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General

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**FEDERAL REGISTER**  
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**Regulations**

**TITLE 6—AGRICULTURAL CREDIT**  
Chapter I—Farm Credit Administration

**PART 29—THE FEDERAL LAND BANK OF WICHITA**

**FEES REQUIRED OF BORROWERS IN CONNECTION WITH LAND BANK LOANS, LAND BANK COMMISSIONER LOANS, AND JOINT LAND BANK AND LAND BANK COMMISSIONER LOANS**

Section 29.1 (6 CFR, Cum. Supp.) is amended to read as follows:

§ 29.1 *Application and loan fees.* Each application for a new loan, or an additional loan, shall be accompanied by a fee of \$10.00, to be refunded if no appraisal is made. A further fee of \$7.50 shall be required if it appears necessary for the Bank to make a personal investigation outside of the Ninth Farm Credit District, such fee to be refunded if the investigation is not made. If a reappraisal is required because of delay of the applicant, or is made at the applicant's request, an additional fee of \$10.00 may be required. (Sec. 13 "Ninth", 39 Stat. 372, sec. 26, 48 Stat. 44, sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth", 723 (e), 1016 (e), and Supp.; 6 CFR 19.322, 19.333, and 19.355) [President's Order, February 19, 1945]

THE FEDERAL LAND BANK  
OF WICHITA.  
C. G. SHULL,  
*President.*

Confirmed:

R. H. JONES,  
*Vice President and Treasurer.*

[F. R. Doc. 45-3218; Filed, Feb. 28, 1945; 9:32 a. m.]

**TITLE 7—AGRICULTURE**

**Chapter XI—War Food Administration**  
(Distribution Orders)

[WFO 120-4]

**PART 1405—FRUITS AND VEGETABLES**  
**IRISH POTATOES**

Pursuant to the authority vested in me by War Food Order No. 120 (9 F.R. 14475) issued on December 8, 1944, as

amended (10 F.R. 103, 1823), and to effectuate the purposes of such order, as amended, it is hereby ordered as follows:

§ 1405.53 *Territorial scope*—(a) *Definitions.* Each term defined in War Food Order No. 120, as amended, shall, when used herein, have the same meaning as is set forth for the respective term in War Food Order No. 120, as amended.

(b) *Specifications relative to territorial scope.* The provisions of War Food Order No. 120, as amended, shall be applicable to any shipment of Irish potatoes from the area consisting of the counties of Ottawa, Kent, Ionia, Clinton, Saginaw, and Bay in the State of Michigan and all counties north thereof in Michigan exclusive of that portion of Michigan known as the Upper Peninsula.

(c) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., March 1, 1945.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 120, 9 F.R. 14475, 10 F.R. 103, 1823)

Issued this 24th day of February 1945.

C. W. KITCHEN,  
*Director of Marketing Services.*

[F. R. Doc. 45-3140; Filed, Feb. 26, 1945; 3:25 p. m.]

[WFO 44-1, Amdt. 4]

**PART 1465—FISH AND SHELLFISH**

**FILING OF REPORTS; CANNED FISH**

War Food Order No. 44-1, as amended (8 F.R. 5825, 9488, 9 F.R. 2536, 4321, 4319, 7810, 10 F.R. 103), is further amended as follows:

1. By deleting the provisions in (1) of § 1465.21 (a) and inserting, in lieu thereof, the following:

(1) "WFO 44" means War Food Order No. 44, as amended (8 F.R. 4227, 8797, 9 F.R. 2489, 4321, 4319, 7361, 9584, 10624, 10 F.R. 103, 555).

2. By deleting "February 28, 1945" from the provisions in § 1465.21 (a) (3) and inserting, in lieu thereof, "March 31, 1945."

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**NOTICE**

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This amendment shall become effective at 12:01 a. m., e. w. t., March 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 44-1, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 44-1, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

**NOTE:** All reporting requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 44, as amended, 8 F.R. 4227, 8797, 9 F.R. 2489, 4321, 4319, 7361, 9584, 10624, 10 F.R. 103, 555)

Issued this 26th day of February 1945.

H. E. REED,  
Acting Director of  
Marketing Services.

[F. R. Doc. 45-3139; Filed, Feb. 26, 1945; 12:11 p. m.]

[WFO 79-126. Amdt. 2]

**PART 1401—DAIRY PRODUCTS**

**FLUID MILK AND CREAM IN AUSTIN, TEX., SALES AREA**

Pursuant to War Food Order No. 79, as amended (8 F.R. 12426, 13293, 9 F.R. 4321, 4319, 6982, 9459, 10035, 11990, 10 F.R. 103), dated September 7, 1943, and to effectuate the purposes thereof, War Food Order No. 79-126, as amended (9 F.R. 645, 4321, 4319, 10619), relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Austin, Texas, milk sales area, is hereby further amended by deleting in § 1401.159 (h) the numerals "200" and "100" and substituting for the numeral "200" the numeral "350" and substituting for the numeral "100" the numeral "175."

The provisions of this amendment shall become effective at 12:01 a. m.,

e. w. t., March 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 79-126, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 79-126, as amended, in effect prior to the effective time hereof, shall continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319, 6982, 9459, 10035, 11990, 10 F.R. 103)

Issued this 28th day of February 1945.

C. W. KITCHEN,  
Director of Marketing Services.

[F. R. Doc. 45-3226; Filed, Feb. 28, 1945;  
11:09 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter II—Administrator of Civil Aeronautics

[Amdt. 65]

#### PART 600—DESIGNATION OF CIVIL AIRWAYS MISCELLANEOUS AIRWAYS

FEBRUARY 12, 1945.

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

*Redesignation of Civil Airways: Amber Civil Airway No. 1 And Red Civil Airway No. 32*

1. By striking in § 600.10100 *Amber civil airway No. 1 (San Diego, Calif., to Nome, Alaska)* the following portion of the caption: "San Diego, Calif." and substituting in lieu thereof the following: "U. S.—Mexican Border," and by striking the words: "Municipal Airport, San Diego, Calif." and substituting in lieu thereof the following: "intersection of the center line of the on course signal of the southeast leg of the San Diego, Calif., radio range and the U. S.—Mexican Border"

2. By amending § 600.10231 *Red civil airway No. 32 (Austin, Tex., to Houston, Tex.)* to read as follows:

§ 600.10231 *Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.)*. From the Laredo, Tex., radio range station via the intersection of the center lines of the on course signals of the northeast leg of the Laredo, Tex., radio range and the southwest leg of the San Antonio, Tex., (Kelly) radio range; San Antonio, Tex., (Kelly) radio range station and the intersection of the center lines of the on course signals of the northeast leg of the San Antonio, Tex., (Kelly) radio range and the west leg of the San Antonio, Tex., (Alamo) radio range. From the Austin, Tex., radio range station via the intersection of the center

lines of the on course signals of the southeast leg of the Austin, Tex., radio range and the northwest leg of the Richmond, Tex., radio range and the Richmond, Tex., radio range station to the intersection of the center lines of the on course signals of the southeast leg of the Richmond, Tex., radio range and the southwest leg of the Houston, Tex., radio range.

This amendment shall become effective 0001 e. w. t., February 28, 1945.

T. P. WRIGHT,  
Administrator.

[F. R. Doc. 45-3215; Filed, Feb. 28, 1945;  
9:15 a. m.]

[Amdt. 93]

#### PART 601—DESIGNATION OF CERTAIN CONTROL AIRPORTS

##### MISCELLANEOUS AIRWAYS

FEBRUARY 12, 1945.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the regulations of the Administrator of Civil Aeronautics as follows:

*Redesignation of Airway Traffic Control Amber Civil Airway No. 1 and Red Civil Airway No. 32. Redesignation of Radio Fixes: Amber Civil Airway No. 1 and Red Civil Airway No. 32.*

1. By amending the caption of § 601.1011 *Amber civil airway No. 1 airway traffic control areas*, to read as follows:

§ 601.1011 *Amber civil airway No. 1 airway traffic control areas (U. S.—Mexican Border to Nome, Alaska)*.

2. By amending § 601.10232 *Red civil airway No. 32 airway traffic control areas (Austin, Tex., to Houston, Tex.)* to read as follows:

§ 601.10232 *Red civil airway No. 32 airway traffic control areas (Laredo, Tex., to Houston, Tex.)*. All of Red civil airway No. 32 from Austin, Tex., to Houston, Tex.

3. By striking in § 601.4011 *Amber civil airway No. 1 (San Diego, Calif., to Nome, Alaska)* the following portion of the caption: "San Diego, Calif." and substituting in lieu thereof the following: "U. S.—Mexican Border."

4. By amending § 601.40232 *Red civil airway No. 32 (Austin, Tex., to Houston, Tex.)* to read as follows:

§ 601.40232 *Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.)*. Laredo, Tex., radio range station; the intersection of the center lines of the on course signals of the southwest leg of the San Antonio, Tex., (Kelly) radio range and the southeast leg of the Hondo, Tex., radio range; Richmond, Tex., radio range station.

This amendment shall become effective 0001 e. w. t., February 28, 1945.

T. P. WRIGHT,  
Administrator.

[F. R. Doc. 45-3216; Filed, Feb. 28, 1945;  
9:16 a. m.]

## TITLE 26—INTERNAL REVENUE

### Chapter I—Bureau of Internal Revenue

#### Subchapter E—Administrative Provisions Common to Various Taxes

[T. D. 5440]

PART 450—WITHDRAWAL OF OLEOMARGARINE, FILLED CHEESE, PLAYING CARDS, TOBACCO, SNUFF, CIGARS AND CIGARETTES FROM FACTORIES FREE OF TAX, FOR USE OF THE UNITED STATES

FILLED CHEESE

FEBRUARY 27, 1945.

Regulations 34, Revised January, 1928 (26 CFR, Part 26), but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4884, approved February 11, 1939 (26 CFR, Cum. Sup., Note, p. 5875), are amended as follows:

PARAGRAPH 1. The caption immediately following the title "Regulations No. 34, Revised" is amended to read as follows:

Regulations governing the withdrawal of oleomargarine, filled cheese, playing cards, tobacco, snuff, cigars, and cigarettes, from factories, free of tax, for use of the United States, under section 3464, Revised Statutes, and section 3331, Internal Revenue Code.

PAR. 2. Immediately preceding § 450.0 there is inserted the following:

SEC. 3331. EXEMPTION FROM TAX OF DOMESTIC GOODS PURCHASED FOR THE UNITED STATES. (Internal Revenue Code.)

The privilege existing by provision of law on December 1, 1873 or thereafter of purchasing supplies of goods imported from foreign countries for the use of the United States, duty free, shall be extended, under such regulations as the Secretary may prescribe, to all articles of domestic production which are subject to tax by the provisions of this subtitle.

PAR. 3. The first sentence of § 450.0 is amended by inserting "filled cheese" after "oleomargarine."

PAR. 4. The first sentence of § 450.2 is amended by inserting "filled cheese" after "oleomargarine."

PAR. 5. Section 450.5 is amended by adding a new subparagraph at the end thereof, as follows:

(d) Filled cheese withdrawn free of tax for use of the United States must be packed and labelled as the statute requires. (Sec. 2352 (b), Internal Revenue Code.) Each statutory package shall, in addition to the markings otherwise required, have legibly and durably marked, stamped, or branded thereon the statement "For use of U. S. Government", together with the number of permit and the date thereof, the letters and figures therein to correspond in size and style with the markings required by section 2352 (b) (1) of the Internal Revenue Code.

Par. 6. The second sentence of § 450.8 (a) is amended by inserting "filled cheese," after the word "oleomargarine".

(Sec. 3331, I. R. C. (53 Stat. 403, 26 U. S. C. 3331))

[SEAL] JOSEPH J. O'CONNELL, JR.,  
Acting Secretary of the Treasury.

[F. R. Doc. 45-3219; Filed, Feb. 28, 1945;  
9:49 a. m.]

## TITLE 29—LABOR

## Chapter VI—National War Labor Board

## PART 802—RULES OF PROCEDURE

## STAY OF ORDER OR RULING OF AN AGENT OF BOARD

The National War Labor Board has amended the first sentence of paragraph (a) (2) and the second sentence of paragraph (b) (1) of § 802.37 of its rules of procedure to read as follows:

§ 802.37 *Stay of order or ruling of an agent of the Board*—(a) *Rulings in voluntary wage or salary cases.* \* \* \*

(2) *Stay of issuance to parties.* Rulings of an agent on a voluntary application for approval of a wage or salary adjustment may be issued to the parties when made unless two or more public members or one public member of an agent which is permitted to function and in fact does function with a quorum of three, dissent from a ruling and request that the issuance of the ruling or any specified portion thereof be stayed and at the same time state the reasons for their request. \* \* \*

(b) *Directive orders in dispute cases.*  
(1) \* \* \* The issuance of any provision of a directive order, however, which relates to a wage or salary adjustment, may be stayed if two or more public members or one public member of an agent which is permitted to function and in fact does function with a quorum of three, dissent from the provision and request that its issuance be stayed. \* \* \*

(Act of Oct. 2, 1942, c. 578, 56 Stat. 765, Pub. Law 729, 77th Cong., as amended; E.O. 9250, Oct. 3, 1942, 7 F.R. 7871, as amended; E.O. 9017, 7 F.R. 237, as amended; War Labor Disputes Act, Pub. Law 89, 78th Cong.)

Approved: February 15, 1945.

THEODORE W. KHEEL,  
*Executive Director.*

[F. R. Doc. 45-3201; Filed, Feb. 26, 1945; 10:40 a. m.]

## PART 803—GENERAL ORDERS

## PAYMENT OF BONUSES, GIFTS AND COMMISSIONS

The National War Labor Board has added paragraph (d) to General Order No. 10 to read as follows:

§ 803.10 *Payment of bonuses, gifts and commissions.* \* \* \*

(d) The provisions of this order shall not apply to the payment of year-end bonuses by security underwriting, distributing, and brokerage companies. All such companies may pay year-end bonuses without the approval of the National War Labor Board in an amount not to exceed 6% of aggregate annual payroll of all employees of the company under jurisdiction of the National War Labor Board. The total bonus amount determined under this method must be distributed equitably and in such a manner as to avoid the creation of any intra-company inequities. Establishments that made payments totaling less than the 6% for the bonus years 1943 and

1944 may increase the payments made for those years up to 6% of aggregate annual payroll for those respective years without Board approval. For the purposes of this section, bonus year means the year during which the bonus was earned and not the year in which the bonus is paid.

For such companies, bonus payments of more than 6% must be submitted to the Board for approval regardless of the past practice of the company or Form 1 and Form 10 rulings previously issued by the National War Labor Board or its agents.

Companies filing Form 10 applications under the preceding paragraph must submit their applications to the Regional Office of the War Labor Board if the firm has no branches outside the region; and to the National Wage Stabilization Director in Washington if the firm has one or more branches outside the region in which it is located.

(Act of Oct. 2, 1942, c. 570, 56 Stat. 765; Pub. Law 729, 77th Cong. as amended; E.O. 9250, Oct. 3, 1942, 7 F.R. 7871 as amended)

Approved: February 19, 1945.

THEODORE W. KHEEL,  
*Executive Director.*

[F. R. Doc. 45-3202; Filed, Feb. 26, 1945; 10:40 a. m.]

## TITLE 31—MONEY AND FINANCE

## Chapter II—Fiscal Service, Bureau of Accounts

[1945 Dept. Circ. 297, Supp. 3]

## PART 223—SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES FINANCIAL REPORTS

FEBRUARY 24, 1945.

Section 8 of Department Circular No. 297, dated July 5, 1922, as amended (31 CFR 223.8), is hereby amended to read as follows:

§ 223.8 *Financial reports.* Every such company will be required to file with the Secretary of the Treasury, on or before the last day of January of each year, a statement of its financial condition made up as of the close of the preceding calendar year upon the annual statement blank adopted by the National Association of Insurance Commissioners, signed and sworn to by its President and Secretary. On or before the last days of April, July and October of each year, every such company will be required to file a financial statement with the Secretary of the Treasury as of the last day of the preceding month, on the form prescribed by the Secretary of the Treasury, and signed and sworn to by its President and Secretary.

Every such company shall furnish such other exhibits or information, and in such manner as the Secretary of the Treasury may at any time require.

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

[F. R. Doc. 45-3204; Filed, Feb. 27, 1945; 3:51 p. m.]

## TITLE 32—NATIONAL DEFENSE

## Chapter IX—War Production Board

**AUTHORITY:** Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

## PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, as Amended Jan. 5, 1945, Amdt. 2]

## LUMBER CONTROL ORDER

Section 3285.121 Order L-335 is hereby amended in the following respect:

Amend paragraph (b) (1) of Order L-335 by striking the words "grade of Sitka spruce" in line 8 and inserting in its place "grades of Sitka spruce and Noble fir which are specifically allocated either directly or indirectly to manufacturers of aircrafts."

Issued this 28th day of February 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
*Recording Secretary.*

[F. R. Doc. 45-3227; Filed, Feb. 28, 1945; 11:18 a. m.]

## PART 3293—CHEMICALS

[Conservation Order M-387]

## ROSIN

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

§ 3293.646 *Conservation Order M-387*—(a) *Definitions.* (1) "Rosin" means gum rosin and wood rosin as defined in the Naval Stores Act of March 3, 1923, or the gum or wood rosin content of any intermediate product.

