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FEDERAL REGISTER

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Washington, Saturday, March 16, 1940

The President

EXECUTIVE ORDER

PLACING CERTAIN LANDS UNDER THE CONTROL OF THE SECRETARY OF THE INTERIOR

NEW MEXICO

By virtue of and pursuant to the authority vested in me by section 1 of the act of July 5, 1884, c. 214, 23 Stat. 103, it is ordered as follows:

1. Having become useless for military purposes, the following-described lands are hereby placed under the control of the Secretary of the Interior for disposition as provided in the above-mentioned act, or as may be otherwise provided by law:

New Mexico Principal Meridian

- T. 28 S., R. 8 W.,
sec. 21, NE $\frac{1}{4}$.
- T. 28 S., R. 9 W.,
sec. 23, SE $\frac{1}{4}$;
sec. 24, S $\frac{1}{2}$;
sec. 25, all;
sec. 26, E $\frac{1}{2}$.

2. Executive Orders No. 2489 of November 21, 1916, and No. 2575 of April 4, 1917, reserving the above-described lands for military purposes, are hereby revoked.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

March 13, 1940.

[No. 8376]

[F. R. Doc. 40-1088; Filed, March 14, 1940; 2:51 p. m.]

Rules, Regulations, Orders

**TITLE 16—COMMERCIAL PRACTICES
CHAPTER I—FEDERAL TRADE COMMISSION**

[Docket No. 2150]

IN THE MATTER OF MORTON SALT COMPANY

§ 3.6 (m10) *Advertising falsely or misleadingly—Manufacture:* § 3.6 (n) (2) *Advertising falsely or misleadingly—*

Nature—Product: § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.66 (c20) *Misbranding or mislabeling—Manufacture:* § 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.66 (h) *Misbranding or mislabeling—Qualities or properties:* § 3.96 (a) (3.5) *Using misleading name—Goods—Manufacture:* § 3.96 (a) (4) *Using misleading name—Goods—Nature:* § 3.96 (a) (6) *Using misleading name—Goods—Qualities or properties.* Using, in connection with offer, etc., in commerce, of salt for curing, preserving, smoking or flavoring meats, the word "smoked", or the word "smoke", or any other word or words signifying smoke, or implying use of smoke, to designate or describe salt offered or sold as aforesaid, unless the salt so described or designated has been or is directly subjected to the action and effect of the smoke from burning wood during its process of combustion sufficiently to acquire from such source alone all of its smoke, or smoke effects, for use in curing, preserving, smoking or flavoring meats, prohibited; subject to provision that nothing in order shall prohibit respondent from using terms "wood smoke" and "refined condensed smoke" in enumerating or stating ingredients of such salt when it has been directly subjected to action and effect of smoke of burning wood during process of combustion, and there has been added refined concentrate resulting from the destructive distillation of wood, and where application of each is in sufficient quantity to impart flavor of smoke. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Modified cease and desist order, Morton Salt Company, Docket 2150, March 8, 1940]

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 8th day of March, A. D. 1940.

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

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MODIFIED ORDER TO CEASE AND DESIST

Whereas, the Commission, on October 17, 1939, issued in this proceeding its order to cease and desist,¹ and

Whereas, it now appears to the Commission desirable to clarify said order to cease and desist in certain respects.

¹ 4 F.R. 4387.



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It is therefore ordered, That the order to cease and desist issued in this proceeding on the 17th day of October, A. D., 1939, be modified so that as modified it will read as follows:

"This proceeding having been heard upon the complaint issued and served upon respondent, Morton Salt Company, and its answer thereto, testimony, evidence, briefs and arguments of counsel for the Commission and counsel for respondent, and the Federal Trade Commission having made its report in writing stating its findings as to the facts and its conclusion drawn therefrom that the respondent has been and is violating the provisions of an Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," and the Commission having, on April 30, 1935 entered and issued its order requiring the respondent, Morton Salt Company, its officers, agents, employees and representatives, in connection with offering for sale or selling salt in interstate commerce or in the District of Columbia, to cease and desist, on brands or labels, and in magazines, trade journals, newspapers or other periodicals, or in house organs, pamphlets, radio broadcasting, or in any other form of advertisement, directly or indirectly, expressly or impliedly, from using the word "smoked" or the word "smoke," or any other word or words signifying smoke, or implying use of smoke, to designate or describe salt offered for sale, or sold, for curing, preserving, smoking, or flavoring meats, unless the salt so described or designated has been or is directly subjected to the action and effect of the smoke from burning wood during its process of combustion sufficiently to acquire from such source alone all of its smoke or smoke effects for use in curing, preserving, smoking, or flavoring meats, and further ordering said respondent to file within 60 days from the service of said

