made products made of the ingredients and by the ordinary means of production used in factories manufacturing such products for sale.

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. 40–262; Filed, January 17, 1940; 10.36 a. m.]

[Docket No. 3830]

IN THE MATTER OF PRIME HAT COMPANY, INC., ET AL.

§ 3.66 (e) *Misbranding or mislabeling—Old, secondhand or reconstructed as new—Old and used as unused or new:* § 3.69 (b) (9) *Misrepresenting oneself and goods—Goods—Old, secondhand or reconstructed as new—Old and used as unused or new.* Representing, in connection with offer, etc., in commerce, of hats, (1) that hats composed in whole or in part of used or second-hand materials are new or are composed of new materials by failure to stamp on the sweat bands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that said products are composed of second-hand or used materials, or (2) in any manner that hats made in whole or in part from old, used or second-hand materials are new or are composed of new materials, prohibited; subject to further provision, in case of first prohibition, that if sweat bands are not affixed to such hats, then such stamping must appear on the bodies of such hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating said bodies. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Prime Hat Company, Inc., et al., Docket 3830, December 29, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of December, A. D. 1939.

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

IN THE MATTER OF PRIME HAT COMPANY, INC., A CORPORATION, AND VINCENT GERBINO, SAMUEL SCIFO, VITO DIGREGORIO, AND JOHN SCIFO, INDIVIDUALLY AND AS OFFICERS OF PRIME HAT COMPANY, INC., A CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before John L. Hornor, an Examiner of the Commission, theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief in support of the complaint (respondents not having filed a brief, and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent Prime Hat Company, Inc., a corporation, its officers, representatives, agents and employees, and respondents Vincent Gerbino, Samuel Scifo, Vito Digregorio and John Scifo, individually and as officers of said corporation, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of hats in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that hats composed in whole or in part of used or second-hand materials are new or are composed of new materials by failure to stamp on the sweat bands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that said products are composed of second-hand or used materials, provided that if sweat bands are not affixed to such hats, then such stamping must appear on the bodies of such hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating said bodies;

2. Representing in any manner that hats made in whole or in part from old, used or second-hand materials are new or are composed of new materials.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40–263; Filed, January 17, 1940; 10:36 a. m.]

[Docket No. 3855]

IN THE MATTER OF U-NEED CANDY CO., INC., ET AL.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, candy or any other merchandise, so packed and assembled that sales of such candy, or other merchandise, to the general public are to be, or may be, made by means of a lottery scheme, gaming device or gift enterprise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, U-Need Candy Co., Inc., et al., Docket 3855, December 29, 1939]

§ 3.99 (b) *Using or selling lottery devices — In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or other merchandise, others with assortments of candy, or other merchandise, together with push or pull cards, punchboards, or other lottery devices, which said push or pull cards, punchboards, or other lottery devices are to be, or may be, used in selling or distributing such candy or other merchandise to the general public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, U-Need Candy Co., Inc., et al., Docket 3855, December 29, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or other merchandise, others with push or pull cards, punchboards or other lottery devices, either with assortments of candy or other merchandise, or separately, which said push or pull cards, punchboards, or other lottery devices are to be, or may be, used in selling or distributing such candy or other merchandise to the general public, prohibited. (Sec. 5, 38 Stat.

[1] 4 F.R. 3617 DI.

719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, U-Need Candy Co., Inc., et al., Docket 3855, December 29, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc, in commerce, of candy or other merchandise, any merchandise by means of a game of chance, gift enterprise, or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, U-Need Candy Co., Inc., et al., Docket 3855, December 29, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of December, A. D. 1939.