(2) "Intermediate product" means any product containing gum or wood rosin capable of use in the manufacture of a Schedule A or B product. The term includes but is not limited to mixing varnishes containing rosin, esterified rosin (ester gum), rosin-modified phenolic resin, rosin-modified maleic resin, and the following products as defined in General Preference Order M-340: heat-treated rosin, stabilized rosins, polymerized rosin and metal resinates.

(3) "Manufacturer" means any person who uses rosin in the manufacture of any product.

(4) "Producer" means any person who produces gum or wood rosin.

(5) "Rosin quota" means the amount of rosin any manufacturer may use in any calendar quarter for the manufacture of any product on Schedules A or B. Each manufacturer has a separate rosin quota for each product on Schedules A and B. His quota for a Schedule A product amounts to the percentage (set opposite that product) of the quantity of rosin he put into process for the manu-

facture of that product to fill all orders (both preferred and civilian) during the corresponding calendar quarter of 1944. His quota for a Schedule B product amounts to the percentage (set opposite each product) of the quantity of rosin he put into process for the manufacture of that product to fill civilian orders only during the corresponding calendar quarter of 1944.

(6) "Three months inventory" means a quantity equal to one quarter of a person's total consumption of gum and wood rosin (including gum and wood rosin put in process) during the calendar year 1944, for the manufacture of all products containing rosin. The term inventory includes inventory at factory, in storage on and off the premises, and in transit to factory or storage.

(7) "Six months inventory" means a quantity equal to one half of a person's total consumption of gum and wood rosin (including gum and wood rosin put in process) during the calendar year 1944, for the manufacture of all products containing rosin. The term inventory includes inventory at factory, in storage on and off the premises, and in transit to factory or storage.

(8) "Preferred order" means a purchase order for a product (i) if the order is rated under Preference Rating Orders P-65 or P-149; or (ii) if the product is to be delivered to, used on, or incorporated in material and equipment to be delivered to the United States Army, Navy, Marine Corps, Coast Guard, Veterans' Administration, Maritime Commission, War Shipping Administration, War Food Administration, Bureau of Engraving and Printing, United States Government Printing Office, Panama Canal, Office of Scientific Research and Development, or any Government agency, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(9) "Civilian order" means any purchase order that is not a "preferred order" as defined above.

(10) "Printing ink" includes any fluid or viscous material or composition of materials used in printing, impressing, stamping, or transferring upon paper or paper-like substances, wood, fabrics or metals by the recognized mechanical reproductive processes employed in printing, publishing and related service industries.

(11) "Protective coating" means any liquid organic coating, thinner, or remover which either alone or mixed with other materials is normally applied to any surface by brush, spray, dip, roller coat, or other method of application. The term includes but is not limited to paint, varnish, enamel, lacquer, dope, lacquer or dope thinner, paint or varnish remover, and stain. The term does not include adhesive, cement, printing ink, coating for the manufacture of coated fabric, coating for leather (limited to hides, skins and splits, etc., which have not been incorporated into any product) and coating for footwear (of any material, including leather).

(12) "Put into process" means the first change made by a manufacturer in the chemical or physical properties of

gum or wood rosin, or any intermediate product, in the manufacture of a Schedule A or B product.

(b) *Restrictions on use.* (1) During the period from February 28 through March 31, 1945, inclusive, no manufacturer shall put into process for the manufacture of any product on Schedule A or B, more rosin than 1/2 of his rosin quota for the manufacture of that product.

(2) During the second calendar quarter of 1945, and during each calendar quarter thereafter, no manufacturer shall put into process for the manufacture of any product on Schedule A or B, more rosin than his rosin quota for the manufacture of that product.

(3) Rosin put into process to fill "preferred orders" for Schedule B products after February 28, 1945, shall not be charged against any rosin quota, notwithstanding paragraphs (b) (1) and (2) above.

(c) *End of quarter carry-over.* If, in any calendar quarter, a manufacturer does not use all of his rosin quota for the manufacture of any Schedule A or B product, the unused balance may be carried forward and used only in the succeeding calendar quarter for the manufacture of that product. For example, if a manufacturer has a quota of 50,000 pounds per quarter for the manufacture of adhesives, and uses only 30,000 pounds in the first quarter of 1945, he has a carry-over of 20,000 pounds which he may consume for the manufacture of adhesives in the second quarter of 1945 in addition to his regular quota of 50,000 pounds. If, however, in the second quarter of 1945, he actually consumes only 40,000 pounds for adhesives, he has a carry-over for the third quarter of 1945 of only 10,000 pounds, viz., the difference between what was actually consumed (40,000 pounds) and his regular quota for that quarter (50,000 pounds). The 20,000 pound carry-over from the first quarter of 1945 is disregarded in determining the unused balance of his quota at the end of the second quarter of 1945.

(d) *Toll arrangements.* For the purpose of this order a toll arrangement is an arrangement under which rosin owned by one person (referred to as "the owner") is manufactured into a Schedule A or B product for the owner by another person (referred to as the "processor"). Toll arrangements are subject to the following restrictions:

| <i>Intermediate products</i>            | <i>Estimated rosin content</i>                         |
|---|--|
| Mixing varnishes, containing rosin..... | 1 1/4 lbs. of rosin per gal. of mixing varnish.        |
| Esterified rosin.....                   | 96 lbs. of rosin per 100 lbs. of resin.                |
| Rosin-modified phenolic resin.....      | 85 lbs. of rosin per 100 lbs. of resin.                |
| Rosin-modified maleic resin.....        | 80 lbs. of rosin per 100 lbs. of resin.                |
| Heat-treated rosins.....                | 100 lbs. of rosin per 100 lbs. of heat-treated rosins. |
| Stabilized rosins.....                  | 100 lbs. of rosin per 100 lbs. of stabilized rosins.   |
| Polymerized rosins.....                 | 100 lbs. of rosin per 100 lbs. of polymerized rosins.  |
| Metal resinsates.....                   | 90 lbs. of rosin per 100 lbs. of metal resinsates.     |

(f) *Inventory restrictions on gum and wood rosin.* On and after February 28, 1945:

(1) No manufacturer (who is not also a producer) shall accept any delivery of gum or wood rosin which shall result in his having more than a three months inventory of gum and wood rosin in the aggregate.

(1) Any quantity of rosin put into process for the production of any product on Schedule A or B under toll arrangement during any calendar quarter shall be charged against the owner's rosin quota instead of the processor's, if the owner manufactured the product himself or had it manufactured for him during the corresponding calendar quarter of 1944.

(2) Any quantity of rosin put into process, under toll arrangement during any calendar quarter, for the production of any product on Schedule A or B, must be charged against the rosin quota of the processor and not against the rosin quota of the owner, if the owner did not manufacture that product nor have it manufactured for him during the corresponding quarter of 1944.

(3) Any processor who is offered rosin for processing on toll arrangement shall assume that he is required to charge the rosin against his own rosin quota, unless he is advised in writing by the owner that the owner manufactured the same product during the calendar quarter of 1944 corresponding to the calendar quarter in which the rosin is to be put in process, and that the quantity offered can and will be charged against the owner's rosin quota.

(e) *Method of computing rosin content of intermediate products.* A manufacturer must charge against his rosin quota for the particular calendar quarter for the production of the particular Schedule A or B product, the rosin content of any intermediate product as well as the quantity of gum and wood rosin which he puts into process in that quarter for that purpose. Each manufacturer therefore may take into consideration, when figuring the amount of his rosin quota for that product, the rosin content of all intermediate products which he put into process in the manufacture of that product in the corresponding quarter of the year 1944, in addition to the quantity of gum and wood rosin which he put into process for the same purpose in that quarter. In figuring the rosin content of the intermediate products listed below, a manufacturer shall use the estimated rosin content appearing after each of those intermediate products in order to determine both his rosin quota and his current consumption. For all other intermediate products, the rosin content must be ascertained.

(2) No manufacturer (who is also a producer) shall accept any delivery of gum or wood rosin which shall result in his having more than a six months inventory of gum and wood rosin in the aggregate.

The term inventory includes inventory at factory, in storage on and off the premises, and in transit to factory or storage.

(g) *Restrictions on delivery of gum and wood rosin.* No producer or distributor of gum or wood rosin, shall deliver gum or wood rosin to a manufacturer and no manufacturer shall accept delivery, unless the manufacturer certifies to the producer or distributor that acceptance of delivery will not result in his having an inventory in excess of the applicable restrictions in paragraph (f) of this order. The certification, signed manually or as provided in Priorities Regulation No. 1, may be endorsed on or attached to the purchase order, and should read substantially as follows:

Inventory certified—Ref: M-387, paragraph (g).

-----  
 (Name of purchaser)  
 By -----  
 (Name and title of duly authorized official)

(h) *Inventory restrictions on intermediate products.* On and after February 28, 1945, no manufacturer shall consume gum or wood rosin, or intermediate products, in quantities which shall result in his having an inventory of intermediate products at any time in excess of the total rosin content of all intermediate products produced by him during the previous calendar quarter. The production of intermediate products shall be regarded as completed when no further processing remains to be done. The term inventory includes inventory at factory, in storage on and off the premises, and in transit to factory or storage.

(i) *One time report.* On or before March 10, 1945, each manufacturer who put into process more than 2,700 pounds (5 drums) of rosin in the aggregate for all products (including Schedule A and B products and intermediate products) during any calendar quarter of 1944, shall file a one time base period use and inventory report on Form WPB-4132, in the manner prescribed therein. One copy of the report shall be retained and one copy shall be forwarded to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-387. Separate reports are to be filed for each plant.

(j) *Quarterly report.* Each manufacturer who puts into process more than 2,700 pounds (5 drums) of rosin during any calendar quarter for the production of Schedule A or B products, shall file a use and inventory report for that quarter on Form WPB-4131, in the manner prescribed therein, on or before the 20th day of the month following the close of that quarter. The initial reports, covering the first quarter of 1945, are due April 20, 1945. One copy of each report shall be retained and one copy shall be forwarded to the War Production Board, Chemicals Bureau, Washington 25, D. C. Separate reports are to be filed for each plant.

(k) *Appeals.* Any appeal from this order must be filed by letter in duplicate addressed to the Chemicals Bureau, War Production Board, Washington 25, D. C., Ref: M-387, setting forth the reasons for the appeal and the necessary supporting information. Such information should include:

(1) The Schedule A or B product for which the rosin will be used, and if a Schedule A product, what quantity of the rosin will be used to fill preferred orders and what quantity to fill civilian orders.

(2) Period of time, not exceeding one calendar quarter, for which relief is requested.

(3) Monthly schedule of the amount of rosin appellant would like to use for the particular product and the portion of this which is in excess of the quota permitted by the order.

(4) If the appeal is for an increase in quota to fill preferred orders, state the name of the procuring agency, the end use description, prime contract numbers and dates when the orders were received.

(5) If the appeal is filed because the restrictions of the order will prevent the filling of civilian orders of extreme urgency, give exact information as to the use of the product in which the rosin would be used, names of the customers, and preference ratings, if any, covering the orders.

(6) Any other information pertinent to the appeal.

Ordinarily consideration will be given only to those appeals where compliance would work an exceptional and unreasonable hardship which is not suffered generally by others in the same industry or activity, and which show that the quota limits on the consumption of rosin will prevent the filling of "preferred orders" or more essential "civilian or-

ders". Attention is called to the provisions in Priorities Regulation No. 16 with respect to manpower requirements which must be submitted with the appeal.

(l) *Budget Bureau approval.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(m) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(n) *Violations.* Any person who willfully violates any provision of this order, or who in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(o) *Communications to War Production Board.* Communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-387.

Issued this 28th day of February 1945.

WAR PRODUCTION BOARD,  
 By J. JOSEPH WHELAN,  
 Recording Secretary.

SCHEDULE A—ROSIN QUOTAS FOR SCHEDULE A PRODUCTS

NOTE: No ex-quota usage of rosin is permitted to fill "preferred orders" for these products:

| Product:                           | Rosin quota per calendar quarter   |
|------------------------------------|--|
| Foundry supplies-----              | 100% of amount of rosin used in corresponding quarter of 1944 to fill all orders (preferred & civilian) or 2700 lbs. (5 drums) whichever is greater. |
| Insecticides or disinfectants----- | 100% of amount of rosin used in corresponding quarter of 1944 to fill all orders (preferred & civilian) or 2700 lbs. (5 drums) whichever is greater. |
| Oils and greases-----              | 100% of amount of rosin used in corresponding quarter of 1944 to fill all orders (preferred & civilian) or 2700 lbs. (5 drums) whichever is greater. |
| Paper and paperboard-----          | 70% of amount of rosin used in corresponding quarter of 1944 to fill all orders (preferred & civilian) or 2700 lbs. (5 drums) whichever is greater.  |
| Pharmaceuticals-----               | 100% of amount of rosin used in corresponding quarter of 1944 to fill all orders (preferred & civilian) or 2700 lbs. (5 drums) whichever is greater. |
| Printing ink-----                  | 85% of amount of rosin used in corresponding quarter of 1944 to fill all orders (preferred & civilian) or 2700 lbs. (5 drums) whichever is greater.  |
| Rubber, natural & synthetic-----   | 100% of amount of rosin used in corresponding quarter of 1944 to fill all orders (preferred & civilian) or 2700 lbs. (5 drums) whichever is greater. |

SCHEDULE B—ROSIN QUOTAS FOR SCHEDULE B PRODUCTS

NOTE: Ex-quota usage of rosin is permitted to fill "preferred orders" for these products:

| Product:  | Rosin quota per calendar quarter   |
|---|--|
| Adhesives-----                                  | 30% of amount of rosin used in corresponding calendar quarter of 1944 to fill civilian orders only, or 2700 lbs. (5 drums) whichever is greater. |
| Coatings for the manufacture of coated fabrics. | 30% of amount of rosin used in corresponding calendar quarter of 1944 to fill civilian orders only, or 2700 lbs. (5 drums) whichever is greater. |

SCHEDULE B—ROSIN QUOTAS FOR SCHEDULE B PRODUCTS—Continued

| Product—Continued.  | Rosin quota per calendar quarter   |
|---|--|
| Linoleum and printed floor coverings-----                       | 30% of amount of rosin used in corresponding calendar quarter of 1944 to fill civilian orders only, or 2700 lbs. (5 drums) whichever is greater. |
| Protective coatings including paints, varnishes, lacquers, etc. | 30% of amount of rosin used in corresponding calendar quarter of 1944 to fill civilian orders only, or 2700 lbs. (5 drums) whichever is greater. |
| Shoe polish and shoe materials-----                             | 30% of amount of rosin used in corresponding calendar quarter of 1944 to fill civilian orders only, or 2700 lbs. (5 drums) whichever is greater. |
| Soap-----   | 25% of amount of rosin used in corresponding calendar quarter of 1944 to fill civilian orders only, or 2700 lbs. (5 drums) whichever is greater. |

[F. R. Doc. 45-3228; Filed, Feb. 28, 1945; 11:18 a. m.]

Chapter XI—Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,<sup>1</sup> Amdt. 48 to 2d Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (e) (13) is added to read as follows:

(13) N2, P2, Q2, R2, S2.... From March 1, 1945, to June 30, 1945, inclusive

This amendment shall become effective at 12:01 a. m. March 1, 1945.

Issued this 28th day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-3253; Filed, Feb. 28, 1945; 11:47 a. m.]

PART 1421—IRON AND STEEL

[MPR 241, Corr. to Amdt. 9]

MALLEABLE IRON CASTINGS

The correction to Amendment 9 to Maximum Price Regulation No. 241, issued on February 1, 1945, is hereby revoked.

Amendment No. 9 to Maximum Price Regulation No. 241 is corrected as follows:

1. The new paragraph (f) added to § 1421.116 by Amendment No. 9 is redesignated to read (g).

2. The figure .1425 in the second column of the first table is eliminated and an "X" inserted in lieu thereof.

3. The figure .2250 is inserted in place of the "X" in the last column of the first table.

4. The figure 9.2625 in the second column of the second table is eliminated and an "X" inserted in lieu thereof.

5. The figure .1406 is inserted in place of the "X" in the last column of the second table.

<sup>1</sup> 9 F.R. 173, 908, 1181, 2091, 2290, 2553, 2830, 2947, 3580, 3707, 4542, 4605, 4607, 4883, 5956, 6103, 6151, 6450, 7344, 7423, 7433, 9169, 9170, 9266, 9278.

6. The headlines to both tables, now reading "500 to 1000" are corrected to read: 500 and over.

This correction shall become effective March 5, 1945.

Issued this 28th day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-3252; Filed, Feb. 28, 1945; 11:47 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,<sup>1</sup> Amdt. 87]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

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

1. In section 15, Appendix J, paragraph (d), Table 1 is amended in the following respects:

a. Items 3, 6, 9, 12, 15, 18, 21, 24 and 27 in Columns 1, 4 and 5 are deleted.

b. Items 2, 5, 8, 11, 14, 17, 20, 23 and 26 in Column 4 are changed from "June 17 to July 1" to read "June 17 to end of season."