order a report in writing setting forth the manner and form of its compliance therewith; and by order duly entered herein on June 28, 1935 having extended the time for filing report of compliance with said order from July 31, 1935 to August 30, 1935; and by order duly entered hereon on June 17, 1936 having stayed said proceeding until final decision by the Commission in the matters of Smoke Products Company, et al., Docket 2783, and Pennsylvania Salt Manufacturing Company et al., Docket 2784; and by order duly entered hereon on April 21, 1938 having directed that this matter remain *in fieri* without prejudice to the right of the Commission forthwith to enter such final order as seems just at or after the Commission's final decision in the matters of Dockets 2783 and 2784, and the Commission having made its final decision in the matters of Dockets 2783 and 2784, and having duly entered and issued its findings as to the facts and conclusions and orders to cease and desist in these matters, and having duly considered the record herein;

"*It is ordered,* That respondent, Morton Salt Company, its officers, agents, employees and representatives in connection with offering for sale, sale or distribution of salt in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from using the word "smoked" or the word "smoke", or any other word or words signifying smoke, or implying use of smoke, to designate or describe salt offered for sale, or sold, for curing, preserving, smoking or flavoring meats, unless the salt so described or designated has been or is directly subjected to the action and effect of the smoke from burning wood during its process of combustion sufficiently to acquire from such source alone all of its smoke or smoke effects for use in curing, preserving, smoking, or flavoring meats.

"Nothing in this order shall prohibit the respondent from using the terms "wood smoke" and "refined condensed smoke" in enumerating or stating the ingredients of such salt when such salt has been directly subjected to the action and effect of the smoke of burning wood during its process of combustion and there has been added thereto a refined concentrate resulting from the destructive distillation of wood, and where the application of each of such products is in sufficient quantity to impart to such salt the flavor of smoke."

It is further ordered, That the respondent shall, within sixty days after service upon it of this modified 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. 40-1091; Filed, March 15, 1940; 11:34 a. m.]

[Docket No. 3274]

IN THE MATTER OF MONROE CHEMICAL COMPANY ET AL.

§ 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in any manner, in connection with offer, etc., in commerce, of respondents' "Mary T. Goldman's Gray Hair Color Restorer", or other similar cosmetic preparation, that said product is not a dye, or is other than a dye, or will cause gray or faded or streaked hair to change color without dyeing the hair, or will restore the natural, original or youthful color to gray hair, or will remove all trace of gray hair in any other manner than as a dye, or representing that anything less than repeated applications of said product will change the color of the user's hair, or will cause the user's hair to maintain the color imparted to the hair by said product, 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, Monroe Chemical Company et al., Docket 3274, March 8, 1940]

§ 3.6 (a) (11) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Identity:* § 3.6 (k) *Advertising falsely or misleadingly—Individual attention:* § 3.6 (1) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.18 *Claiming indorsements or testimonials falsely.* Representing, by any means, in connection with offer, etc., in commerce of respondents' "Mary T. Goldman's Gray Hair Color Restorer", or other similar cosmetic preparation, that Mary T. Goldman is a living person personally recommending said preparation or personally corresponding with the users or prospective users of said preparation, 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, Monroe Chemical Company et al., Docket 3274, March 8, 1940]

§ 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.96 (a) (4) *Using misleading name—Goods—Nature.* Using, in connection with offer, etc., in commerce, of respondents' "Mary T. Goldman's Gray Hair Color Restorer", or other similar cosmetic preparation, the word "restorer" or any other word or term of similar import or meaning as part of the brand name for its products, 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, Monroe Chemical Company et al., Docket 3274, March 8, 1940]

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 8th day of March, A. D. 1940.