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

IN THE MATTER OF U-NEED CANDY CO., INC., A CORPORATION, AND LOUIS J. WEGER, MRS. LOUIS J. WEGER, AND CHARLES R. HOSEY, INDIVIDUALS

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint, and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent U-Need Candy Co., Inc., a corporation, its officers, and Louis J. Weger, Mrs. Louis J. Weger, and Charles R. Hosey, individuals, their respective representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing candy, or any other merchandise, so packed and assembled that sales of such candy, or other merchandise, to the general public are to be made, or may be made, by means of a lottery scheme, gaming device, or gift enterprise;

(2) Supplying to, or placing in the hands of, others assortments of candy, or other merchandise, together with push or pull cards, punchboards, or other lottery devices, which said push or pull cards, punchboards, or other lottery devices, are to be used, or may be used, in selling or distributing such candy, or other merchandise, to the general public;

(3) Supplying to, or placing in the hands of, others push or pull cards, punchboards or other lottery devices, either with assortments of candy, or other merchandise, or separately, which said push or pull cards, punchboards, or other lottery devices are to be used, or may be used, in selling or distributing such candy, or other merchandise, to the general public;

(4) Selling, or otherwise disposing of, any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

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

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 40-264; Filed, January 17, 1940; 10:37 a. m.]

[1] 4 F.R. 4439 DI.

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER IV—SECRET SERVICE

PART 402—REPRODUCTION OF CANCELED UNITED STATES INTERNAL REVENUE STAMPS

§ 402.1 *Authority.* This authorization is made under authority of section 150 of the Act of March 4, 1909, 35 Stat. 1116 (U.S.C., title 18, sec. 264) and section 172 of the Act of March 4, 1909, 35 Stat. 1121, as amended by section 4 of the Act of January 27, 1938, 52 Stat. 7 (U.S.C., title 18, sec. 286) and under all other authority vested in the Secretary of the Treasury.

§ 402.2 *Reproductions authorized.* Authority is hereby given to make, hold and dispose of black and white reproductions of canceled United States internal revenue stamps, provided that such reproductions are made, held and disposed of as a part of and in connection with the making, holding, and disposition, for lawful purposes, of the reproductions of the documents to which such stamps are attached.

§ 402.3 *Modification or Revocation.* This authorization may be modified or revoked at any time.

[SEAL] HERBERT E. GASTON, *Acting Secretary of the Treasury.*

JANUARY 15, 1940.

[F. R. Doc. 40-258; Filed January 16, 1940; 3:53 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket Nos. 1136-FD to 1151-FD, 1153-FD to 1159-FD]

BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 3, COMPLAINANT, VS. ARKWRIGHT COAL COMPANY, BAILEY COAL COMPANY, BERRY FUEL COMPANY, CONTINENTAL COAL COMPANY, CORRADO COAL & COKE CORPORATION, DAVIS & REYNOLDS, INC., DAVIS-WILSON COAL COMPANY, FRANCES FUEL COMPANY, GETTY COAL COMPANY, GREEN VALLEY COAL COMPANY, HICKMAN-MILLER COAL COMPANY, HOUCK REIDLER BROS. COAL MNG. COMPANY, JONES COLLIERIES, INC., MCKENNA COAL COMPANY, MARYLAND COAL CO. OF W. VA., MONONGAHELA RAIL & RIVER COAL CORP., NEW BYRNE COAL COMPANY, PECKS RUN COAL COMPANY, PURSGLOVE COAL MINING CO., ROSEDALE COAL COMPANY, SEWELL COAL COMPANY, VIRGINIA & PITTSBURGH COAL & COKE CO., WALKER COAL MINING COMPANY, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Producers Board for District No. 3, Complainant, having filed with the Bituminous Coal Division, pursuant to Section 5 (b) of the Bituminous Coal Act of 1937, complaints alleging wilful violation by the above-named defendants of the Bituminous Coal Code and/or regulations made thereunder;

It is ordered, That a hearing on such matters be held on March 5, 1940, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, in the Civil Service Room of the Federal Building, Fairmont, West Virginia.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to the complainant, to the defendants, and to any other person who may have an interest in such proceeding. Any per-

son desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before March 1, 1940.

The matters concerned herewith are in regard to complaints filed by Bituminous Coal Producers Board for District No. 3, alleging wilful violation by the above-named defendants of the Bituminous Coal Code and/or regulations made thereunder for failure to pay District Board Assessments.