2. In section 15, Appendix J, paragraph (d), Table 1a is amended in the following respects:

a. Items 3, 6, 9, 12, 15, 18, 21, 24 and 27 in Columns 1, 4 and 5 are deleted.

b. Items 2, 5, 8, 11, 14, 17, 20, 23 and 26 in Column 4 are changed from "June 13 to July 1" to read "June 13 to end of season."

3. In section 15, Appendix J, paragraph (d), Table 3 is amended in the following respects:

<sup>1</sup> 8 F.R. 16409, 16294, 16519, 16423, 17372; 9 F.R. 790, 902, 1581, 2008, 4877, 2023, 2091, 2493, 4030, 4086, 4088, 4434, 4786, 4787, 5926, 5929, 6104, 6108, 6420, 6711, 7259, 7434, 7425, 7580, 7583, 7759, 7774, 7834, 8148, 7268, 9066, 9090, 9289, 9356, 9509, 9512, 9549, 9785, 9896, 9897, 10192, 10499, 10877, 10777, 10878, 11350, 11534, 11546, 12038, 12208, 12340, 12341, 12263, 12412, 12537, 12643, 12968, 12973, 13067, 13138, 13205, 13761, 13934, 14062, 13995, 14437, 14731, 15107; 10 F.R. 49, 256, 460, 923.

a. The word "loaded", the second word in Column 2, is changed to the word "graded".

b. Item 10 in Columns 1, 4 and 5 is deleted.

c. Column 4 is changed to read for items 1-8 "All season", for item 9 "All season" and for item 11 "All season".

d. The heading of Column 5 is changed to read "Maximum prices for fruit loaded on car or truck at shipping points in California, Oregon and Washington".

e. Column 5 is changed to read for items 1-2 "\$2.91", for item 3 "\$2.82", for items 4-5 "\$2.63", for item 6 "\$2.44", for items 7-8 "\$2.35", for item 9 "9.4c" and for item 11 "8.2c".

4. In section 15, Appendix K, paragraph (f), Table 1 is amended by deleting items 1 through 8.

This amendment shall become effective March 5, 1945.

Issued this 28th day of February 1945.

CHESTER BOWLES,  
Administrator.

Approved: February 19, 1945.

ASHLEY SELLERS,  
Assistant War Food  
Administrator.

[F. R. Doc. 45-3251; Filed, Feb. 28, 1945; 11:47 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1, Amdt. 92]

ARMY ARCTIC EQUIPMENT

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

Revised Supplementary Regulation No. 1 is amended in the following respects:

1. Paragraph (k) of section 4.3 is amended by having the date "January 1, 1945" changed to "April 1, 1945".

2. Subparagraph (2) under paragraph (k) of section 4.3 is deleted.

This amendment shall become effective on the 5th day of March 1945.

Issued this 28th day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-3254; Filed, Feb. 28, 1945; 11:47 a. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5,<sup>1</sup> Amdt. 97]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and

<sup>1</sup> 8 F.R. 10002, 11479, 11480, 11676, 12403, 12483, 12557, 12744, 14472, 15489, 16787, 17486; 9 F.R. 401, 692, 1810, 2212, 2252, 2267, 2476, 2789, 3030, 3075, 3340, 3577, 3704, 5196, 4393, 4647, 4873, 5041, 5232, 5684, 5919, 6108, 6504, 6628, 6178, 7260, 7703, 7770, 8242, 8815, 9952, 10069, 10578, 12121, 12449, 12919.

has been filed with the Division of the Federal Register.

General Ration Order 5 is amended in the following respects:

1. Section 5.7 (a) is amended by inserting the words "and March-April" between the words "January-February" and the figure "1945".

2. Sections 5.7 (b), 5.7 (c), and 5.7 (d) are revoked and section 5.7 (e) is redesignated section 5.7 (b).

This amendment shall become effective March 1, 1945.

Issued this 27th day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-3212; Filed, Feb. 27, 1945;  
4:26 p. m.]

#### PART 1351—FOOD AND FOOD PRODUCTS

[RMFR 289, incl. Amdts. 1-20]

##### DAIRY PRODUCTS

This compilation of Revised Maximum Price Regulation 289 includes Amendment 20, effective March 5, 1945. The text added or amended by Amendment 20 is underscored.

A statement of the considerations involved in the issuance of this Revised Maximum Price Regulation 289 has been issued and filed with the Division of the Federal Register.<sup>1</sup>

Such specifications and standards as are used in this Revised Regulation were, prior to such use, in general use in the trade or industry affected or had previously been promulgated and their use lawfully required by another government agency.

§ 1351.1501 *Maximum prices for sales of dairy products.* Under the authority vested in the Price Administrator by the Emergency Price Control Act, as amended, the Executive Orders Nos. 9250 and 9328, Revised Maximum Price Regulation 289 (Dairy Products) which is annexed hereto and made a part hereof, is hereby issued.

#### Sec.

1. Products covered.
2. Exempt sales.
3. Prohibition against dealing in listed dairy products above maximum prices.
4. Less than maximum prices.
5. Records and reports.
6. Evasion.
7. Enforcement.
8. Licensing.
9. Export sales.
10. Imports.
11. Applicability of maximum price regulations.
12. Applicability of certain provisions of supplementary regulations and orders.
13. Geographical applicability.
14. Transfers of business or stock in trade.
15. Petitions for amendment.
16. Adjustable pricing.
17. Taxes.
18. Definitions.

<sup>1</sup> 9 F.R. 5140.

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

- 18a. Maximum prices for listed dairy products for ultimate sale by ship operators.
19. Maximum prices for cheddar cheese.
20. Maximum prices for butter.
21. Maximum prices for evaporated and British Standard evaporated milk.
22. Maximum prices for bulk powdered skim milk for human consumption, bulk powdered buttermilk for human consumption and packaged powdered skim milk (spray process) for human consumption.
23. Maximum prices for industrial casein (inedible).
24. Maximum prices for animal feeds made from milk products.
25. Maximum prices for milk sugar.
26. Maximum prices for condensed milk, condensed skim milk and condensed products containing milk solids, in bulk or bulk packed, and canned sweetened condensed milk.
27. Maximum prices for Brick, Munster, and Swiss cheese.
28. Maximum prices for Colby cheese, washed curd cheese, soaked curd cheese and skim milk cheese.
29. Maximum prices for Provolone, Parmesan, Monte and Modena, Asiago (soft) and Romano cheese and all cheeses made by the same respective processes.
30. Maximum prices for Monterey and High Moisture Jack cheese.
31. Maximum prices for Blue and Gorgonzola cheese and all cheeses made by the same respective processes.
32. Maximum prices for Limburger cheese.
33. Maximum prices for natural and flavored Neufchatel and cream cheese.

AUTHORITY: § 1351.1501 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 151, 78th Cong; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681.

SECTION 1. *Products covered.* This Revised Maximum Price Regulation 289 establishes the maximum prices at which the following dairy products referred to below as "listed dairy products" may be sold and delivered.

(a) Cheddar cheese and processed cheddar cheese.

(b) Butter.

(c) Evaporated milk and British Standard evaporated milk.

(d) Bulk powdered skim milk for human consumption, bulk powdered buttermilk for human consumption, and packaged powdered skim milk (spray process) for human consumption.

(e) Industrial casein (inedible).<sup>3</sup>

(f) Animal feeds made from milk products.

[Paragraph (f) amended by Am. 12, 9 F.R. 11771, effective 9-14-44]

(g) Milk sugar.

(h) Condensed milk, condensed skim milk, and condensed products containing milk solids, in bulk or bulk packaged, and canned sweetened condensed milk.

(i) Brick, Munster and Swiss cheese.

[Paragraph (i) added by Am. 1, 9 F.R. 5427, effective 5-27-44; amended by Am. 10, 9 F.R. 10579, effective 9-4-44; and Am. 16, 9 F.R. 14289, effective 12-7-44]

<sup>3</sup> Casein which is manufactured for human consumption or which is especially prepared and packed for laboratory purposes shall be priced pursuant to Maximum Price Regulation 280.

[Footnote 3 amended by Am. 12, 9 F.R. 11171, effective 9-14-44]

(j) Colby cheese, washed curd cheese, soaked curd cheese, and skim milk cheese.

[Paragraph (j) added by Am. 2, 9 F.R. 5429, effective 5-27-44]

(k) Provolone, Parmesan, Monte and Modena, Asiago (Soft), and Romano cheese and all cheeses made by the same respective processes.

[Paragraph (k) added by Am. 4, 9 F.R. 5917, effective 6-5-44]

(l) Monterey and High Moisture Jack Cheese.

[Paragraph (l) added by Am. 5, 9 F.R. 5919, effective 6-5-44]

(m) Blue and Gorgonzola cheese and all cheeses made by the same respective processes.

[Paragraph (m) added by Am. 6, 9 F.R. 5921, effective 6-5-44]

(n) Limburger cheese.

[Paragraph (n) added by Am. 17, 9 F.R. 14292, effective 12-7-44]

(o) Neufchatel and cream cheese.

[Paragraph (o) added by Am. 18, 9 F.R. 14339, effective 12-12-44]

NOTE: Insofar as this regulation does not establish a maximum price for any particular sale of any "listed dairy product", the maximum price for that sale shall be determined by Maximum Price Regulation 280.<sup>4</sup>

SEC. 2. *Exempt sales.* The provisions of this Revised Maximum Price Regulation 289 shall not apply to any sale or delivery which is specifically exempted from the operation of this regulation.

SEC. 3. *Prohibition against dealing in listed dairy products above maximum prices.* (a) On and after December 30, 1942, or the effective date of any amendment fixing maximum prices for additional listed dairy products or affecting the maximum price of any listed dairy product, regardless of any contract, agreement, or other obligation, no person shall sell or deliver a listed dairy product, and no person in the course of trade or business, shall buy or receive a listed dairy product at a price higher than the maximum price permitted by this Revised Maximum Price Regulation 289, and no person shall agree, offer, solicit, or attempt to do any of the foregoing.

The provisions of this section shall not apply to sales and deliveries of a "listed dairy product" which has been received for shipment to the purchaser by a carrier which is not owned or controlled by the seller, prior to December 30, 1942, or the effective date of any applicable amendment to this regulation subjecting a "listed dairy product" to the provisions of this regulation for the first time.

SEC. 4. *Less than maximum prices.* Lower prices than those established by this Revised Maximum Price Regulation 289 may be charged, demanded, paid, or offered.

SEC. 5. *Records and reports.* (a) Every sale of a listed dairy product covered by this Revised Maximum Price Regulation 289, except as hereafter provided in this regulation, shall be invoiced by the seller. The original invoice shall be de-

<sup>4</sup> 9 F.R. 6520, 9090, 10358.



livered to the buyer and shall state (1) the date of purchase, (2) the names and addresses of the buyers and sellers, (3) the quantity, grade, and type of package of each listed dairy product sold, (4) the price, per unit of sale and in total, and (5) the geographical place for which the price is calculated.

(b) Every buyer of any listed dairy product shall preserve for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, the original, and every seller of any listed dairy product shall similarly preserve a copy, of each invoice required to be furnished by paragraph (a) of this section.

(c) Every person subject to this regulation shall keep such other records and shall submit such reports as the Office of Price Administration may from time to time request in writing, either in addition to or in substitution for records and reports herein required.

**SEC. 6. Evasion.** The price limitations set forth in this regulation shall not be evaded, either by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt, of or relating to any of the listed dairy products, alone or in conjunction with any other commodity, or by way of any commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

**SEC. 7. Enforcement.** Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damage provided for by the Emergency Price Control Act of 1942, as amended.

**SEC. 8. Licensing.** The provisions of Licensing Order No. 1,<sup>6</sup> licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

**SEC. 9. Export sales.** The maximum prices at which a person may export a "listed dairy product" shall be determined in accordance with the Revised Maximum Export Price Regulation.<sup>7</sup>

**SEC. 10. Imports.** On and after May 17, 1944, no person in the course of trade or business shall import, or agree, offer, solicit, or attempt to import, a "listed dairy product" at a price in excess of the maximum prices established by this regulation. Where this regulation fixes maximum prices for a domestically produced "listed dairy product" f. o. b. producer's plant or factory, such f. o. b. price shall be the maximum price, including duty, which may be paid for the imported listed dairy product f. o. b. port of entry. "Import" means to buy, receive, or in any manner pay for a commodity pur-

suant to or in connection with any transaction, contract, agreement, or other obligation whereby the commodity is transported or is to be transported to the several states of the United States or the District of Columbia from any place outside the several states of the United States and the District of Columbia regardless of whether the importer deals directly with the seller, or deals through an agent, broker or other intermediary acting for either party, in or outside the United States, its territories or possessions, or the District of Columbia, and regardless of whether such importation is for use or for resale.

**SEC. 11. Applicability of maximum price regulations.** This regulation supersedes the provisions of Maximum Price Regulation 280, as amended, and any other maximum price regulation with respect to any sale of a "listed dairy product" for which maximum prices are established by this regulation. Insofar as this regulation does not establish a maximum price for any particular sale of a "listed dairy product", the provisions of Maximum Price Regulation 280 or any other applicable maximum price regulation remain in effect.

**SEC. 12. Applicability of certain provisions of supplementary regulations and orders.** (a) The following provisions of the following supplementary regulations and orders shall be applicable to all agreements, sales, and deliveries covered by this Revised Maximum Price Regulation 289 unless otherwise provided in subsequent sections of this regulation.

(1) Revised Supplementary Regulation No. 1,<sup>8</sup> section 4.3 (Emergency Purchases).

(2) Revised Supplementary Regulation No. 1, section 4.4 (Developmental Contracts).

(3) Supplementary Order No. 42, Amendment 1,<sup>9</sup> § 1305.57 (Secret Contracts).

(4) Supplementary Order No. 27,<sup>9</sup> § 1305.32 (Sales or deliveries of the War Department or the Navy Department through such department's sales stores).

(5) Revised Supplementary Order No. 34,<sup>10</sup> (Addition of extra export packaging expenses on sales to procurement agencies of the United States).

(6) Supplementary Order No. 31,<sup>11</sup> (Treatment of 3% transportation tax imposed by section 620 of Revenue Act of 1942).

(7) Supplementary Order No. 81,<sup>12</sup> (establishing maximum prices for sales by United States government agencies and exempting certain of such sales from price control).

(8) Supplementary Order No. 84,<sup>13</sup> (Describing conditions under which a marketing cooperative may pay a patronage dividend).

**SEC. 13. Geographical applicability.** The provisions of this Revised Maximum Price Regulation 289 shall be applicable only to the 48 states of the United States and the District of Columbia.

<sup>6</sup> 9 F.R. 3581, 3590, 4391, 4948, 5268, 5996, 7020, 6570, 6648, 7077, 7524, 7425, 7579, 7500, 7710, 7834, 8150, 8829, 9357, 9411, 9549, 10094, 10262, 10203, 10427, 10590, 10501, 10920, 11114, 11546, 11764, 11909, 12597, 12969, 13006, 13761, 13858, 14062, 14839, 14854, 15060; 10 F.R. 1650, 1974.

<sup>8</sup> 8 F.R. 4968, 11951.

<sup>7</sup> 7 F.R. 9229; 8 F.R. 12313.

<sup>10</sup> 8 F.R. 12404, 14073.

<sup>11</sup> 7 F.R. 9894; 8 F.R. 1312, 3702, 9521.

<sup>12</sup> 9 F.R. 310, 7689.

<sup>13</sup> 9 F.R. 1721.

**SEC. 14. Transfers of business or stock in trade.** If the business or stock in trade of a manufacturer or wholesaler of a "listed dairy product" is sold or otherwise transferred on or after December 30, 1942, and the transferee continues the business, the maximum prices of the transferee shall be the same as those which the transferor would have been subject to if no transfer had taken place, and his obligation to keep records sufficient to verify these prices shall be the same. The transferor shall either preserve and make available, or shall turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this regulation.

**SEC. 15. Petitions for amendment.** Any person seeking an amendment of any provision of this Revised Maximum Price Regulation 289 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1<sup>14</sup> issued by the Office of Price Administration.

**SEC. 16. Adjustable pricing.** Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery, but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

**SEC. 17. Taxes.** If any statute of the United States or ordinance of any state or subdivision of any state imposes a tax upon the sale or delivery of any "listed dairy product" covered by this regulation and does not prohibit the seller from stating and collecting the tax separately from the purchase price, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of the tax paid by any prior vendor and separately stated and collected by the vendor from whom he purchased such listed dairy product, *Provided, however, That:*

(a) The seller states and collects the tax separately from the purchase price; and

(b) If the tax was in effect prior to the effective date of this regulation, the seller's customary business practice was to

<sup>14</sup> 9 F.R. 10476.

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

<sup>9</sup> Second Revised: 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 9835.

state and to collect the tax separately from the purchase price of the listed dairy product; and

(c) Appropriate records are kept indicating the amount of the tax, by which governmental authority the tax was imposed, to whom the tax was paid (the prior vendor or the government), to what specific listed dairy product the tax applies, and to whom the products were sold.

In no other case may the amount of a tax be added to the maximum prices established by this regulation.

SEC. 18. *Definitions.* (a) When used in this regulation, the term:

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

(2) "Sale at wholesale" means a sale by a person who receives delivery of a commodity and resells it, without substantially changing its form, to any person other than the ultimate consumer.