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

IN THE MATTER OF MONROE CHEMICAL COMPANY AND MARY T. GOLDMAN COMPANY, CORPORATIONS

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent Monroe Chemical Company, a corporation, and the stipulation as to the facts entered into between the respondents herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or intervening procedure, the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, 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 respondents Monroe Chemical Company, a corporation, and Mary T. Goldman Company, a corporation, their respective officers, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of their cosmetic preparation designated "Mary T. Goldman's Gray Hair Color Restorer", or any other cosmetic preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under that name or 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 in any manner that said preparation is not a dye, or is other than a dye, or will cause gray or faded or streaked hair to change color without dyeing the hair; or that said preparation will restore the natural, original or youthful color to gray hair; or that said preparation will remove all trace of gray hair in any other manner than as a dye;

(2) Representing by any means that Mary T. Goldman is a living person personally recommending said preparation or personally corresponding with the users or prospective users of said preparation;

(3) Representing that anything less than repeated applications of said product will change the color of the user's hair; or representing that in the use of said product anything less than repeated applications of said product will cause the user's hair to maintain the color imparted to the hair by said product.

(4) Using the word "restorer" or any other word or term of similar import or

meaning as part of the brand name for its products.

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. 40-1092; Filed, March 15, 1940; 11:34 a. m.]

[Docket No. 3961]

IN THE MATTER OF M. SEIDEL & SON

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of furs, fur garments or other merchandise, others with push or pull cards, punch boards or other lottery devices, which said push or pull cards, punch boards or other lottery devices are to be, or may be, used in selling and distributing any merchandise by the use thereof, 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, M. Seidel & Son, Docket 3961, March 7, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Mailing, etc., in connection with offer, etc., in commerce, of furs, fur garments or other merchandise, to agents or distributors, or to members of the public, push or pull cards, punch boards or other lottery devices, which said push or pull cards, punch boards or other lottery devices are so prepared and printed that said devices are to be, or may be, used in selling and distributing any merchandise by the use thereof, 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, M. Seidel & Son, Docket 3961, March 7, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of furs, fur garments or other merchandise, any merchandise by the use of push or pull cards, punch boards or other lottery devices, 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, M. Seidel & Son, Docket 3961, March 7, 1940]

§ 3.6 (g) *Advertising falsely or misleadingly—Earnings:* § 3.72 (c) *Offering deceptive inducements to purchase—Excessive earnings.* Representing, in connection with offer, etc., in commerce, of furs, fur garments or other merchandise, any specified sum of money as possible earnings or profits of agents, salesmen, representatives or distributors, for any given period of time which is not a true representation of the average net earn-

ings or profits consistently made by respondents' active full-time agents, salesmen, representatives or distributors in the ordinary course of business under normal conditions and circumstances, or any specified sum of money as earnings or profits of any specified agent, salesman, representative or distributor for any given period of time which has not in fact been consistently earned net by such agent, salesman, representative or distributor in the ordinary course of business under normal conditions and circumstances, 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, M. Seidel & Son, Docket 3961, March 7, 1940]

§ 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.66 (d) *Misbranding or mislabeling—Nature.* Describing, in connection with offer, etc., in commerce, of furs, fur garments or other merchandise, furs or fur garments in any other way than by the use of the true name of the fur as a last word of the description or designation thereof, or describing furs or fur garments wherein the fur has been dyed or processed to simulate another fur without using the true name of the fur as a last word of the description or designation thereof, immediately preceded by the word "dyed" or "processed", as the case may be, compounded with the name of the simulated fur, 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, M. Seidel & Son, Docket 3961, March 7, 1940]

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 7th day of March, A. D. 1940.