Dated, January 16, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 40–272; Filed, January 17, 1940; 12:20 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION UPON APPLICATIONS FOR PERMISSION TO EMPLOY LEARNERS IN THE CIGAR MANUFACTURING INDUSTRY AT WAGES LOWER THAN APPLICABLE MINIMUM

Whereas, The Cigar Manufacturers Association of America, Inc., and sundry other parties pursuant to Part 522 (Regulations Applicable to the Employment of Learners pursuant to Section 14 of the Fair Labor Standards Act) made application for permission to employ learners in the cigar manufacturing industry at wages lower than the applicable minimum wage specified in Section 6 of the Act; and

Whereas, a hearing on said application was held[1] before Merle D. Vincent the representative of the Administrator of the Wage and Hour Division, duly authorized to conduct the said hearing and to determine—

(a) what, if any, occupation or occupations in the cigar manufacturing industry, or branch thereof, require a learning period, and

(b) the factors which may have a bearing upon curtailment of opportunities for employment within the cigar manufacturing industry, or branch thereof, and

(c) under what limitations as to wages, time, number, proportion, and length of service special certificates may be issued to employers in the cigar manufacturing industry, or branch thereof, for whatever occupation or occupations, if any, are found to require a learning period; and

Whereas, following such hearing the said Merle D. Vincent duly made his findings of fact and determined as follows:

"(1) The occupations of packer and cigar machine operator in the machine branch, and packer and hand cigar maker in the hand branch of the cigar industry require a learning period.

"(2) The learning period for packers and for cigar machine operators is eight weeks and for hand cigar makers is six months.

"(3) It is not necessary in order to prevent curtailment of opportunities for employment to issue Special Certificates authorizing the employment of learners in the cigar industry at subminimum rates.

"The applications are denied"; and

Whereas, the said Merle D. Vincent's Determination and Order were duly filed with the Administrator on January 2, 1940, and are now on file in his office, Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties;

Now, therefore, pursuant to the provisions of Section 522.13 of the aforesaid regulations, as amended, notice is hereby given that any person aggrieved by the said determination may within fifteen days after the date this notice appears in the FEDERAL REGISTER, file petitions with the Administrator requesting that he review the determination of the said representative.

Signed at Washington, D. C., this 9th day of January, 1940.

HAROLD D. JACOBS,
Administrator.

[F. R. Doc. 40–253; Filed, January 16, 1940; 2:50 p. m.]

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION FOR THE WOOLEN INDUSTRY

Whereas, the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to Section 5 (b) of the Fair Labor Standards Act of 1938, on January 7, 1939, by Administrative Order No. 11,[1] appointed Industry Committee No. 1A for the Woolen Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas, Industry Committee No. 1A, on May 22, 1939, recommended a minimum wage rate for the Woolen Industry and duly adopted a report containing said recommendation and reasons therefor and has filed such report with the Administrator on December 28, 1939, pursuant to Section 8 (d) of the Act and Section 511.19 of the Regulations issued under the Act; and

Whereas, the Administrator is required by Section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 1A if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act; and, if he finds otherwise, to disapprove such recommendations;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 1A is as follows:

"That 36 cents per hour is the highest minimum wage which at this time will not substantially curtail employment and will not cause dislocation of employment in the industry, and recommends to the Administrator that this wage be established as the minimum wage for the entire industry without classification."

II. The definition of the Woolen Industry, as set forth in Administrative Order No. 11, issued January 7, 1939, and redefined in Administrative Order No. 24,[2] issued May 22, 1939, is as follows:

(a) The manufacturing or processing of all yarns (other than carpet yarns) spun entirely from wool or animal fiber (other than silk); and all processes preparatory thereto;

(b) The manufacturing, dyeing or other finishing of fabrics and blankets (other than carpets, rugs and pile fabrics) woven from yarns spun entirely of wool or animal fiber (other than silk);

(c) The manufacturing, dyeing, or other finishing of fulled suitings, coatings, topcoatings, and overcoatings knit from yarns spun entirely of wool or animal fiber (other than silk);

(d) The picking of rags and clips made entirely from wool or animal fiber (other than silk), and the garnetting of wool or animal fiber (other than silk) from rags, clips, or mill waste; and other processes related thereto;

(e) The manufacturing of batting, wadding or filling made entirely of wool or animal fiber (other than silk);

(f) The manufacturing or processing of all yarns (other than carpet yarns) spun from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber; except the manufacturing or processing on systems other than the woolen system of yarns containing not more than 45 percent by weight of wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber;

(g) The manufacturing, dyeing or other finishing of the products enumerated in clauses (b), (c), (d), and (e) from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber; except products containing not more than 25 percent by weight of wool or animal fiber (other than silk), with a margin of

[1] 4 F.R. 4267 DI.