This definition has no application to sections 19, 20, 24, 25, 27, 28, 29, 30 and 31 of this regulation.

[Subparagraph (2) amended by Am. 11, 9 F.R. 10871, effective 9-7-44]

(3) "Sale at retail" means a sale to an ultimate consumer other than an industrial, commercial, institutional or governmental user.

(b) Unless the context otherwise requires, the definitions of the General Maximum Price Regulation,<sup>11a</sup> as amended, and of section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

SEC. 18a. *Maximum prices for listed dairy products purchased for ultimate sale by ship operators—(a) Sales by civilian sellers to licensed ship suppliers or to designated corporations.* Notwithstanding other provisions of this regulation, in any case where the purchase order has been initially placed by, through, or pursuant to the direction of the War Shipping Administration, the maximum price for the sale of any listed dairy product by any civilian seller other than a designated corporation to any licensed ship supplier or to any designated corporation shall be the maximum price as established by other provisions of this regulation and as adjusted by additions permitted by other pertinent regulations or orders issued by the Office of Price Administration for the sale of such listed dairy products by such seller to the United States Government or any of its agencies.

(b) *Sales by designated corporations to licensed ship suppliers or to other designated corporations.* Notwithstanding other provisions of this regulation, any designated corporation which has purchased any listed dairy product from any civilian seller, upon order initially

placed by, through or pursuant to the direction of the War Shipping Administration, or from any agency of the United States government, for the purpose of ultimate resale to any licensed ship supplier shall sell such listed dairy product at a maximum price not in excess of the sum of (1) the purchase price paid by such corporation plus all interest charges, apportioned to the particular lot of the listed dairy product being sold, not to exceed 2% per annum, (2) all banking charges, apportioned to the particular lot of the listed dairy product being sold, not to exceed ½% per annum, (3) all out of pocket storage charges actually incurred and paid to a public warehouse for storing the listed dairy product being sold, (4) all administration charges actually incurred in handling the specific listed dairy product being sold and (5) all transportation charges actually paid by the designated corporation for transporting the specific listed dairy product being sold to the place where title passes to the purchaser. No interest or banking charges may be added, however, unless actually incurred in connection with a loan obtained to facilitate the purchase of the listed dairy product being sold by the designated corporation from a bank approved in writing by the War Shipping Administration. Furthermore, before any designated corporation may add any of the interest, banking, storage, administration, or transportation charges referred to above, these charges must be approved in writing by the War Shipping Administration.

(c) *Sales by licensed ship suppliers to other licensed ship suppliers.* Notwithstanding other provisions of this regulation, the maximum price at which any licensed ship supplier may sell any listed dairy product to another licensed ship supplier, where the sale has been requested or directed by the War Shipping Administration, shall be the sum of (1) the purchase price paid for such listed dairy product, (2) the actual out of pocket storage charges paid to a public warehouse for storing the listed dairy product being sold, and (3) all transportation charges actually paid by the seller for transporting the specific listed dairy products being sold to the place where title passes to the purchasing licensed ship supplier: *Provided, however,* That if such sale is not requested or directed by the War Shipping Administration, the maximum price which may be charged by the seller shall be the purchase price paid by him for such listed dairy products.

In no event, however, may any licensed ship supplier add any storage or transportation charges under the provisions of this paragraph (c) unless such charges have been approved in writing by the War Shipping Administration.

(d) *Sales of listed dairy products delivered shipside by licensed ship suppliers to ship operators.* Notwithstanding other provisions of this regulation, the maximum price at which any licensed ship supplier shall sell, delivered shipside, any listed dairy product which he has purchased under the provisions of this section or from any agency of the United States Government to any ship operator shall be the maximum price for

such sale as established by other provisions of this regulation and other applicable orders and regulations issued by the Office of Price Administration plus the sum of (1) the difference between the highest maximum price he could pay any one of his usual suppliers under other sections of this regulation for the listed dairy product being sold and the purchase price paid by him for such listed dairy product, and (2) the actual out of pocket storage charges accrued and paid to a public warehouse for storing the listed dairy product being sold. However, no licensed ship supplier may add any storage charges which have not been approved in writing by the War Shipping Administration.

(e) *Definitions—(1) Designated corporation.* "Designated corporation", as used in this regulation, means any corporation which has received the written approval of the War Shipping Administration to receive and to stockpile set aside, restricted, and designated foods for the purpose of ultimate resale to licensed ship suppliers.

(2) *Purchase price paid.* "Purchase price paid", as used in this section, means the actual cost per unit paid by the specified type of seller for the listed dairy product, not to exceed, however, the maximum price as established by the applicable provisions of this regulation and as adjusted by additions permitted by other pertinent orders and regulations issued by the Office of Price Administration.

(3) *Out of pocket storage charges.* "Out of pocket storage charges", as used in this section, means all storage rates actually accrued and paid to a public warehouse.

(4) *Licensed ship supplier.* "Licensed ship supplier", as used in this regulation, means any person who has received a license under War Food Order 74 to receive, set aside, restricted and designated foods for resale to ship operators for ship stores. It shall also mean ship suppliers otherwise approved in writing by the War Shipping Administration to purchase and sell to ship operators listed dairy products or other food products made available by or through the War Shipping Administration.

(5) *Ship operator.* "Ship operator" as used in this regulation, means any person conducting the business of operating vessels for the account of the United States or any of its agencies under a general agency form of service agreement approved by the Administrator of the War Shipping Administration; or operating, as the owner or as the owner's agent, a vessel which has been time-chartered to the United States Government, as represented by the Administrator of the War Shipping Administration; or operating a vessel, the services of which are employed by the United States Government, as represented by the Administrator of the War Shipping Administration; or operating a vessel designated by the War Shipping Administration which is owned, chartered, or operated by any allied or neutral country.

[Sec. 18a added by Am. 8, 9 F.R. 7699, effective 7-13-44]

<sup>11a</sup> 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.

**Cheddar Cheese**

SEC. 19. Maximum prices for cheddar cheese—(a) Sales of cheddar cheese by manufacturers and assemblers—(1) Sales by a cheese factory or cheesemaker—(i) In Wisconsin. The maximum price for the sale of cheddar cheese by a cheese factory or cheesemaker delivered at any place in Wisconsin shall be as set forth in Table A below (except as provided in subparagraph (2) below for "cheddars," "twins," "flats," and larger styles of 37.7% or less moisture content).

TABLE A

| Maximum price (cents per pound) | Styles                           | Approximate weight (pounds) |
|---------------------------------|----------------------------------|-----------------------------|
| 23 1/4                          | Cheddars, Twins and Larger.      | 70 or more.                 |
| 23 1/2                          | Flats.                           | 35.                         |
| 23 3/4                          | Double Daisies.                  | 44.                         |
| 23 1/2                          | Triple Daisies.                  | 66.                         |
| 24 1/4                          | Single Daisies.                  | 22.                         |
| 24 1/2                          | Longhorns.                       | 12.                         |
| 24 3/4                          | Young Americas.                  | 12.                         |
| 24 1/2                          | Pienies and Midgets.             | 12.                         |
| 24 1/2                          | Square Prints.                   | 10.                         |
| 24 1/2                          | Natural Leaf and Smaller Styles. | 5 or less.                  |

(ii) Outside Wisconsin. The maximum price for the sale of cheddar cheese by a cheese factory or cheesemaker delivered at any place outside Wisconsin shall be the appropriate price set forth in Table A above plus a "transportation factor."

(iii) The prices in the preceding subdivisions (i) and (ii) are prices for Cheddar cheese of 39% or less moisture content packed in boxes customarily employed for the particular styles listed in Table A.

[Subparagraph (iii) amended by Am. 11, 9 F.R. 10871, effective 9-7-44]

(iv) Marking of date and place of manufacture. On and after the effective date of this regulation every person engaged in the manufacture of cheddar cheese shall mark plainly and conspicuously on the side of such cheese before it leaves the cheese factory, with dark colored vegetable ink, the name of the state in which the cheese has been manufactured and the day, month, and year of manufacture.

(2) Maximum prices for "cheddars," "twins," "flats," and larger styles of 37.7% or less moisture content. The maximum price for the sale of "cheddars," "twins," "flats," or larger styles of cheddar cheese of a moisture content of 37.7% or less by a cheese factory or cheesemaker to an assembler, or by any person to a cheese processor, a food processor, or to the United States Government or any agency thereof, shall be as provided in subdivisions (i) and (ii) of this subparagraph.

(i) Where delivery is made at any place in Wisconsin the maximum price shall be as set forth in Table B below.

(ii) Where delivery is made at any place outside Wisconsin the maximum price shall be the appropriate price set forth in Table B below, plus a "transportation factor."

TABLE B

| Moisture content              | Maximum price (cents per pound)        |           |
|-------------------------------|--|-----------|
|                               | For cheddars, twins, and larger styles | For flats |
| 33.2% or less                 | 25.84                                  | 25.79     |
| Over 33.2% but not over 33.7% | 25.35                                  | 25.60     |
| Over 33.7% but not over 34.2% | 25.16                                  | 25.41     |
| Over 34.2% but not over 34.7% | 24.97                                  | 25.22     |
| Over 34.7% but not over 35.2% | 24.77                                  | 25.02     |
| Over 35.2% but not over 35.7% | 24.58                                  | 24.83     |
| Over 35.7% but not over 36.2% | 24.39                                  | 24.64     |
| Over 36.2% but not over 36.7% | 24.20                                  | 24.45     |
| Over 36.7% but not over 37.2% | 24.01                                  | 24.26     |
| Over 37.2% but not over 37.7% | 23.82                                  | 24.07     |

(iii) No purchaser designated in paragraph (d) (2) of this section shall be deemed an agency of the United States Government within the meaning of this paragraph (a) (2).

(3) Transportation charges; cheese factory to assembler. (1) In addition to the maximum prices established in subparagraphs (1) and (2) of this paragraph, a cheese assembler may compensate any cheese factory, cheesemaker, or other person who hauls cheese from the cheese factory to the assembler's warehouse for such hauling services. The maximum price which may be paid by a cheese assembler or charged by a cheese factory or hauler or other carrier for this service may not exceed the appropriate price set forth in Table C below. This price must be based on the actual distance from the cheese factory to the assembler's warehouse. The distance between the cheese factory and the assembler's warehouse shall be computed via the nearest publicly traveled route.

TABLE C

| Miles (one way) not over | Cents per 100 pounds net weight | Miles (one way) not over | Cents per 100 pounds net weight |
|--------------------------|---------------------------------|--------------------------|---------------------------------|
| 5                        | 17                              | 120                      | 46                              |
| 10                       | 18                              | 130                      | 47                              |
| 15                       | 20                              | 140                      | 49                              |
| 20                       | 21                              | 150                      | 51                              |
| 25                       | 23                              | 160                      | 53                              |
| 30                       | 24                              | 170                      | 55                              |
| 35                       | 26                              | 180                      | 56                              |
| 40                       | 27                              | 190                      | 58                              |
| 45                       | 29                              | 200                      | 60                              |
| 50                       | 30                              | 210                      | 62                              |
| 55                       | 31                              | 220                      | 63                              |
| 60                       | 32                              | 230                      | 65                              |
| 65                       | 34                              | 240                      | 66                              |
| 70                       | 35                              | 250                      | 68                              |
| 75                       | 36                              | 260                      | 69                              |
| 80                       | 37                              | 270                      | 71                              |
| 85                       | 38                              | 280                      | 72                              |
| 90                       | 40                              | 290                      | 74                              |
| 100                      | 42                              | Over 200                 | 75                              |
| 110                      | 44                              |                          |                                 |

(ii) Provided, That if the hauling service is performed by a common or a contract carrier, the maximum price for such hauling service shall be the appropriate published rate of such carrier.

(iii) An assembler who, either with his own truck or by other means, performs the hauling service from the factory to the assembling warehouse, may not pay the allowable hauling charge or any portion thereof to any person not actually performing the service; and no person, including factory, cheesemaker, trustee, or any agent thereof, may charge or accept any payment for such service

which is in fact performed by the assembler or his agent.

(4) Assembling costs. (i) Whenever assembling operations are performed by an "authorized cheese assembler", 3/4 cents per pound may be added to the maximum prices established in subparagraphs (1) and (2) of this paragraph for each pound of cheddar cheese so assembled. An "authorized cheese assembler" means a cheese assembler authorized by the War Food Administration of the United States Department of Agriculture pursuant to Food Distribution Order No. 15—Cheddar Cheese, issued by the United States Department of Agriculture.

(ii) Provided, however, That where the assembled cheddar cheese is cheese which has been set aside for sale to the United States Government as cheddar cheese pursuant to Food Distribution Order No. 15, or similar orders issued by the War Food Administrator, the assembly allowance which may be added on sales to the United States Government shall be 1 cent per pound.

(iii) For the purpose of this subparagraph, no person shall be entitled to the additional assembling allowance unless he performs all the following functions: accumulates cheese; grades it in accordance with legal requirements, or, in the absence of such requirements, in accordance with customary industry practices; paraffins it (if not already paraffined) weighs it; stores it in a refrigerated space; and customarily ships it in carload lots. For the purpose of this subparagraph paraffining means a covering of all surfaces of the cheese by dipping in paraffin having a temperature of not less than 240° Fahrenheit. The cheese, before paraffining, must have dry, clean surfaces free of mold and be not less than 3 days old at time of dipping.

(iv) This assembly allowance shall include transportation costs, if any, from the cheese factory to the assembling warehouse, whether the assembling warehouse is located inside or outside the State of Wisconsin.

(b) Sales of processed cheddar cheese by manufacturers—(1) In Wisconsin. The maximum price for the sale of "processed cheddar cheese" by a manufacturer delivered at any place in Wisconsin shall be as set forth in Table D below.

TABLE D

| Weight of package   | Cents per pound |
|---|-----------------|
| Half pound or less (for example the 1/2 pound and 3/4 pound size)     | 29.75           |
| Over half pound to 2 pounds inclusive (for example, the 2-pound size) | 28.00           |
| Over 2 pounds (for example, the 5-pound size)                         | 27.00           |

(2) Outside Wisconsin. The maximum price for the sale of "processed cheddar cheese" by a manufacturer delivered at any place outside Wisconsin shall be the appropriate price set forth in Table D above plus a "transportation factor".

(c) Sales of cheddar cheese and "processed cheddar cheese" by a wholesaler—

(1) Sales by a "primary wholesaler"—(i) Definition. A "primary wholesaler" is a person who sells to a wholesaler or to a retailer distributing warehouse. (No assembler, however, shall be considered

a primary wholesaler as to any cheese sold to a processor for processing.)

(ii) *In Wisconsin.* The maximum price for the sale of any "cheese item" by a "primary wholesaler" delivered at any place in Wisconsin shall be as set forth in Table E below.

TABLE E

|   | Cents<br>per pound |
|---|--------------------|
| Cheddars, Twins or Larger Styles.....                                   | 24.48              |
| Flats.....  | 24.73              |
| Double or Triple Daisies.....   | 24.99              |
| Single Daisies, Longhorns, or Young Americas.....                       | 25.5               |
| Picnics, Midgets, Square Prints, or Natural Loaf or Smaller Styles..... | 25.75              |
| Processed Cheddar Cheese:   |                    |
| Package weighing ½ pound or less..                                      | 30.34              |
| Package weighing over ½ pound but not over 2 pounds.....                | 28.56              |
| Package weighing over 2 pounds....                                      | 27.54              |

(iii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" by a "primary wholesaler" delivered at any place outside Wisconsin shall be the appropriate price set forth in Table E above plus a "transportation factor".

(2) *Sales by a "service wholesaler"*—  
(1) *Definition.* A "service wholesaler" is a person who sells to, and makes delivery to the physical premises of, an individual retail store or an individual commercial, industrial, institutional, or non-federal governmental user. No person shall be deemed a "service wholesaler" unless he owns or maintains a warehouse in the marketing area in which the physical premises of the above described purchaser are located. The physical premises of an individual retail store means the place where "cheese items" are sold to ultimate household users. The physical premises of an individual commercial, industrial, institutional, or non-federal governmental user means the place where "cheese items" are consumed by such user. Provided, however, That the physical premises of a municipally operated central kitchen preparing lunches for non-profit distribution to school children shall be deemed the physical premises of an institutional user.

[Subparagraph (2) amended by Am. 20, effective 3-5-45]

(ii) *In Wisconsin.* The maximum price for the sale of any "cheese item" by a "service wholesaler" delivered to the physical premises of a purchaser, (designated in subdivision (i) of this subparagraph) at any place in Wisconsin shall be as set forth in Table F below.

TABLE F

|   | Cents<br>per pound |
|---|--------------------|
| Cheddars, Twins or Larger Styles.....                                   | 26.64              |
| Flats.....  | 26.91              |
| Double or Triple Daisies.....   | 27.19              |
| Single Daisies, Longhorns, or Young Americas.....                       | 27.75              |
| Picnics, Midgets, Square Prints, or Natural Loaf or Smaller Styles..... | 28.02              |
| Processed Cheddar Cheese:   |                    |
| Package weighing ½ pound or less..                                      | 33.76              |
| Package weighing over ½ pound but not over 2 pounds.....                | 31.08              |
| Package weighing over 2 pounds....                                      | 29.97              |

(iii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" by a service wholesaler delivered to the physical premises of a purchaser (designated in subdivision (i) of this subparagraph), at any place outside Wisconsin shall be the appropriate price set forth in Table F above plus a "transportation factor".