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

IN THE MATTER OF MAURICE SEIDEL AND CHARLES SEIDEL, INDIVIDUALS AND CO-PARTNERS, TRADING AS M. SEIDEL & SON

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 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 respondents, Maurice Seidel and Charles Seidel, individually and as copartners, trading under the name of M. Seidel & Son, their representatives, agents and employees, direct-

ly or through any corporate or other device in connection with the offering for sale, sale and distribution of furs, fur garments or other merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Supplying to, or placing in the hands of, others, push or pull cards, punch boards or other lottery devices, which said push or pull cards, punch boards or other lottery devices are to be used, or may be used, in selling and distributing any merchandise by the use thereof;

(2) Mailing, shipping or transporting to agents or distributors, or to members of the public, push or pull cards, punch boards or other lottery devices, which said push or pull cards, punch boards or other lottery devices are so prepared and printed that said devices are to be used, or may be used, in selling and distributing any merchandise by the use thereof;

(3) Selling, or otherwise disposing of, any merchandise by the use of push or pull cards, punch boards or other lottery devices;

(4) Representing any specified sum of money as possible earnings or profits of agents, salesmen, representatives or distributors, for any given period of time which is not a true representation of the average net earnings or profits consistently made by their active full-time agents, salesmen, representatives or distributors in the ordinary course of business under normal conditions and circumstances;

(5) Representing any specified sum of money as earnings or profits of any specified agent, salesman, representative or distributor for any given period of time which has not in fact been consistently earned net by such agent, salesman, representative or distributor in the ordinary course of business under normal conditions and circumstances;

(6) Describing furs or fur garments in any other way than by the use of the true name of the fur as a last word of the description or designation thereof;

(7) Describing furs or fur garments wherein the fur has been dyed or processed to simulate another fur without using the true name of the fur as a last word of the description or designation thereof immediately preceded by the word "dyed" or "processed", as the case may be, compounded with the name of the simulated fur.

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. 40-1093; Filed, March 15, 1940; 11:34 a. m.]

**TITLE 31—MONEY AND FINANCE:
TREASURY**

CHAPTER II—OFFICE OF THE COMMISSIONER OF ACCOUNTS AND DEPOSITS

[1940—Department Circular 570 Rev.1]

PART 226—SURETY COMPANIES

CORPORATIONS ACCEPTABLE AS SURETIES ON FEDERAL BONDS

The following is a list of companies holding certificates of authority from the Secretary of the Treasury, issued under the Acts of Congress of August 13, 1894 (28 Stat. 279), and March 23, 1910 (36 Stat. 241), (U.S.C., Title 6, Sections 6 to 13 (inclusive)), as acceptable sureties on Federal bonds; this list also includes acceptable reinsurance companies under Department Circular No. 297, dated July 5, 1922, as amended. Further details including the amount of underwriting limitation of each company, as well as the extent and localities with respect to which they are acceptable as sureties on Federal bonds may be found at any time by reference to the current issue of Treasury Department Form 356, copies of which may be procured from the Treasury Department, Section of Surety Bonds, Washington, D. C.

Names of Companies, Locations of Principal Executive Offices and States in Which Incorporated

California

1. Associated Indemnity Corporation, San Francisco.
2. Fireman's Fund Indemnity Co., San Francisco.
3. National Automobile Insurance Co., Los Angeles.
4. Occidental Indemnity Co., San Francisco.
5. Pacific Indemnity Co., Los Angeles.

Connecticut

6. The Aetna Casualty and Surety Co., Hartford.
7. The Century Indemnity Co., Hartford.
8. Hartford Accident and Indemnity Co., Hartford.
9. The Travelers Indemnity Company, Hartford.

Delaware

10. Saint Paul-Mercury Indemnity Co., St. Paul, Minn.

Illinois

11. American Motorists Insurance Co., Chicago.
12. Lumbermens Mutual Casualty Co., Chicago.

Indiana

13. Continental Casualty Co., Chicago, Ill.
14. Inland Bonding Co., South Bend.

Kansas

15. The Kansas Bankers Surety Co., Topeka.
16. The Western Casualty and Surety Co., Fort Scott.

Maryland

17. American Bonding Company of Baltimore.
18. Fidelity and Deposit Co. of Maryland, Baltimore.
19. Maryland Casualty Company, Baltimore.
20. United States Fidelity and Guaranty Co., Baltimore.