[1] 4 F.R. 109 DI.

[2] 4 F.R. 2124 DI.

tolerance of 2 percent to meet the exigencies of manufacture;

III. The full text of the report and recommendation of Industry Committee No. 1A is available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division.

Boston, Massachusetts, 120 Boylston Street.
New York, New York, 412 Federal Building, 641 Washington Street.
Buffalo, New York, 500 Gerrans Building.
Philadelphia, Pennsylvania, 1630 Widener Building.
Pittsburgh, Pennsylvania, 216 Old Post Office Building.
Newark, New Jersey, 1004 Kinney Building, 790 Broad Street.
Cleveland, Ohio, 728 Standard Building, 1370 Ontario Avenue.
Cincinnati, Ohio, 421 Keith Building, 525 Walnut Street.
Detroit, Michigan, 358 Federal Building.
Chicago, Illinois, 955 Merchandise Mart.
Indianapolis, Indiana, 708 Railway Exchange Building.
Richmond, Virginia, 215 Richmond Trust Building.
Baltimore, Maryland, Snow Building, 6th Floor, Calvert & Lombard Streets.
Washington, District of Columbia, Department of Labor, 5th Floor.
Atlanta, Georgia, 314 Witt Building, 249 Peachtree Street.
Birmingham, Alabama, 818 Comer Building.
Jacksonville, Florida, 225 Post Office Building.
Charlotte, North Carolina, 409 Johnston Building, 212 South Tryon Street.
Nashville, Tennessee, 119 Seventh Avenue, North.
St. Louis, Missouri, 314 Old Custom House Building, 815 Olive Street.
Kansas City, Missouri, 504 Title & Trust Building.
Minneapolis, Minnesota, 406 New Post Office Building.
Denver, Colorado, 106 Old Custom House Building.
Dallas, Texas, 618-621 Wilson Building.
San Antonio, Texas, 716 Maverick Building.
New Orleans, Louisiana, 516 Carondelet Building.
San Francisco, California, 785 Market Street.
Los Angeles, California, H. W. Hellman Building, 354 S. Spring Street.
Seattle, Washington, 206 Hartford Building.
San Juan, Puerto Rico, Box 111, Post Office.
Juneau, Alaska, D. B. Stewart, Commissioner of Mines.

Copies of the Committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing for the purpose of taking evidence on the question of whether the recommendation of Industry Committee No. 1A shall be approved or disapproved pursuant to Section 8 of the Act will be held on February 5, 1940, at 10:00 a. m. in Room 208, 939 D St. NW., Washington, D. C., before a presiding officer to be designated prior to such hearing by the Administrator of the Wage and Hour Division, United States Department of Labor.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 1A, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person; provided, that not later than February 1, 1940, such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 1A.
4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

VI. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the presiding officer as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request made to the official reporter.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear will be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such further taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. Where evidence is embraced in a document containing matter not intended to be put in evidence, such document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of documents from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such applications shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the

admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but the record shall not include argument thereon except as ordered by the presiding officer.

12. Before the close of the hearing the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs and the rules and regulations as to the contents and manner of presentation thereof, shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 16th day of January, 1940.

HAROLD D. JACOBS,
Administrator.

[F. R. Doc. 40–254; Filed, January 16, 1940; 2:50 p. m.]

NOTICE OF OPPORTUNITY TO SUBMIT WRITTEN BRIEFS TO THE ADMINISTRATOR ON OR BEFORE FEBRUARY 12, 1940, IN THE MATTER OF THE RECOMMENDATIONS OF INDUSTRY COMMITTEE NO. 4 FOR MINIMUM WAGES IN THE HAT INDUSTRY

Whereas, a hearing has been held from December 18, 1939 to December 21, 1939, before Oscar R. Strackbein, the duly appointed representative of the Administrator, at which all persons interested in the report and recommendations of Industry Committee No. 4 concerning minimum wage rates for the Hat Industry were given opportunity to be heard and to offer evidence, and

Whereas, it is the intention of the Administrator to give opportunity to all persons who appeared at said hearing to argue orally before him at some future time, notice of which will be given in the FEDERAL REGISTER,

Now, therefore, notice is hereby given that, as announced at the hearing, the Administrator will receive written briefs (not fewer than 12 copies) at the Department of Labor, Washington, D. C., from persons who have entered an appearance at said hearing, bearing on the issues which are before him in this matter provided that such briefs are submitted to him on or before 4:30 P. M. Monday, February 12, 1940.