(iv) The maximum prices established in subdivisions (ii) and (iii) of this subparagraph shall not apply to any sale by a cheese factory or cheese maker or an association of cheese factories or cheese makers to any purchasers whose physical premises are located:

(a) At a point on or east of the 99th meridian and more than 50 miles from the place where the cheese factory is located, or

(b) In the area west of the 99th meridian and east of a line running south from the United States-Canadian boundary along the 120th meridian to the State of California and then along the California-Nevada state boundary line and then further along the California-Arizona state boundary line to Mexico, and more than 200 miles from the place where the cheese factory is located, or

(c) At a point west of the area described in (b) above and more than 100 miles from the place where the cheese factory is located where the sale or delivery is made by, through, or with the assistance of any agent, commission salesman, or trucking or hauling agent or contractor. For any such sales, the maximum price shall not exceed the appropriate maximum price in that place for a sale by a cheese factory of the particular style of Cheddar cheese sold as established in paragraph (a) (1) of this section, plus an assembling allowance of ¾ cent per pound (if the cheese has been assembled by an "authorized cheese assembler"), plus the total of the exact sums paid by the cheese factory, cheese maker, or association to the agent, commission salesman, and trucking or hauling agent or contractor for making the sale to the purchaser, and for performing "local transportation services." Provided, however, That in no case may the maximum price exceed the maximum price established in Table E of paragraph (c) (1) of this section, or, in the event a cheese factory, cheese maker or association owns or maintains a warehouse in the marketing area, in no case may the maximum price exceed the maximum price established in Table F of this subparagraph (2). "Local transportation services" means and is limited to, the actual distance traversed from the railroad siding in, or point of entrance to, the city, town, village, or hamlet in which the physical premises of the purchaser are located to such physical premises.

(v) The provisions of foregoing subdivision (iv) shall not apply to any sale where the cheese factory or place of manufacture and the physical premises of the purchaser are located at any place in the following area: Montana; Wyoming; Utah; Nevada; Colorado; New Mexico; Arizona; the following counties in Texas: El Paso, Hudspeth, Culberson, Reeves, Jeff Davis, Presidio, Brewster,

Pecos, Terrell, Crockett, and Val Verde; all counties in Idaho south of Idaho County; and Malheur County, Oregon.

[Subparagraph (iv) amended and (v) added by Am. 19, 10 F.R. 250, effective 1-6-45]

(3) *Sales by a cash and carry wholesaler*—(i) *Definition.* A "cash and carry wholesaler" is a person who sells to and does not make delivery to the physical premises of an individual retail store or to an individual commercial, industrial, institutional or non-federal governmental user. No person shall be deemed a "cash and carry wholesaler" unless he owns or maintains a warehouse within a distance of 50 miles from the physical premises of the above described purchaser. The physical premises of an individual retail store means the place where "cheese items" are sold to ultimate household users. The physical premises of an individual commercial, industrial, institutional, or non-federal governmental user means the place where "cheese items" are consumed by such user.

(ii) *In Wisconsin.* The maximum price for the sale of any "cheese item" by a "cash and carry wholesaler" delivered at any place in Wisconsin shall be as set forth in Table G below.

TABLE G

|   | Cents<br>per pound |
|---|--------------------|
| Cheddars, Twins, or Larger Styles.....                                  | 25.68              |
| Flats.....  | 25.94              |
| Double or Triple Daisies.....   | 26.21              |
| Single Daisies, Longhorns, or Young Americas.....                       | 26.75              |
| Picnics, Midgets, Square Prints, or Natural Leaf or Smaller Styles..... | 27.01              |
| Processed Cheddar Cheese:   |                    |
| Package weighing ½ pound or less..                                      | 31.83              |
| Package weighing over ½ pound but over 2 pounds.....                    | 29.96              |
| Package weighing over 2 pounds....                                      | 28.89              |

(iii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" by a "cash and carry wholesaler" delivered at any place outside Wisconsin shall be the appropriate price set forth in Table G above plus a "transportation factor."

(4) *Reference to assembling allowance.* (i) The maximum prices established in subparagraphs (1), (2), and (3) of this paragraph (c) for sales by the specified types of wholesalers are for cheddar cheese which has been assembled by an "authorized cheese assembler" in accordance with the requirements of paragraph (a) (4) of this section.

(ii) The maximum price for the sale of cheddar cheese by a wholesaler which has not been assembled by an "authorized cheese assembler" in accordance with the requirements of paragraph (a) (4) of this section shall be the appropriate maximum price established in subparagraphs (1), (2), or (3) of this paragraph (c) minus ¾¢ per pound.

(d) *Sales to U. S. Government*—(1) *In general*—(i) *In Wisconsin.* The maximum price for the sale of any "cheese item" to the United States Government or any of its agencies delivered at any place in Wisconsin shall be as set forth in Table H below.

TABLE H

|  | Cents<br>per pound |
|--|--------------------|
| Cheddars, Twins, or Larger Styles.....                                 | 24.25              |
| Flats.....   | 24.50              |
| Double or Triple Daisies.....  | 24.75              |
| Single Daisies, Longhorns or Young Americas.....                       | 25.25              |
| Picnics, Midgets, Square Prints or Natural Loaf or Smaller Styles..... | 25.50              |
| Processed Cheddar Cheese:  |                    |
| Package weighing 1/2 pound or less...                                  | 29.75              |
| Package weighing over 1/2 pound but not over 2 pounds.....             | 28.00              |
| Package weighing over 2 pounds.....                                    | 27.00              |

(ii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" to the United States Government or any of its agencies delivered at any place outside Wisconsin shall be the maximum price set forth in Table H above plus a "transportation factor."

(iii) *Low moisture cheese.* The sale of low moisture cheese to the United States Government and its agencies may be made under the provisions of paragraphs (a) (2) and (a) (4) of this section in lieu of at the maximum prices of this paragraph (d) (1).

(2) *Sales and deliveries to individual army posts, naval bases, or Federal hospitals, schools, or penal institutions—*

(i) *In Wisconsin.* Notwithstanding subparagraph (1) of this paragraph the maximum price for the sale of any "cheese item" where delivery is made to the physical location of, an individual army post or naval base, or a Federal hospital, school, or penal institution located at any place in Wisconsin shall be as follows:

(a) For sales and deliveries of quantities of less than carload lots but more than 5,000 pounds, the maximum prices set forth in Table I below:

TABLE I

|  | Cents<br>per pound |
|--|--------------------|
| Cheddars, Twins, or Larger Styles.....                                 | 24.73              |
| Flats.....   | 24.99              |
| Double or Triple Daisies.....  | 25.24              |
| Single Daisies, Longhorns, or Young Americas.....                      | 25.75              |
| Picnics, Midgets, Square Prints or Natural Loaf or Smaller Styles..... | 26.01              |
| Processed Cheddar Cheese:  |                    |
| Package weighing 1/2 pound or less...                                  | 30.34              |
| Package weighing over 1/2 pound but not over 2 pounds.....             | 28.56              |
| Package weighing over 2 pounds.....                                    | 27.54              |

(b) For sales and deliveries of quantities of 5,000 pounds or less, the maximum prices set forth in Table J below:

TABLE J

|   | Cents<br>per pound |
|---|--------------------|
| Cheddars, Twin or Larger Styles.....                                    | 25.94              |
| Flats.....  | 26.21              |
| Double or Triple Daisies.....   | 26.48              |
| Single Daisies, Longhorns, or Young Americas.....                       | 27.01              |
| Picnics, Midgets, Square Prints, or Natural Loaf or Smaller Styles..... | 27.28              |
| Processed Cheddar Cheese:   |                    |
| Package weighing 1/2 pound or less...                                   | 31.83              |
| Package weighing over 1/2 pound but not over 2 pounds.....              | 29.56              |
| Package weighing over 2 pounds.....                                     | 28.89              |

(ii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" where delivery is made to the physical location of, an individual Army post or Naval base, or a Federal hospital, school or penal institution located at any place outside Wisconsin shall be the

appropriate price in either Table I or Table J above, whichever is applicable, plus a "transportation factor".

[Subparagraph (1) amended by Am. 11, 9 F.R. 10871, effective 9-7-44]

(3) *Reference to assembling allowance and food distribution order.* (i) The maximum prices established in subparagraphs (1) and (2) of this paragraph (d) for "sales to the United States Government" are for cheddar cheese which has been assembled by an "authorized cheese assembler" in accordance with the requirements of paragraph (a) (4) of this section and which has been set aside for sale to the United States Government pursuant to Food Distribution Order No. 15, or similar orders issued by the War Food Administrator.

(ii) The maximum price for the sale to the United States Government of any cheddar cheese which has not been assembled by an "authorized cheese assembler" in accordance with the requirements of paragraph (a) (4) of this section shall be the appropriate maximum price established in subparagraphs (1) and (2) of this paragraph (d) minus 1¢ per pound.

(iii) The maximum price for the sale to the United States Government of any cheddar cheese which has not been set aside for sale to the United States Government pursuant to Food Distribution Order No. 15 or similar orders issued by the War Food Administrator shall be the appropriate maximum price established in subparagraphs (1) and (2) of this paragraph (d) minus 1/4¢ per pound.

(4) *Special provisions for sales to certain United States Government purchasers.* In addition to the maximum prices established in foregoing subparagraphs of this paragraph (d), a manufacturer or "authorized assembler" of Cheddar cheese, or a manufacturer of processed Cheddar cheese may charge 3.8 cents per pound on sales to the following agencies of the United States Government: War Food Administration and any agency thereof (including Dairy Products Marketing Association, Inc., acting for the War Food Administration); U. S. Army Quartermaster Market Centers (including Field Headquarters) and U. S. Army Quartermaster Depots; U. S. Navy Market Offices.

(e) *Sales by licensed ship suppliers of cheese items delivered shipside.* Notwithstanding other provisions of this section 19, the maximum price for the sale of any "cheese item" by a licensed ship supplier either to the United States Government or any of its agencies or to a ship operator where delivery is made shipside any vessel operating under the direction or control of the United States Government, the War Shipping Administration or any of the United Nations shall be the maximum price as established by paragraph (c) (2) of this section for a delivery in that place by a service wholesaler: *Provided, however,* All maximum prices of "service wholesalers" made on a cents-per-pound basis and carried to the second decimal point shall be rounded to the nearest 1/10th of a cent or to the next higher 1/10th of a cent where the second digit beyond the decimal point ends with the numeral, five.

[Paragraph (e) added by Am. 9, 9 F.R. 10090, effective 8-23-44; amended by Am. 11, 9 F.R. 10871, effective 9-7-44. Former paragraphs (e) thru (m) redesignated (f) thru (n) by Am. 9]

(f) *Calculations.* All calculations of any "transportation factor" and of any maximum price established by this section shall be made on a cents per pound basis and shall be carried to the second decimal point. The price per pound carried to the second decimal point shall be multiplied by the number of pounds sold and the total price then adjusted to the nearest cent, or the next higher cent where the total price ends with a decimal of .50.

(g) *Discounts and allowances.* The maximum prices established in the foregoing paragraphs of this section must be reduced by the customary discounts or allowances for cash or prompt payment. However, any change in customary discounts; allowances or other price differentials may always be made when it results in a lower price than would the customary discounts or allowances.

(h) *Evasive practices prohibited—*(1) *Used cheese boxes.* The maximum prices established by this section shall not be evaded by the selling or furnishing of used cheese boxes at less than their true economic value by any buyer of a "cheese item" or his agent or affiliate to, any seller of a "cheese item" or his agent or affiliate. Any sale of used cheese boxes by a buyer of a "cheese item", his agent or affiliate to a seller of a "cheese item", his agent or affiliate at any price less than the prices established in Table K below shall be considered prima facie evidence of an evasion of the maximum prices established by this section.

TABLE K

| Used boxes for—         | F. o. b. assembling warehouse |       |
|-------------------------|-------------------------------|-------|
|                         | Delivered to cheese factory   |       |
|                         | Cents                         | Cents |
| Twins and Cheddars..... | 20                            | 21    |
| Single Daisies.....     | 12                            | 13    |
| Longhorns.....          | 17                            | 18    |
| Flats.....              | 14                            | 15    |

(2) *Supplies.* No buyer of a "cheese item", his agent or affiliate, shall sell, lend, or otherwise transfer supplies or equipment, except cheese hoops, to a seller of a "cheese item", his agent or affiliate at less than the true value of such supplies and equipment. Any sale or transfer contrary to the provisions of this subparagraph is an evasion of paragraphs (a) (1) and (a) (2) of this section and is hereby prohibited.

(3) The practices described in subparagraphs (1) and (2) of this paragraph as evasions of this regulation are in addition to any evasive practices prohibited by section 6 of this regulation.

(i) *Special provisions for records and reports.* The provisions of section 5 shall apply to all sales of processed cheddar cheese and all sales of cheddar cheese other than those by a cheese factory or cheese maker to an assembler. However, for all such latter sales the cheese factory or cheese maker shall preserve for inspection by the Office of Price Administration for so long as the Emer-

agency Price Control Act, as amended, remains in effect, remittance statements furnished to the cheese factory or cheese maker by the assembler.

(j) *Maximum prices in places not on railroad line or siding.* The maximum price for the sale of any "cheese item" delivered in a place not on a railroad line or siding shall be the maximum price for a similar sale of that "cheese item" in the nearest place that is located on a railroad line or siding: *Provided, however,* Where the latter place is more than 50 miles from the place of delivery, transportation costs from that place to the place of delivery, not to exceed the lowest common carrier rate where one exists, may be added.

(k) *Maximum prices for sales at retail by manufacturers, processors, and wholesalers.* (1) The maximum price for the sale at retail of any "cheese items" delivered at any place by a manufacturer, processor, or wholesaler, shall be the maximum price established in that place for a sale of that "cheese item" by a retail store classified in Group 1 under Maximum Price Regulation No. 423.<sup>10</sup> (A Group 1 retail store is any independent retail store having a gross sales volume during 1942 of less than \$50,000.)

(2) No sale of a quantity in excess of 5 pounds shall be considered a sale at retail.

(l) *Maximum prices for "cut" cheddar cheese.* (1) Whenever any style of cheddar cheese prior to its sale or delivery is cut or sliced into pieces, cuts, or slices, the maximum price for the sale of any such pieces, cuts, or slices shall be the same as the maximum price for that style of cheddar cheese from which the pieces, cuts, or slices are made.

(m) *Maximum prices for sales not already provided for.* (1) The maximum price for the sale or delivery in any place of any "cheese item" for which a maximum price is not established by any of the foregoing paragraphs of this section shall be as follows:

(i) For sales of any style of cheddar cheese, the maximum prices established for sales by a cheese factory of that style in that place by paragraph (a) (1) of this section plus (where the requirements of paragraph (a) (4) of this section are satisfied) an assembling allowance of  $\frac{3}{4}$  cent per pound.

(ii) For sales of "processed cheddar cheese", the maximum prices established for delivery in that place by paragraph (b) of this section.

(n) *Definitions—(1) Cheddar cheese.* "Cheddar cheese", frequently called "American cheese", means "cheddar cheese" as defined in the "Standards of Identity for Cheddar Cheese, Cheese, Washed Curd Cheese, Colby Cheese" promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of January 9, 1941, page 195. It contains not more than 39% of moisture and its solids contain not less than 50% of milk fat.

(2) *Processed cheddar cheese.* "Processed cheddar cheese" is cheddar cheese which has been graded, cleaned, blended, ground, pasteurized, and packaged. It shall contain not more than 40% of

water, and in the water free substance not less than 50% of milk fat.

(3) *Transportation factor.* A "transportation factor" means the lowest published railroad carlot freight rate per pound gross weight from Plymouth, Wisconsin, to the place of delivery multiplied by 1.15. In calculating transportation charges referred to in the foregoing paragraphs, the 3% transportation tax imposed by section 620 of the Revenue Act of 1942 shall be included.

(4) *Cheese item.* "Cheese item" means any of the particular styles and sizes of cheddar cheese and of processed cheddar cheese listed in Tables E, F, G, H, I, and J of this section.

(5) *Delivered at any place.* The phrase, "delivered at any place" comprehends all sales whether made on the basis of actual delivery to the point of shipping destination or on the basis of f. o. b. shipping point or some other point. Any cheese item sold f. o. b. any point shall be considered "delivered" at that point.

(6) *Place.* "Place" means any city, town, village, or hamlet within the 48 States of the United States and the District of Columbia.

(7) *Retailer distributing warehouse.* A "retailer distributing warehouse" is a place where cheese is received and held for disposition to retail stores. Chain store warehouses and retailer owned co-operative warehouses are included in the meaning of "retailer distributing warehouse".

**Butter**

**Sec. 20. Maximum prices for butter—**

(a) *Bulk butter—(1) Definition.* "Bulk butter" means unprinted butter packed solid in unused fibre or corrugated boxes furnished by the seller.