Massachusetts

21. American Employers' Insurance Co., Boston.
22. Massachusetts Bonding and Insurance Co., Boston.

Michigan

23. National Casualty Co., Detroit.
24. Standard Accident Insurance Co., Detroit.

Missouri

25. Central Surety and Insurance Corporation, Kansas City.
26. Employers Reinsurance Corporation, Kansas City.

New Hampshire

27. Peerless Casualty Company, Keene.

New Jersey

28. Commercial Casualty Insurance Company, Newark.
29. International Fidelity Insurance Co., Jersey City.

New York

30. American Guarantee and Liability Insurance Company, Chicago, Illinois.
31. American Re-Insurance Co., New York.
32. American Surety Co. of New York.
33. Columbia Casualty Co., New York.
34. Eagle Indemnity Co., New York.
35. The Excess Insurance Co. of America, New York.
36. The Fidelity and Casualty Co. of New York.
37. General Reinsurance Corporation, New York.
38. Glens Falls Indemnity Co., Glens Falls.
39. Globe Indemnity Co., New York.
40. Great American Indemnity Co., New York.
41. The Home Indemnity Co., New York.
42. London & Lancashire Indemnity Co. of America, Hartford, Conn.
43. Merchants Indemnity Corporation of New York.
44. The Metropolitan Casualty Insurance Co. of New York, Newark, N. J.
45. National Surety Corporation, New York.
46. New Amsterdam Casualty Co., Baltimore, Md.
47. New York Casualty Co., New York.
48. Phoenix Indemnity Co., New York.

- 49. The Preferred Accident Insurance Co. of New York.
 - 50. Royal Indemnity Co., New York.
 - 51. Seaboard Surety Co., New York.
 - 52. Standard Surety and Casualty Co. of New York.
 - 53. Sun Indemnity Co. of New York.
 - 54. United States Casualty Co., New York.
 - 55. United States Guarantee Co., New York.
 - 56. The Yorkshire Indemnity Co. of New York.
- Ohio
- 57. The Ohio Casualty Insurance Co., Hamilton.
- Pennsylvania
- 58. Eureka Casualty Co., Philadelphia.
 - 59. Indemnity Insurance Co. of North America, Philadelphia.
 - 60. Manufacturers' Casualty Insurance Co., Philadelphia.
 - 61. Mellon Indemnity Corporation, Pittsburgh.
- South Dakota
- 62. Western Surety Co., Sioux Falls.
- Texas
- 63. American General Insurance Co., Houston.
 - 64. American Indemnity Co., Galveston.
 - 65. Commercial Standard Insurance Co., Fort Worth.
 - 66. Employers Casualty Co., Dallas.
 - 67. Texas Indemnity Insurance Co., Galveston.
 - 68. Trinity Universal Insurance Co., Dallas.
- Virginia
- 69. Virginia Surety Co., Inc., Roanoke.
- Washington
- 70. General Casualty Co. of America, Seattle.
 - 71. Northwest Casualty Co., Seattle.
 - 72. United Pacific Insurance Co., Seattle.
- Foreign Companies Authorized To Do a Reinsurance Business Only*
- 73. Accident and Casualty Insurance Co. of Winterthur, Switzerland (U. S. Office, New York, N. Y.).
 - 74. Car and General Insurance Corporation, Ltd., London, England (U. S. Office, New York, N. Y.).
 - 75. The Employers' Liability Assurance Corp., Ltd., London, England (U. S. Office, Boston, Mass.).
 - 76. The European General Reinsurance Co., Ltd., London, England (U. S. Office, New York, N. Y.).
 - 77. The Guarantee Co. of North America, Montreal, Canada (U. S. Office, New York, N. Y.).

78. London Guarantee and Accident Co., Ltd., London, England (U. S. Office, New York, N. Y.).

79. The Ocean Accident and Guarantee Corp., Ltd., London, England (U. S. Office, New York, N. Y.).

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 40-1094; Filed, March 15, 1940; 11:43 a. m.]

TITLE 47—TELECOMMUNICATION
CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 1—RULES OF PRACTICE AND PROCEDURE

APPLICATION FORM REVISED

The Commission on March 12, 1940, effective immediately, revised the form of application¹ for admission to practice before the Commission prescribed by § 1.34,² so as to include a statement by the applicant as to whether or not he has been suspended or disbarred from practice before any governmental agency.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-1095; Filed, March 15, 1940; 11:49 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Division of Marketing and Marketing Agreements.