Signed at Washington, D. C., this 16th day of January, 1940.

HAROLD D. JACOBS,
Administrator.

[F. R. Doc. 40–273; Filed, January 17, 1940; 12:36 p. m.]

NOTICE OF OPPORTUNITY TO SUBMIT WRITTEN BRIEFS TO THE ADMINISTRATOR ON OR BEFORE FEBRUARY 12, 1940, IN THE MATTER OF THE RECOMMENDATIONS OF INDUSTRY COMMITTEE NO. 6 FOR MINIMUM WAGES IN THE SHOE MANUFACTURING AND ALLIED INDUSTRIES

Whereas a hearing has been held from December 11, 1939, to December 16, 1939, before Major Robert N. Campbell, the duly appointed representative of the Administrator, at which all persons interested in the report and recommendations of Industry Committee No. 6 concerning minimum wage rates for the Shoe Manufacturing and Allied Industries were given opportunity to be heard and to offer evidence, and

Whereas it is the intention of the Administrator to give opportunity to all persons who appeared at said hearing to argue orally before him at some future time, notice of which will be given in the FEDERAL REGISTER,

Now, therefore, notice is hereby given that, as announced at the hearing, the Administrator will receive written briefs (not fewer than 12 copies) at the Department of Labor, Washington, D. C., from persons who have entered an appearance at said hearing, bearing on the issues which are before him in this matter provided that such briefs are submitted to him on or before 4:30 P. M. Monday, February 12, 1940.

Signed at Washington, D. C., this 16th day of January 1940.

HAROLD D. JACOBS,
Administrator.

[F. R. Doc. 40–274; Filed, January 17, 1940; 12:36 p. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 249]

IN THE MATTER OF THE APPLICATION OF EASTERN AIR LINES, INC., UNDER SECTION 405 (E) OF THE CIVIL AERONAUTICS ACT OF 1938 FOR REVIEW OF CERTAIN ACTIONS OF THE POSTMASTER GENERAL AND ITS COMPLAINT, UNDER SECTION 411 OF SAID ACT, AGAINST CERTAIN UNFAIR PRACTICES AND METHODS OF COMPETITION OF AMERICAN AIRLINES, INC.

ORDER GRANTING APPLICATION TO WITHDRAW APPLICATION AND COMPLAINT

At a session of the Civil Aeronautics Authority held in the city of Washington, D. C., on the 16th day of January 1940.

Eastern Air Lines, Inc., having made application to withdraw its application and complaint in the above-entitled proceeding, without prejudice; and

American Airlines, Inc., having consented to such withdrawal; and

The Authority having found that its action in this matter will enable it to effectuate the purposes of the Act:

It is ordered, That the application to withdraw the application and complaint of Eastern Air Lines, Inc., in the above-entitled proceeding be and the same is granted. The application and complaint and all documents pertaining thereto shall, however, be retained in the files of the Civil Aeronautics Authority.

By the Authority.

[SEAL] ROBERT R. REINING,
Acting Secretary.

[F. R. Doc. 40–276; Filed, January 17, 1940; 12:55 p. m.]

[Docket Nos. 5–401 (B)–1, 222, 9–401 (B)–1, 203]

IN THE MATTER OF THE APPLICATIONS OF NATIONAL AIRLINES, INC., AND EASTERN AIR LINES, INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

ORAL ARGUMENT

At a session of the Civil Aeronautics Authority held at its offices in Washington, D. C., on the 16th day of January, 1940.

Upon consideration of the request of Eastern Air Lines, Inc., for oral argument before the Authority in connection with the above-entitled proceeding,

It is ordered, That said proceeding be, and it is, set for oral argument before the Authority on January 24, 1940, at 10 o'clock a. m. (Eastern Standard Time), in Room 5044 Commerce Building, Washington, D. C.