(2) *Sales by a creamery or manufacturer of butter.* The maximum price for any of the following sales of bulk butter by a creamery or manufacturer of butter shall be as set forth in subdivisions (i) to (xii) inclusive, of this subparagraph: A sale to any purchaser on the basis of f. o. b. the creamery or premises of manufacture; a sale for delivery to a primary distributor, jobber, or retailer distributing warehouse; a sale in carload lots to any purchaser or combination of purchasers. Any sale by any person on the basis of f. o. b. the creamery or premises of manufacture shall be deemed a sale by a creamery and the maximum price for such sale shall be as set forth in the following subdivisions (i) to (xii) inclusive, of this subparagraph.

(i) The maximum price for bulk butter of the following scores or grades delivered in the cities of Chicago (and all of Cook County, Illinois), New York, and San Francisco shall be as follows:

TABLE A

|                                       | Chicago          | New York         | San Francisco    |
|---------------------------------------|------------------|------------------|------------------|
| U. S. grade AA or U. S. 93 score..... | 41 $\frac{1}{2}$ | 42 $\frac{1}{2}$ | 43               |
| U. S. grade A or U. S. 92 score.....  | 41               | 41 $\frac{1}{2}$ | 42 $\frac{1}{2}$ |
| U. S. grade B or U. S. 90 score.....  | 40 $\frac{1}{2}$ | 41 $\frac{1}{2}$ | 42 $\frac{1}{2}$ |
| U. S. grade C or U. S. 89 score.....  | 40 $\frac{1}{4}$ | 41               | 41 $\frac{1}{2}$ |
| U. S. cooking grade.....              | 39               | 39 $\frac{1}{2}$ | 40 $\frac{1}{2}$ |
| No grade.....                         | 35               | 35 $\frac{1}{2}$ | 36 $\frac{1}{2}$ |

(ii) The maximum price\* for any particular score or grade of bulk butter delivered at any place east of a line running south from the Canadian border along the eastern shore of Lake Michigan, the Illinois-Indiana state line the Illinois-Kentucky state line, and south along the eastern bank of the Mississippi River to the Louisiana state line to the Gulf of Mexico, shall be the maximum price in Chicago for that particular score or grade of butter, as stated in Table A above, plus the lowest published railroad carlot freight rate per pound gross weight from Chicago to the place of delivery with no adjustment allowed for tare or icing.

(a) *Provided, however,* That in any place in the states of Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York, and the District of Columbia, the maximum price shall not exceed the maximum price in New York City for that particular score or grade of butter as stated in Table A above.

(iii) The maximum price for any particular score or grade of bulk butter delivered at any place in Minnesota, Wisconsin, the upper peninsula of Michigan, Iowa, Missouri, and Illinois (except the city of Chicago and Cook County) shall be the maximum price in New York City for such score or grade of butter, as stated in Table A above, less transportation charges from that place to New York City. Transportation charges shall be the lowest published railroad carlot freight rate per pound, gross weight, from that place to New York multiplied by 1.15.

(iv) The maximum price for any particular score or grade of bulk butter delivered at any place in the state of Oregon or in the following counties of Washington: Whatcom, Skagit, San Juan Island, Snohomish, King, Kitsap, Clallam, Jefferson, Grays Harbor, Mason, Thurston, Pierce, Lewis, Pacific, Wahkiam, Cowlitz, Clark, Skamania, and Klickitat shall be as follows:

|                                       | Cents per pound  |
|---------------------------------------|------------------|
| U. S. Grade AA or U. S. 93 score..... | 42 $\frac{1}{4}$ |
| U. S. Grade A or U. S. 92 score.....  | 42 $\frac{1}{4}$ |
| U. S. Grade B or U. S. 90 score.....  | 42               |
| U. S. Grade C or U. S. 89 score.....  | 41 $\frac{1}{2}$ |
| U. S. Cooking Grade.....              | 40 $\frac{1}{4}$ |
| No Grade.....                         | 36 $\frac{1}{4}$ |

(v) The maximum price for any particular score or grade of bulk butter delivered at any place in the states of California, Nevada, and Arizona, shall be as follows:

|                                       | Cents per pound  |
|---------------------------------------|------------------|
| U. S. Grade AA or U. S. 93 score..... | 43               |
| U. S. Grade A or U. S. 92 score.....  | 42 $\frac{1}{2}$ |
| U. S. Grade B or U. S. 90 score.....  | 42 $\frac{1}{4}$ |
| U. S. Grade C or U. S. 89 score.....  | 41 $\frac{3}{4}$ |
| U. S. Cooking Grade.....              | 40 $\frac{1}{2}$ |
| No Grade.....                         | 36 $\frac{1}{2}$ |

(vi) The maximum price for any particular score or grade of bulk butter delivered at any place in the state of Arkansas and in the following places in

<sup>10</sup> 10 F.R. 1523.

the state of Texas: Bowie county, Fort Worth and Dallas, shall be as follows:

|                                       | Cents<br>per pound |
|---------------------------------------|--------------------|
| U. S. Grade AA or U. S. 93 score..... | 41½                |
| U. S. Grade A or U. S. 92 score.....  | 41                 |
| U. S. Grade B or U. S. 90 score.....  | 40¾                |
| U. S. Grade C or U. S. 89 score.....  | 40¼                |
| U. S. Cooking Grade.....              | 39                 |
| No Grade.....                         | 35                 |

(vii) The maximum price for any particular score or grade of bulk butter delivered at any place in Louisiana or at any place in Texas except that area lying north of the line formed by the southern boundaries of the following counties: Andrews, Martin, Howard, Mitchell, Noland, Taylor, Callahan, Eastland, Palo Pinto, Parker, Wise, Denton, Collin, Lamar, Fannin, Red River and Bowie, shall be the maximum price for that particular score or grade stated in foregoing subdivision (vi) of this subparagraph plus transportation charges from Fort Worth, Texas, to that place. Transportation charges shall be the lowest published railroad carlot freight rate per pound, gross weight, from Fort Worth to that place times 1.15.

(viii) The maximum price for any particular score or grade of bulk butter delivered at any place in the following counties of the state of Washington: Okanogan, Ferry, Stevens, Pend Oreille, Spokane, Lincoln, Grant, Douglas, Chelan, Kittitas, Adams, Whitman, Asotin, Garfield, Columbia, Walla Walla, Franklin, Benton, and Yakima; or in the following counties in the state of Idaho: Boundary, Bonner, Kootenai, Benew, Shoshone, Latah, Clearwater, Nez Perce, Lewis, and Idaho; or in the following counties in the state of Montana: Toole, Pondera, Teton, Cascade, Lewis and Clark, Jefferson, Silver Bow, Beaverhead, Glacier, Flathead, Lincoln, Sanders, Lake, Mineral, Missoula, Powell, Ravalli, Granite, and Deer Lodge: shall be the maximum price for that particular score or grade in Table B of this subdivision minus transportation charges from that place to Seattle, Washington. Transportation charges shall be the lowest published railroad carlot freight rate gross weight from that place to Seattle multiplied by 1.15:

|                                       | Cents per<br>pound |
|---------------------------------------|--------------------|
| U. S. Grade AA or U. S. 93 score..... | 43                 |
| U. S. Grade A or U. S. 92 score.....  | 42½                |
| U. S. Grade B or U. S. 90 score.....  | 42¼                |
| U. S. Grade C or U. S. 89 score.....  | 41¾                |
| U. S. Cooking Grade.....              | 40½                |
| No Grade.....                         | 36½                |

(ix) The maximum price for any particular score or grade of bulk butter delivered at any place in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Utah, that part of Texas not included in the foregoing subdivisions (vi) and (vii) of this subparagraph, and that part of Montana and Idaho not included in the foregoing subdivision (viii) of this subparagraph shall be the maximum price for that particular score or grade in San Francisco, as stated in Table A above, less transportation charges from that place to San Francisco. Transportation charges shall be the lowest published railroad carlot freight rate per

pound, gross weight, from that place to San Francisco, multiplied by 1.15.

(x) The maximum price for any particular score or grade of bulk butter delivered at any place in the state of New Mexico; in the counties of Carbon, Albany, and Laramie in the state of Wyoming; or in the state of Colorado, except in the counties of Sedgwick, Phillips, Yuma, Washington, Kit Carson, Cheyenne, Kiowa, Prowers, and Baca shall be as follows:

|                                       | Cents<br>per pound |
|---------------------------------------|--------------------|
| U. S. Grade AA or U. S. 93 score..... | 41¾                |
| U. S. Grade A or U. S. 92 score.....  | 41¼                |
| U. S. Grade B or U. S. 90 score.....  | 41                 |
| U. S. Grade C or U. S. 89 score.....  | 40½                |
| U. S. Cooking Grade.....              | 39¼                |
| No Grade.....                         | 35¼                |

(xi) The maximum price for any particular score or grade of bulk butter delivered at any place in the counties of Uinta, Lincoln, and Sweetwater in the state of Wyoming, shall be as follows:

|                                       | Cents<br>per pound |
|---------------------------------------|--------------------|
| U. S. Grade AA or U. S. 93 score..... | 42¼                |
| U. S. Grade A or U. S. 92 score.....  | 41¾                |
| U. S. Grade B or U. S. 90 score.....  | 41½                |
| U. S. Grade C or U. S. 89 score.....  | 41                 |
| U. S. Cooking Grade.....              | 39¾                |
| No Grade.....                         | 35¾                |

(xii) The maximum price for any particular score or grade of bulk butter delivered at any place in the counties of Sedgwick, Phillips, Yuma, Washington, Kit Carson, Cheyenne, Kiowa, Prowers, and Baca in the state of Colorado and at any place in the state of Wyoming except in the counties of Uinta, Lincoln, Sweetwater, Carbon, Albany, and Laramie shall be as follows:

|                                       | Cents<br>per pound |
|---------------------------------------|--------------------|
| U. S. Grade AA or U. S. 93 score..... | 41¼                |
| U. S. Grade A or U. S. 92 score.....  | 40¾                |
| U. S. Grade B or U. S. 90 score.....  | 40½                |
| U. S. Grade C or U. S. 89 score.....  | 40                 |
| U. S. Cooking Grade.....              | 38¾                |
| No Grade.....                         | 34¾                |

(xiii) The maximum prices established in the foregoing subdivisions (i) to (xii) inclusive, of this subparagraph, are for sales of bulk butter delivered to the purchaser at any place. Bulk butter sold f. o. b. any place shall be considered "delivered" to the purchaser at that place.

(xiv) The maximum prices established in the foregoing subdivisions (i) to (xii) inclusive of this subparagraph are for sales of bulk butter packed solid in new fibre or corrugated boxes furnished by the seller. When unprinted butter is packed in the following containers, the following deductions must be made from the maximum prices established in subdivisions (i) to (xii) inclusive, of this subparagraph:

- ¼¢ per pound for used or reconditioned boxes.
- ¼¢ per pound for parchment lined Kraft paper bags in a wire container.

When unprinted butter is packed in the following containers, the following additions may be made to the maximum prices established in subdivisions (i) to (xii) inclusive, of this subparagraph:

- ½¢ per pound unused wooden tubs.
- ¼¢ per pound used or reconditioned wooden tubs.

(3) Sales by a primary distributor—  
(i) Definition. A "primary distributor" is one who sells butter to jobbers, retailers distributing warehouses, non-federal governmental users, to commercial, institutional, or industrial users, or to anyone who sells butter to any of these named purchasers. *Provided however*, No one shall be considered a primary distributor unless he is either:

- (a) A person who buys and physically receives butter from another person, or
- (b) A branch warehouse of a creamery or manufacturer of butter located in a city, town, village, or hamlet other than that in which the butter sold by it is manufactured,

and unless he meets the following requirements:

- (1) He must own or lease and maintain a refrigerated or segregated, specific space in a refrigerated warehouse.
- (2) Such warehouse or warehouse space must not be leased, rented, or in any other way procured from or furnished by any person (including such person's principal, agent, partner, employee, subsidiary, trustee, associate, or affiliate) from whom he purchases or receives butter or to whom he sells or delivers butter.

(3) He actually warehouses the butter sold by him, by unloading it from its carrier, physically placing it in the warehouse described above where it must come to rest, and by removing it from the warehouse by loading it on a carrier.

(4) He bears and pays for all labor costs involved in the warehousing of the butter, and in the handling of such butter into, within, and out of the warehouse.

(5) And if he seeks status as a primary distributor under subdivision (i) (a) above, he must at the warehouse described above physically weigh and grade all butter received by him and must preserve at said warehouse for inspection by officials of the United States Government or its agencies complete records showing the facts and results of such weighing and grading, the lot numbers of all butter weighed and graded, and the name and address of the seller of each lot of butter received at the warehouse.

[Subparagraph (1) amended by Am. 13, 9 F.R. 13057, effective 11-6-44]

(ii) The maximum price for the sale of any particular score or grade of bulk butter by a primary distributor delivered to the purchaser at any place shall be the maximum price for "sales by a creamery" of that particular score or grade in that place established in subparagraph (2) of this paragraph, plus ½¢ per pound.

(4) Sales by a jobber—(i) Definition. A "jobber" means anyone who sells to, and makes delivery to the physical premises of, an individual retail store, a non-federal governmental user (such as a state or municipal hospital) an individual commercial user (such as a restaurant, hotel, or club), an individual institutional user (such as a hospital or school), or an individual industrial user (such as a baker or other food processor who uses butter in his manufacturing

process). No one shall be deemed a jobber unless he owns or maintains a warehouse in the marketing area in which the physical premises of the above described purchaser are located.

(ii) No sale shall be deemed a sale by a jobber within the meaning of this subparagraph unless delivery is made to the physical premises of a purchaser designated in subdivision (i) of this subparagraph. The physical premises of an individual retail store means the place where butter is sold to ultimate household consumers. The physical premises of an individual non-Federal governmental, commercial, institutional or industrial user means the place where butter is consumed by such users.

(iii) The maximum price for the sale of any particular score or grade of bulk butter delivered to the purchaser at any place by a jobber shall be the maximum price for "sales by a creamery" of that particular score or grade in that place as established in subparagraph (2) of this paragraph, plus the following allowances:

- 2¢ per pound for deliveries of 1-1,500 pounds inclusive.
- ¾¢ per pound for deliveries of over 1,500 pounds but not over 5,000 pounds.

*Provided, however,* That these allowances shall not apply to sales and deliveries of quantities of 32 pounds or less to any retail store which is classified in Group 1 under Maximum Price Regulation No. 423 or to any commercial user (such as a restaurant, hotel, or club). For any such sale and delivery the allowance shall be 2½ cents per pound. (A Group 1 retail store is any independent retail store having a gross sales volume during 1942 of less than \$50,000.)

(iv) The maximum prices established in subdivision (iii) of this paragraph shall not apply to any sale by a creamery, butter manufacturer, or association of creameries or butter manufacturers to any purchaser whose physical premises are located:

(a) At a point on or east of the 99th meridian and more than 50 miles from the place where the creamery or butter manufactory is located, or

(b) In the area west of a line running south from the United States-Canadian boundary along the 120th meridian to the state of California and then along the California-Nevada state boundary line and then further along the California-Arizona state boundary line to Mexico and more than 200 miles from the place where the creamery or butter manufactory is located, or

(c) At a point west of the area described in (b) above and more than 100 miles from the place where the creamery or butter manufactory is located,

where the sale or delivery is made by, through, or with the assistance of any agent, commission salesman, or trucking or hauling agent or contractor. For any such sales, the maximum price shall not exceed the maximum price in that place for a "sale by a creamery" of the particular score or grade of butter sold as established in paragraph (a) (2) of this section, plus the total of the exact

sums paid by the creamery manufacturer or association to the agent, commission salesman, and trucking or hauling agent or contractor for making the sale to the purchaser and for performing "local transportation services".

*Provided, however,* That in no case may the sum which may be added for such sale and delivery exceed the appropriate allowance established in subdivision (iii) of this subparagraph for the quantity sold and delivered. "Local transportation services" means and is limited to, the actual distance traversed from the railroad siding in, or point of entrance to, the city, town, village, or hamlet in which the physical premises of the purchaser are located to such physical premises.

[Subparagraph (iv) amended by Am. 14, 9 F.R. 13630, effective 11-20-44]

(v) The provisions of foregoing division (iv) shall not apply to any sale where the creamery or place of manufacture and the physical premises of the purchaser are located at any place in the following area: Montana; Wyoming; Utah; Nevada; Colorado; New Mexico; Arizona; the following counties in Texas: El Paso, Hudspeth, Culberson, Reeves, Jeff Davis, Presidio, Brewster, Pecos, Terrell, Crockett, and Val Verde; all counties in Idaho south of Idaho county, and Malheur County, Oregon.

[Subparagraph (v) added by Am. 19, 10 F.R. 250, effective 1-6-45]

(5) *Particular sales not already provided for.* (i) The maximum price for sales of bulk butter to individual retail stores, non-federal governmental users, or to individual commercial, institutional, or industrial users where the quantity sold is over 5,000 pounds or where delivery is not made to the physical premises of the individual retail store, non-federal governmental user, commercial user, industrial user, or institutional user, shall be determined in accordance with the provisions of paragraph (a) (3) of this section establishing maximum prices for "sales by a primary distributor"; *Provided, however,* That for any such sales the seller must qualify as a "primary distributor" within the meaning of paragraph (a) (3) (i) in order to obtain the maximum price established for "sales by a primary distributor" by paragraph (a) (3) (ii). If a seller does not so qualify, the maximum price for any sale described in this subdivision of this subparagraph (5) made by him shall be determined in accordance with paragraph (a) (2) of this section establishing maximum prices of "sales by a creamery".