[Docket No. A-129, O-129]

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER REGULATING THE HANDLING OF APPLES GROWN IN THE STATES OF WASHINGTON AND OREGON

Whereas, pursuant to the provisions of Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

¹ F.C.C. Form No. 786 filed as part of the original document; requests for copies should be addressed to the Federal Communications Commission.

² 4 F.R. 3341.

Whereas, the Secretary of Agriculture of the United States has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to such handling of apples grown in the States of Washington and Oregon as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce:

Now, therefore, pursuant to the said act and said general regulations, notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating such handling of apples grown in the States of Washington and Oregon in the Auditorium, Chamber of Commerce, Wenatchee, Washington, on April 1, 1940, at 9:30 a. m., P. s. t.; in the Auditorium, Chamber of Commerce, Yakima, Washington, on April 3, 1940, at 9:30 a. m., P. s. t.; and in the Library Building, Hood River, Oregon, on April 5, 1940, at 9:30 a. m., P. s. t.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each provides, in similar terms, a plan for the regulation of such handling of the aforesaid apples as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce. Among other matters relating to such regulation, the proposed marketing agreement and order provide for: (a) the establishment of a Control Committee consisting of grower members and handler members; (b) levying of assessments by the Control Committee to cover expenses of administration; (c) regulation of shipments by grades, sizes, or combinations of grades and sizes; (d) inspection of shipments by an authorized representative of the Federal-State Inspection Service during periods when regulations are in effect; (e) regulation of certain unfair trade practices and unfair methods of competition; and (f) reports to the Control Committee by handlers.

Copies of the proposed marketing agreement and order may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310, South Building, Washington, D. C., or may be there inspected.

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

MARCH 14, 1940.

[F. R. Doc. 40-1089; Filed, March 15, 1940; 9:30 a. 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 OPERATION OF THOSE COMPANIES

Notice is hereby given to all persons interested that Board Order 40-26, adopted January 12, 1940, has been amended by Board Order 40-115, adopted March 7, 1940, so as to provide for separate hearings, separate records and separate Examiners' reports in the National Carloading Corporation and the Universal Carloading & Distributing Company, Inc., cases. The hearings will be held at the same place, one to follow immediately after the other. (See 5 F.R. 945, March 5, 1940)

JOSEPH A. FANELLI,
Examiner.

MARCH 14, 1940.

[F. R. Doc. 40-1087; Filed, March 14, 1940;
2:03 p. 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 14th day of March, A. D. 1940.

[File Nos. 44-63, 46-194]

IN THE MATTER OF CHATTANOOGA GAS COMPANY AND FEDERAL WATER SERVICE CORPORATION

NOTICE OF AND ORDER FOR HEARING

Applications pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on April 3, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., 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. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That W. Gomer Krise 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 such declarant or applicant 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 ad-

mitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 1, 1940.

The matter concerned herewith is in regard to the acquisition and retirement of certain securities and an open account indebtedness of Chattanooga Gas Company held by Federal Water Service Corporation consisting of

- (a) 5,000 shares of 6% cumulative preferred stock, \$100 par value;
- (b) A \$1,200,302 unsecured 6% demand note, dated April 23, 1932;
- (c) A \$155,478.68 unsecured 6% demand note, dated May 27, 1932; and
- (d) A \$156,141.40 open account indebtedness.

By an order of the Commission, dated January 17, 1940, Release No. 1891, jurisdiction over the above matter was reserved.

After the acquisition, for which no consideration will be paid and the retirement of the above mentioned securities and open account indebtedness, the only outstanding securities of Chattanooga Gas Company will be 7,500 shares of common stock, par value \$100, now wholly owned by Federal Water Service Corporation.

Chattanooga Gas Company has designated Section 12 (c) of said Act and Rule U-12C-1 promulgated thereunder as applicable to its application and Federal Water Service Corporation, Section 12 (d) of said Act as applicable to its application.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1090; Filed, March 15, 1940;
11:20 a. m.]