By the Authority.

[SEAL] ROBERT R. REINING,
Acting Secretary.

[F. R. Doc. 40–277; Filed, January 17, 1940; 12:55 p. m.]

RAILROAD RETIREMENT BOARD.

IN THE MATTER OF THE EMPLOYER STATUS OF NATIONAL CARLOADING CORPORATION, UNIVERSAL CARLOADING & DISTRIBUTING COMPANY, INC., AND OF INDIVIDUALS WHO HAVE BEEN ENGAGED IN THE PERFORMANCE OF THE OPERATIONS OF THOSE COMPANIES

Notice is hereby given to all persons interested that under the authority of Board Order No. 40–26, dated January 12, 1940, a hearing will be held beginning March 11, 1940, at 10:00 A. M., at the offices of the Board in Washington, D. C., at which time evidence concerning the question of the employer status under the Railroad Retirement Act and the Railroad Unemployment Insurance Act, of National Carloading Corporation, and Universal Carloading & Distributing Company, Inc., and the question of the employee status under those Acts of the individuals who have been engaged in the performance of the operations of those companies, will be received by me.

JOSEPH A. FANELLI,
Examiner.

JANUARY 16, 1940.

[F. R. Doc. 40–270; Filed, January 17, 1940; 11:35 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of January, A. D. 1940.

[File No. 50–1]

IN THE MATTER OF THE APPLICATION OF INTERNATIONAL PAPER AND POWER COMPANY

ORDER DENYING PETITION FOR REHEARING

Lewis H. Morris and Myron S. Bentham, as a Committee for the Protection of 7% Preferred Stockholders of International Paper and Power Company, having on December 27, 1939 filed with this Commission a petition for rehearing with respect to an order of the Commission, dated November 28, 1939, dismissing this proceeding after said proceeding had been remanded to this Commission by the United States Circuit Court of Appeals for the First Circuit in its opinion dated April 11, 1939 (*sub. nom. Lawless* v. *Securities and Exchange Commission et al.*, 105 Fed. (2d) 574) for further proceedings not inconsistent with such opinion; and

The Commission having duly considered said petition for rehearing and the reasons assigned by said petition:

It is ordered, That said petition for rehearing be and hereby is denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40–267; Filed, January 17, 1940; 11:32 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of January, A. D. 1940.

[File No. 65–3]

IN THE MATTER OF THE DAYTON POWER AND LIGHT COMPANY; MORGAN, STANLEY & CO., INCORPORATED

ORDER TO SHOW CAUSE

The Dayton Power and Light Company, a subsidiary of Columbia Gas & Electric Corporation, a registered holding company, which is in turn a subsidiary of The United Corporation, a registered holding company, having filed an application pursuant to the third sentence of Section 6 (b) of the Public Utility Holding Company Act of 1935, wherein it states that it proposes to issue and sell $25,000,000 principal amount of First Mortgage Bonds, 3% Series Due 1970 to underwriters for resale to the public, and a hearing on such application having been ordered by the Commission to be held on February 1, 1940; and

It appearing from said application that one of the underwriters to whom said The Dayton Power and Light Company proposes to sell said bonds for resale to the public is Morgan, Stanley & Co., Incorporated; and

It appearing from said application that the participation which said Morgan, Stanley & Co., Incorporated, will have in the total offering of the aforementioned bonds will exceed 5% thereof; and

It further appearing to the Commission that Morgan, Stanley & Co., Incorporated, may stand in such relation to The Dayton Power and Light Company that there is liable to be or to have been an absence of arm's-length bargaining with respect to the transaction whereby The Dayton Power and Light Company proposes to sell in excess of 5% of the total offering of the afore-mentioned bonds to Morgan, Stanley & Co., Incorporated.