(ii) *Provided, however,* That subdivision (i) of this subparagraph (5) shall in no case apply to any sale by anyone made on the basis of f. o. b. the creamery or place of manufacture, or to any sale by a creamery or manufacturer of butter to any purchaser or combination of purchasers in carload lots.

(6) *Sales to the United States Government.* (i) The maximum price for the sale of any particular score or grade of bulk butter in any place to the United States Government or any agency thereof shall be determined in accordance

with paragraph (a) (2) of this section establishing maximum prices for "sales by a creamery."

(ii) *Provided, however,* That this maximum price for sales to the United States Government or any agency thereof may be increased by the following amounts where a sale is made to, and delivery made to the physical location of, an individual military or naval establishment, or a federal hospital, school, or penal institution:

- 2¢ per pound for deliveries of 1-1,500 pounds inclusive.
- ¾¢ per pound for deliveries of over 1,500 pounds but not over 5,000 pounds.

However, where delivery is not made to the physical location of the purchaser, or where the sale is of a quantity greater than 5,000 pounds, no amount may be added to the maximum price established in subdivision (i) of this subparagraph.

(7) *Sales by licensed ship suppliers of butter delivered shipside.* Notwithstanding other provisions of this section 20, the maximum price for the sale of any particular score or grade of butter in any place by a licensed ship supplier either to the United States Government or any of its agencies or to a ship operator where delivery is made shipside any vessel operating under the direction or control of the United States Government, the War Shipping Administration or any of the United Nations shall be the maximum price for "sales by a creamery" of that particular score or grade in that place as established by paragraph (a) (2) of this section plus the following additions:

- 2¢ per pound for deliveries shipside of 1,500 pounds or less.
- 1¼¢ per pound for deliveries shipside of more than 1,500 pounds.

[Subparagraph (7) added by Am. 9, 9 F.R. 10090, effective 8-23-44]

(b) *Butter in prints or packages—(1) Maximum prices.* (i) The maximum price for the sale of any particular score or grade of butter in prints or cartons delivered at any place shall be the maximum price for bulk butter of that score or grade in that place by that type of seller to that type of purchaser, as determinable from the provisions of paragraph (a) of this section, plus the appropriate following sum:

TABLE C

- 1¼¢ per pound for ½-pound or 1-pound prints or rolls, individually wrapped in parchment.
- 1¾¢ per pound for ½-pound or 1-pound, individually parchment wrapped prints in cartons.
- 1½¢ per pound for ¼-pound prints individually wrapped in parchment.
- 2¢ per pound for ¼-pound individually parchment wrapped prints in cartons.
- 3¢ per pound for butterettes, chiplets, or similar types of restaurant cut butter.
- 1¢ per package for all other packages designed for use by householders.

[Table C amended by Am. 20, effective 3-5-45]

The above prices are for butter in prints or cartons packed in unused fibre or corrugated boxes.

(ii) For any butter in prints or cartons packed in the following containers, the following deductions must be made from



the maximum prices established in paragraph (b) (1) (i) above.

- 1/8¢ per pound for used or reconditioned boxes.
- 1/8¢ per pound for parchment lined Kraft paper bags in a wire container.

(2) *Use by creamery of printing equipment of another.* Regardless of any contract, agreement or other obligation, any creamery or manufacturer of butter who prints or cartons butter on equipment rented, leased or as to which it has a license to use shall not sell such printed or cartoned butter to any person at a price higher than the maximum price established by paragraph (a) of this section for sales of bulk butter by creameries or manufacturers of butter plus the exact cost of printing or cartoning, not to exceed in any event the allowance established in Table C for the particular print and/or carton sold. This section shall apply to a lease, rental, or license heretofore or hereafter made or obtained whether directly by the creamery or manufacturer of butter or indirectly through an agent or association or by any other means.

(3) *Custom printing for creameries.* Regardless of any contract, agreement, or other obligation, any creamery or manufacturer of butter who either directly or indirectly through an agent or association has another person print or carton butter manufactured by it may not sell such printed or cartoned butter to any person at a price higher than the maximum price established by paragraph (a) of this section for sales of bulk butter by creameries or manufacturers of butter to such persons plus the exact sum paid by the creamery or manufacturer for such printing and cartoning: *Provided, however,* That in no case may the sum which may be added exceed the appropriate allowance for printing or cartoning established in Table C of this section.

(4) *Packaging in barrels for export.* The maximum price in any place for the sale, for consumption outside the 48 States of the United States and the District of Columbia, of any particular score or grade of butter in the form of one-pound prints or rolls, parchment-wrapped and immersed in salt brine in paraffined barrels lined with a cotton bag, shall be the maximum price for that score or grade established by paragraph (a) of this section for that particular sale, plus the appropriate following sum:

| Barrels containing:                          | Cents per pound |
|--|-----------------|
| Not over 30 pounds.....                      | 8               |
| Over 30 pounds but not over 50 pounds.....   | 7 1/4           |
| Over 50 pounds but not over 60 pounds.....   | 6 3/4           |
| Over 60 pounds but not over 100 pounds.....  | 6 1/4           |
| Over 100 pounds but not over 112 pounds..... | 112             |
| Over 112 pounds.....                         | 6               |
|  | 5 3/4           |

(c) *Sales at retail by retail route-seller—(1) Definition.* A "retail route-seller" is a person who customarily makes sales of butter directly from a truck or wagon operated by a driver-salesman over a regular route. A "retail route-seller" shall include a dairy company operating delivery routes through driver-salesmen, but shall not include a grocery

store or meat market which delivers butter.

(2) *Maximum price.* The maximum price for any particular score or grade and form of butter sold at retail in any place by a retail route-seller shall be the maximum price for that particular score or grade established for "sales by a creamery" in paragraph (a) (2) of this section, plus the appropriate sum for that particular form as determinable from the provisions of Table C of paragraph (b) of this section plus an allowance for making retail sales on retail routes. This allowance shall be determined and established for any particular community by the regional administrator of the Office of Price Administration in whose jurisdiction the community lies. Such regional administrators are hereby authorized to establish for the several communities within their jurisdictions appropriate allowances for making sales at retail over retail routes, not to exceed in any event 8 cents per pound. Until such time as the respective regional administrators have established for any community within their respective jurisdiction specific allowances for sales at retail by retail route-sellers, the allowance which may be added for that function shall be 7 cents per pound.

(d) *Sales at retail by a creamery or manufacturer of butter.* (1) The maximum price for any particular score or grade and form of butter sold at retail in any place by a creamery or manufacturer of butter shall be the maximum price for that particular score or grade established for "sales by a creamery" in paragraph (a) (2) of this section, plus the appropriate sum from Table C of this section for that particular form, plus 6¢ per pound.

(2) For the purposes of this paragraph, no sale of butter to a purchaser in excess of 5 pounds shall be considered a sale at retail.

(e) *Maximum prices for any sale not provided for.* (1) The maximum price for the sale of any particular score or grade of butter by any person to another for which a maximum price has not been established by the foregoing paragraphs shall be:

(i) The maximum price for that particular score or grade established for "sales by a creamery" in paragraph (a) (2) of this section if such butter is in bulk.

(ii) The maximum price for that particular score or grade established for "sales by a creamery" in paragraph (a) (2) of this section plus the appropriate sum designated in Table B of paragraph (b) (1) of this section if such butter is in prints or packages.

(f) *Maximum price in places not on a railroad line or siding.* The maximum price for any sale of butter by any person to a purchaser in any place not located on a railroad line or siding shall be the maximum price established by the provisions of this section for a sale by such person to a purchaser of the same type in that closest place which is located on a railroad line or siding and which is in the same area, as determinable from the provisions of subdivisions (i) to (xii) inclusive of paragraph (a)

(2) of this section. *Provided, however,* That where the latter place is more than 50 miles from the place of delivery transportation costs from that place to the place of delivery, not to exceed the lowest common carrier rate where one exists, may be added.

(g) *Reference to Food Distribution Order No. 2.* The Dairy Products Marketing Association shall be considered an agency of the United States Government for purposes of purchasing butter set aside by a creamery for sale to the United States Government. The Dairy Products Marketing Association or any other agency of the United States Government may compensate any "authorized receiver" of butter for services rendered in assembling unprinted butter in an amount not to exceed 1/2 cent per pound for each pound of butter assembled and sold in unprinted form. An "authorized receiver" for the purposes of this paragraph means an authorized receiver as defined in Food Distribution Order No. 2 issued by the Food Distribution Administration of the United States Department of Agriculture.

(h) *Process butter—(1) Definition.* "Process butter" is butter, as defined in Bureau of Dairy Industry Order No. 1 Revised, issued December 24, 1936, by the United States Department of Agriculture, which has been subjected to any process by which it is melted, clarified, or refined and made to resemble natural butter. It does not include adulterated butter as defined in section 4 of the Act of May 9, 1902 (32 Stat. 195).

(2) The maximum price for any sale of process butter shall be determined in accordance with the appropriate provisions of this section establishing a maximum price for sales of butter of "no grade."

(i) *Calculations.* (1) In calculating transportation charges referred to in the foregoing paragraphs, the 3% transportation tax imposed by section 620 of the Revenue Act of 1942 shall not be included. All calculations of transportation charges shall be made on a cents per pound basis and shall be carried to the second decimal point.

(2) All maximum prices for butter of any score or grade or form shall be calculated as follows: In sales of quantities of 1 pound or less, the fractional price per pound shall be adjusted to the nearest cent, or the next higher cent where the fractional price is 1/2 cent. In multiple pound sales, the fractional price per pound shall be multiplied by the number of pounds sold and the total price then adjusted to the nearest cent, or the next higher cent where the total price ends with the fraction of 1/2 cent. Sales at retail by retail route-sellers shall be deemed multiple pound sales unless separate collections are made for each single delivery of 1 pound or less.

(j) *Special provisions for records and reports.* The provisions of section 5 of this regulation shall apply to all sales of butter except sales at retail by creameries, manufacturers of butter, or retail route-sellers. Any retail route-seller or creamery or manufacturer of butter selling at retail which has customarily given a purchaser a sales slip, receipt, or similar

evidence of purchase shall continue to do so and upon request from a purchaser, regardless of previous custom, shall give the purchaser such a receipt. This receipt shall state those facts required by section 5 of this regulation to be stated on an invoice.

(k) *Exempt sales.* The provisions of this section shall not be applicable to sales of butter at retail except as provided above in paragraphs (c) and (d) of this section with respect to sales and deliveries at retail by route-sellers and sales at retail by creameries or manufacturers of butter.

(1) *Definitions*—(1) *Butter.* "Butter" means the food product, commonly known as butter, which is made exclusively from milk or cream, or both, with or without the addition of common salt or coloring matter, and containing not less than 80% by weight of milk fat, all tolerance being allowed for. Such percentage of milk fat requirement shall equal that determined by the method prescribed in official and tentative methods of analysis of the Association of Official Agricultural Chemists, fifth edition, 1940:

(2) *Score or grade of butter.* "Score or grade of butter" means the quality of butter determined in accordance with the Official United States Standards for U. S. Grades of Creamery Butter issued in January 1943 by the United States Department of Agriculture and effective February 1, 1943.

(3) *Form of butter.* "Form of butter" means the form in which it is sold and delivered, namely, bulk, prints, or packages.

(4) *Place.* "Place" means any city, town, village, or hamlet in the 48 States of the United States and the District of Columbia.

(5) *Retailer distributing warehouse.* A "retailer distributing warehouse" is a place where butter is received and held for distribution to retail stores, or retail route-sellers. Chain store warehouses, retailer owned cooperative warehouses, and dairy companies operating retail routes or retail stores are included within the meaning of "retailer distributing warehouses."

#### Evaporated Milk

SEC. 21. *Maximum prices for evaporated and British Standard evaporated milk*—(a) *Sales and deliveries by manufacturers*—(1) *Carload lots.* (i) The maximum prices for sales and deliveries of evaporated milk by manufacturers thereof in carload lots delivered to the buyer's customary receiving point shall be as set forth in Table A below:

TABLE A

| If delivered in— | Carton of 48 14½-oz. cans (per carton) | Carton of 48 13-oz. cans (per carton) | Carton of 48 6-oz. cans (per carton) | Carton of 96 6-oz. cans (per carton) | Carton of 6 8-lb. cans (per carton) |
|------------------|--|---------------------------------------|--------------------------------------|--------------------------------------|-------------------------------------|
| Zone 1.....      | \$4.10                                 | \$3.85                                | \$2.05                               | \$4.10                               | \$4.10                              |
| Zone 2.....      | 4.20                                   | 3.95                                  | 2.10                                 | 4.20                                 | 4.20                                |
| Zone 3.....      | 4.20                                   | 3.95                                  | 2.10                                 | 4.20                                 | 4.20                                |

except that for cans of 14-ounce capacity the maximum price per carton of 48

shall be 8 cents less than the above prices for 14½-ounce cans, and for cans of 13½-ounce capacity the maximum price per carton of 48 shall be 16 cents less than the above prices for 14½-ounce cans.

[Subparagraph (1) amended by Am. 3, 9 F.R. 5588, effective 5-29-44]

(ii) The maximum prices for sales and deliveries of British Standard evaporated milk by manufacturers thereof in carload lots delivered to the buyer's customary receiving point shall be as set forth in Table B below:

TABLE B

| If delivered in— | Carton of 48 14½-oz. cans (per carton) | Carton of 48 6-oz. cans (per carton) | Carton of 96 6-oz. cans (per carton) | Carton of 6 8-lb. cans (per carton) |
|------------------|--|--------------------------------------|--------------------------------------|-------------------------------------|
| Zone 1.....      | \$4.60                                 | \$2.30                               | \$4.60                               | \$4.60                              |
| Zone 2.....      | 4.70                                   | 2.35                                 | 4.70                                 | 4.70                                |
| Zone 3.....      | 4.70                                   | 2.35                                 | 4.70                                 | 4.70                                |

(iii) The zones designated in Tables A and B of this paragraph are:

*Zone 1.* Virginia (except the city of Alexandria), West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Colorado, New Mexico, Wyoming; and Armstrong, Allegheny, Beaver, Butler, Fayette, Greene, Mercer, Lawrence, Washington, Bedford, Blair, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Indiana, Jefferson, Somerset, Venango, and Westmoreland Counties of Pennsylvania; and Allegany and Garrett Counties of Maryland.

*Zone 2.* District of Columbia, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, all of the counties of Pennsylvania and Maryland not included in Zone 1, and the City of Alexandria, Virginia.

*Zone 3.* Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington.

(iv) If evaporated milk is delivered by the manufacturer to the buyer's customary receiving point at the points listed below within zones 1 and 3, the maximum prices shall be the appropriate price in Table A, plus the following allowances:

10 cents per carton for cartons of 48 14½-oz. cans.

10 cents per carton for cartons of 48 13-oz. cans.

10 cents per carton for cartons of 96 6-oz. cans.

10 cents per carton for cartons of 6 8-lb. cans.

5 cents per carton for cartons of 48 6-oz. cans.

Any other size can shall take the allowance of the can nearest its size.

Deliveries in Zone 1 to all of New Mexico except Clayton, Dawson, Eaton, Artesia, Carlsbad, Roswell and Hobbs; and deliveries to Sheridan, Greybull and Worland in Wyoming.

Deliveries in Zone 3 to all Arizona, except Yuma; deliveries to Needles, El Portal and Alturas in California; deliveries to Montana; and deliveries to Boulder City, Ely, McGill and Las Vegas in Nevada.

[Subparagraph (iv) amended by Am. 3, 9 F.R. 5588, effective 5-29-44]

(2) *Less than carload lots*—(1) *Sales and deliveries to retail stores and to food*

*processors.* The maximum price for sales of evaporated milk or British Standard evaporated milk by manufacturers in less than carload lots where delivery is made by the manufacturer to the physical premises of a retail store or to the physical premises of a food processor shall be the appropriate price established by subparagraph (1) of this paragraph for sales and deliveries in carload lots plus the following:

15¢ per carton for cartons of 48 14½-ounce cans, 96 6-ounce cans and 6 8-pound cans.

7½¢ per carton for cartons of 48 6-ounce cans.

This subdivision shall not apply to sales where delivery is made to the warehouse of the retail store.

(ii) *Other sales and deliveries.* The maximum prices for all other sales and deliveries of evaporated milk or British Standard evaporated milk by manufacturers in less than carload lots delivered to the buyer's customary receiving point shall be the appropriate price in subparagraph (1) (i) of this paragraph plus the following:

5 cents per carton for cartons of 48 14½-oz. cans.

5 cents per carton for cartons of 48 13-oz. cans.

5 cents per carton for cartons of 96 6-oz. cans.

5 cents per carton for cartons of 6 8-lb. cans.

2½ cents per carton for cartons of 48 6-oz. cans.

Any other size can shall take the allowance of the can nearest its size.