It is ordered, Pursuant to Rule U–12F–2 of the General Rules and Regulations promulgated under the Public Utility Holding Company Act of 1935 that The Dayton Power and Light Company and Morgan, Stanley & Co., Incorporated, and each of them show cause on the 24th day of January, 1940, at ten o'clock in the forenoon of that day in Room 1103 of the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C., why the Commission should not find that Morgan, Stanley & Co., Incorporated, stands in such relation to The Dayton Power and Light Company that there is liable to be or to have been an absence of arm's-length bargaining with respect to the transaction whereby said The Dayton Power and Light Company proposes to sell to said Morgan, Stanley & Co., Incorporated, in excess of 5% of the total of the issue of $25,000,000 principal amount of its First Mortgage Bonds, 3% Series Due 1970; and

It is ordered, That Edward C. Johnson be and he hereby is designated to preside at the hearing ordered herein. 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 said Act and to a trial examiner under the Commission's Rules of Practice; and

It is further ordered, That the proceedings on the Order to Show Cause provided for herein be not consolidated with the hearings on the application of The Dayton Power and Light Company filed with this Commission pursuant to the third sentence of Section 6 (b) of said Act, subject to the right of the Commission to reconsider the propriety of consolidation of such matters at a later time.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40–268; Filed, January 17, 1940; 11:32 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of January, A. D., 1940.

[Files Nos. 7–376 to 7–381, inclusive]

IN THE MATTER OF APPLICATIONS BY THE CINCINNATI STOCK EXCHANGE FOR UNLISTED TRADING PRIVILEGES IN AMERICAN ROLLING MILL COMPANY COMMON STOCK, $25 PAR VALUE; CITY ICE AND FUEL COMPANY COMMON STOCK, NO PAR VALUE; COLUMBIA GAS AND ELECTRIC CORPORATION COMMON STOCK, NO PAR VALUE; GENERAL MOTORS CORPORATION COMMON STOCK, $10 PAR VALUE; STANDARD BRANDS INCORPORATED COMMON STOCK, NO PAR VALUE; TIMKEN ROLLER BEARING COMPANY COMMON STOCK, NO PAR VALUE

ORDER DISPOSING OF APPLICATIONS FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

The Cincinnati Stock Exchange having made application to the Commission, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule X–12F–1, to extend unlisted trading privileges to the above mentioned securities; and

After appropriate notice[1] a hearing having been held in this matter in Cleveland, Ohio; and

The Commission having this day made and filed its findings and opinion herein;

It is ordered, That the applications of the Cincinnati Stock Exchange, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, for permission to extend unlisted trading privileges to the following securities:

American Rolling Mill Company, Common Stock, $25 par Value;

City Ice and Fuel Company, Common Stock, No Par Value;

Columbia Gas and Electric Corporation, Common Stock, No Par Value;

General Motors Corporation, Common Stock, $10 Par Value;

Timken Roller Bearing Company, Common Stock, No Par Value;

be and the same hereby are granted.

It is further ordered, That the application of the Cincinnati Stock Exchange, pursuant to said section, for permission to extend unlisted trading privileges to Standard Brands Incorporated, Common Stock, No Par Value, be and the same hereby is denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40–269; Filed, January 17, 1940; 11:32 a. m.]

[1] 4 F.R. 1637 DI.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of January, A. D. 1940.

[File No. 60–10]

IN THE MATTER OF SOUTHEASTERN GAS AND WATER COMPANY

NOTICE AND ORDER FOR HEARING TO DETERMINE WHETHER SAID COMPANY SHOULD BE DECLARED TO BE A SUBSIDIARY OF A REGISTERED HOLDING COMPANY

The Commission having reasonable cause to believe that Southeastern Gas and Water Company is subject to a controlling influence, directly or indirectly, by North American Gas and Electric Company (either alone or pursuant to an arrangement or understanding with one or more persons) so as to make it necessary and appropriate in the public interest and for the protection of investors and consumers that Southeastern Gas and Water Company be subject to the obligations, duties, and liabilities imposed upon subsidiaries of holding companies by the Public Utility Holding Company Act of 1935.

It is ordered, Pursuant to Section 2 (a) (8) (B) of said Act that a hearing be held to determine whether such controlling influence exists and if such controlling influence is found to exist to declare Southeastern Gas and Water Company to be a subsidiary of North American Gas and Electric Company.

It is further ordered, That such hearing be held on the 5th day of February, 1940 at 10:00 in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue, N.W., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Willis E. Monty 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 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.

Notice of such hearing is hereby given to Southeastern Gas and Water Company and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceedings shall file a notice to that effect with the Commission on or before the 2nd day of February, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

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