[Subparagraph (ii) amended by Am. 3, 9 F.R. 5588, effective 5-29-44]

(3) *Discounts and allowances.* All maximum prices established under subparagraphs (1) and (2) of this paragraph must be reduced by the seller's customary discounts or allowances for cash or prompt payment. However, any discount, allowance, or other price differential may always be given where it results in a price less than the maximum price.

(b) *Exempt sales.* The provisions of this section shall not be applicable to sales of evaporated milk or British Standard evaporated milk at wholesale or at retail. Sales at wholesale shall be priced under the provisions of Maximum Price Regulation No. 421;<sup>16</sup> sales at retail shall be priced under the provisions of Maximum Price Regulations Nos. 422<sup>17</sup> and 423.

(c) *Definitions*—(1) *Evaporated milk.* "Evaporated milk" means evaporated milk as defined in "Standards of Identity of Evaporated Milk" promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of July 2, 1940, 5 F.R. 2444.<sup>18</sup> It shall contain not less than 7.9 percent of milk fat and not less than 25.9 percent of total milk solids.

(2) *British Standard evaporated milk.* "British Standard evaporated milk" means evaporated milk as defined in "Statutory Rules and Orders, 1923, No. 509 Public Health, England. The Public Health (Condensed Milk) Regulations

<sup>16</sup> 10 F.R. 1496.

<sup>17</sup> 10 F.R. 1505.

1923, dated May 1, 1923. Made by the Minister of Health." It shall contain not less than 9 percent milk fat and not less than 31 percent of total milk solids.

(3) *Customary receiving point.* "Customary receiving point" is that place in the town or city where the buyer's place of business is located at which the buyer customarily takes possession of evaporated milk or British Standard evaporated milk. It may be either a railroad siding or the buyer's warehouse in that town or city. For sales to the United States Government or any agency thereof, and in no other case, sales made f. o. b. the manufacturer's plant or warehouse shall be considered delivered to the buyer's customary receiving point.

**Powdered Skim Milk**

SEC. 22. *Maximum prices for bulk powdered skim milk for human consumption, bulk powdered buttermilk for human consumption, and packaged powdered skim milk (spray process) for human consumption.* (a) The maximum prices for sales and deliveries of bulk powdered skim milk for human consumption

and bulk powdered buttermilk for human consumption shall be as follows:

(1) By manufacturers and wholesalers to the United States Government or any agency thereof, f. o. b. manufacturer's plant, located:

|                | Spray process (cents per pound) | Roller process (cents per pound) |
|----------------|---------------------------------|----------------------------------|
| In Zone A..... | 14½                             | 14                               |
| In Zone B..... | 14¾                             | 14¼                              |
| In Zone C..... | 15                              | 14½                              |
| In Zone D..... | 15¼                             | 14¾                              |

(2) In addition to the maximum prices established in subparagraph (1) of this paragraph (a) any manufacturer or wholesaler who is designated as an "authorized receiver" of bulk powdered skim milk by the Food Distribution Administration, may charge ¾ cents per pound on sales of carlot quantities.

(3) By wholesalers and by manufacturers for deliveries to any consumer other than the United States Government or any agency thereof:

| For deliveries in | Spray process (cents per pound) |                    |                           |                          | Roller process (cents per pound) |                    |                           |                          |
|-------------------|---------------------------------|--------------------|---------------------------|--------------------------|----------------------------------|--------------------|---------------------------|--------------------------|
|                   | Carload                         | Less than carload  |                           |                          | Carload                          | Less than carload  |                           |                          |
|                   |                                 | 25 barrels or more | 5 to 24 barrels inclusive | 1 to 4 barrels inclusive |                                  | 25 barrels or more | 5 to 24 barrels inclusive | 1 to 4 barrels inclusive |
| Zone A.....       | 15½                             | 16                 | 16¼                       | 16½                      | 15                               | 15½                | 15¾                       | 16                       |
| Zone B.....       | 15¾                             | 16¼                | 16½                       | 16¾                      | 15¼                              | 15¾                | 16                        | 16¼                      |
| Zone C.....       | 16                              | 16½                | 16¾                       | 17                       | 15½                              | 16                 | 16¼                       | 16½                      |
| Zone D.....       | 16¼                             | 16¾                | 17                        | 17¼                      | 15¾                              | 16¼                | 16½                       | 16¾                      |

(4) By manufacturers to wholesalers "for deliveries" to wholesalers the prices named in subparagraph (3) above, less 3 cent.

[Subparagraph (4) amended by Am. 11, 9 F.R. 10871, effective 9-7-44]

(5) *Definition of zones.*

(i) Zone A shall be all states not included in Zones B, C, or D.

(ii) Zone B shall be Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, Virginia, and West Virginia.

(iii) Zone C shall be Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, and Texas.

(iv) Zone D shall be Florida.

(6) *Discounts.* All maximum prices named in this section must be reduced by the seller's customary discounts, or allowances for cash or prompt payment. However, any discount, allowances or other price differential may always be given when it results in a price less than the maximum price.

(7) *Packing costs and allowances.* (i) These prices are for bulk powdered skim milk or bulk powdered buttermilk packed in barrels double crepe lined. They shall be reduced for any less expensive packing by the net difference in packing costs, between the double crepe lined barrels and the less expensive packing.

(ii) These prices shall be increased ½ cent per pound for all bulk powdered skim milk or bulk powdered buttermilk

packed in customary 95 or 100 pound containers. These prices shall be increased 1 cent per pound for all bulk powdered skim milk or bulk powdered buttermilk packed in customary 5 to 50 pound containers.

(b) The maximum prices for sales and deliveries of packaged powdered skim milk (spray process) by manufacturers or packers to the wholesale and chain store warehouse trade and to commercial, industrial, institutional, and governmental users shall be as listed in the following Table A:

TABLE A

| For deliveries in | Price per dozen packages |           |           |
|-------------------|--------------------------|-----------|-----------|
|                   | 7 ounces                 | 12 ounces | 16 ounces |
| Zone A.....       | \$1.08                   | \$1.78    | \$2.34    |
| Zone B.....       | 1.09                     | 1.80      | 2.37      |
| Zone C.....       | 1.10                     | 1.82      | 2.40      |
| Zone D.....       | 1.11                     | 1.84      | 2.43      |

(1) *Differentials and discounts.* If the manufacturer or packer has established differentials for quantity purchasers or for any other class of purchasers he shall continue such differentials. The differentials to such other classes of purchasers shall be determined by adding to or subtracting from the maximum prices fixed herein for such zone, as the case may be, the difference between the seller's customary price to wholesalers and his customary price to such class of purchasers. All other customary discounts and allow-

ances including those for prompt payment shall likewise be continued.

(2) *Definition of zones.* The zones referred to are the same as those defined in paragraph (a) (5) of this section.

(3) *Manufacturer's or packer's maximum prices for packaged powdered skim milk (spray process) packed in container sizes other than those for which maximum prices are fixed by this paragraph.* (i) The following pricing method applies only to those new packages whose weight is 50% greater or smaller than the weight of the package for which maximum prices are fixed herein, i. e. those packages which are not less than 3½ oz. nor more than 24 oz. In the case of all other package sizes, i. e. those less than 3½ oz. and those more than 24 oz. but not more than 80 oz. inclusive, the packer shall apply to the Office of Price Administration for a maximum price. He shall include in his application a statement giving the weight of the proposed package, and the cost to him of the ingredients, packaging material, carton, labor, and overhead.

(ii) Where the packer may price pursuant to this subparagraph (3) he shall proceed as follows:  
 (a) *Determine the base container.* He shall first determine the size of the package for which a maximum price is fixed herein which is closest in net weight to the size which he desires to pack, i. e., if he desires to pack a 9 oz. package he shall use the 7 oz. package as the base container.  
 (b) *Determine the base price.* The base price is determined by dividing the maximum delivered price fixed in Table A above for a dozen of each container sizes, in each of the 4 zones established therein, by 12.  
 (c) *Deduct the container cost.* Taking his base price, the packer shall then subtract the direct cost of the base container. "Direct cost of the container" means the net cost, at the packer's plant, of the container, label, and the proportionate part of the outgoing shipping wrapper or carton, but it does not include the cost of filling, closing, labeling, or packing.  
 (d) *Adjust for difference in contents.* The figure gotten by the deduction shall then be adjusted for the size change by dividing it by the number of ounces in the base container and multiplying the result by the number of ounces in the new container.  
 (e) *Add the new container cost to get the maximum price for the zone.* Next, the packer shall add to the adjusted figure the "direct cost of the container" in the new size. He shall then multiply the resulting figure by twelve to determine his maximum delivered price per dozen in the new size container, in the zone for which he is making the computation. The packer shall make similar computations for each zone in which he desires to sell such new size container and adjust the prices pursuant to subparagraph (1) for the different classes of purchasers to whom he desires to sell such new size container.  
 (f) *Computations and fractions of a cent.* In making computations pursuant to this subparagraph (3), the packer

shall carry all calculations to the second decimal of a cent. If this maximum price per dozen resulting from such computation ends in a fraction he shall adjust the price to the next higher cent where the fraction is  $\frac{1}{2}$  cent or more, and to the next lower cent if the resulting fraction is less than  $\frac{1}{2}$  cent.

(iii) *Records.* Every manufacturer or packer who computes maximum prices pursuant to this subparagraph (3) shall keep records showing how he figured each maximum price established hereunder.

(c) *Definitions.* (1) "Powdered skim milk", also known as "dried skim milk" or "skim milk powder" means powdered skim milk for human consumption as defined in the "Standards of Identity for Dried Skim Milk, Powdered Skim Milk, Skim Milk Powder" promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of July 12, 1940, 5 F.R. 2543.

(2) "Powdered buttermilk" means the product prepared for human consumption by the removal of water from clean, sound buttermilk which buttermilk conforms in all respects to requirements of applicable federal and state laws and regulations. It shall contain not less than 4% butterfat and shall contain not more than 5% moisture.

(3) "Bulk" when used in conjunction with "powdered skim milk" or "powdered buttermilk" means all "powdered skim milk", or "powdered buttermilk", other than "packaged powdered skim milk" or "packaged powdered buttermilk". "Packaged" means packaged for sale at retail in a container of any sort holding 5 pounds or less regardless of where the packaging was done.

(4) The phrase "for deliveries" refers to deliveries at the buyer's customary receiving point. In the case of deliveries to wholesalers, it shall also include direct deliveries to the customary receiving point of any person designated by the wholesaler to receive delivery.

(d) *Reference to maximum price regulations covering powdered skim milk and powdered buttermilk not covered in this Revised Maximum Price Regulation 289.* (1) All sales of packaged powdered skim milk and packaged buttermilk not covered by paragraph (b) of this section are covered by Maximum Price Regulation 280. Specifically, paragraph (b) of this section fixes dollar and cents prices for packaged powdered skim milk (spray process) for human consumption in the 7-, 12-, and 16-ounce packages and provides a method whereby other size packages of such packaged powdered skim milk may be priced.

(2) Packaged powdered skim milk (spray process) except that which is packed in a tin container in an inert gas is governed by Maximum Price Regulation 421 as to sales at wholesale, and by Maximum Price Regulations 422 and 423 as to sales at retail.

(3) [Revoked.]

[Subparagraph (3) revoked by Am. 12, 9 F.R. 11171, effective 9-14-44]

#### Industrial Casein

SEC. 23. *Maximum prices for industrial casein (inedible)*—(a) *Definitions.* (1)

"Casein" means the chemical compound which is precipitated from skim milk by the action of rennet or of one of several acids customarily selected as a precipitating agent. For the purpose of this amendment, the curd resulting from the precipitation shall not be deemed "industrial casein" unless it is prepared for the purpose of ultimate utilization in one or more manufactured commodities that are not consumed as edible products by human beings. Nor shall casein which is especially prepared and packaged for laboratory use be deemed "industrial casein".

(2) "Processed acid-casein", means acid-precipitated "industrial casein" which is dried, ground, screened and blended with other individual quantities of such casein in such manner as to produce a product of uniform quality that will meet the needs of individual consumers. Such processed acid-casein shall be cream or light yellow in color, be nearly odorless with no more than a trace of sourness, have a moisture content of not more than 10%, contain not more than 2.25% fat (moisture-free basis) or less than 14.2% nitrogen (moisture-, fat-, and ash-free basis) or more than 4.0% ash (moisture-free basis), and the total acidity shall not be more than 10.5 c. c. of N/10 alkali per gram.

(3) "Processed rennet-casein", means rennet-precipitated "industrial casein" which is dried, ground, screened, and blended with other individual quantities of such casein in such manner as to produce a product of uniform quality that will meet the needs of individual consumers. Such processed rennet-casein shall be light cream or cream in color, be nearly odorless with no more than a trace of sourness, have a moisture content of not more than 10%, contain not more than 1% fat (moisture-free basis) or less than 14.2% nitrogen (moisture-, fat-, and ash-free basis) or less than 7.5% ash (moisture-free basis), and the total acidity shall not be more than 2.5 c. c. of N/10 alkali per gram.

(4) "Dry acid-casein", means acid-precipitated "industrial casein", the curd of which has been dried but has not been ground, or screened, or blended.

(5) "Dry rennet-casein", means rennet-precipitated "industrial casein", the curd of which has been dried but has not been ground, or screened, or blended.

(6) "Wet curd acid-casein", means acid-precipitated "industrial casein" which has not been dried, or ground, or screened, or blended.

(7) "Wet curd rennet-casein", means rennet precipitated "industrial casein" which has not been dried, or ground, or screened, or blended.

(8) "Bag" means the burlap or other container holding approximately 100 pounds in which casein is customarily packed by the manufacturer or blender. It may or may not be lined with paper or another similar substance.

(b) *Maximum prices for processed acid-casein and processed rennet-casein.* Maximum prices for processed acid-casein and processed rennet-casein as defined in paragraphs (a) (2) and (a)

(3) of this section, to any person shall be those listed in the following Table A.

TABLE A

| Quantity  | Cents per pound  |                  |
|---|------------------|------------------|
|   | Acid             | Rennet           |
| 10,000 lbs. or more.....                            | 24               | 25               |
| 2,000 lbs. or over but less than 10,000 pounds..... | 24 $\frac{1}{2}$ | 25 $\frac{1}{2}$ |
| Less than 2,000 pounds.....                         | 24 $\frac{3}{4}$ | 26 $\frac{1}{4}$ |

(1) The above prices are on a "gross-for-net" basis when the seller furnishes the bag in which the casein is sold. For sales in containers other than bags the prices are on a net weight basis and the seller may add to such prices an amount not in excess of the actual cost of such container: *Provided*, That such container becomes the property of the purchaser.

(2) The above maximum prices shall be f. o. b. the seller's plant, warehouse, or other place from which the casein is shipped to the buyer. Where the seller produces the casein in several plants and then transports it to a warehouse before shipping it to the buyer the casein shall be sold f. o. b. such warehouse and not f. o. b. the plant where it was produced.

(3) If the sale is made on a delivered basis, then the maximum delivered price shall be the f. o. b. price listed for each type in Table A above plus the lowest available freight rate from the shipping point to the purchaser's receiving point, but charges for freight shall in no case exceed the amount actually paid by the seller for the given shipment.

(c) *Maximum prices for wet curd acid-casein, wet curd rennet-casein, dry acid-casein and dry rennet-casein.* Maximum prices for sales and deliveries of wet curd acid-casein, wet curd rennet-casein, dry acid-casein, and dry rennet-casein to any person in any quantity shall be the prices listed in the following Table B; except that a seller who customarily extended a quantity discount shall continue to do so as provided in paragraph (e):

| Type of casein:                        | Cents per pound  |
|--|------------------|
| Wet curd acid-casein, dry basis.....   | 18               |
| Wet curd rennet-casein, dry basis..... | 19 $\frac{1}{2}$ |
| Dry acid-casein.....                   | 21               |
| Dry rennet-casein.....                 | 22 $\frac{1}{2}$ |

(1) The above maximum prices shall be f. o. b. the seller's plant, warehouse, or other place from which the casein is shipped to the buyer. Where the seller produces the casein in several plants and then transports it to a warehouse before shipping it to the buyer the casein shall be sold f. o. b. such warehouse, and not f. o. b. the plant where it was produced.

(2) If the sale is made on a delivered basis, the maximum delivered price shall be the f. o. b. price listed for each type in Table B above plus the lowest available freight rate from the shipping point to the purchaser's receiving point, but charges for freight shall in no case exceed the amount actually paid by the seller for the given shipment.

(3) If the purchaser requests that the seller grind the casein to meet his speci-

fications and requirements, the seller may add ½ cent per pound to the maximum price established in Table B above for dry acid and dry rennet-casein. Thus the maximum price for ground acid-casein shall be 21½ cents per pound and for ground rennet-casein it shall be 23 cents per pound.

(d) *Quality differentials.* The maximum prices established in this section for each type of casein shall not be increased by any charge for a special mesh, viscosity, or any other process or treatment in manufacturing. In no case shall the seller charge more per pound than the prices provided in this section. Where, however, the casein does not meet the standards set forth in the definitions for each type of casein, the maximum prices set forth herein shall be reduced to reflect the customary differential between the price for casein which meets the standards set forth herein and such substandard casein.

(e) *Discounts and allowances.* The maximum prices established by this section shall not be increased by brokerage fees, commissions or other charges. However, the maximum prices shall be decreased to reflect the seller's customary discounts and allowances including those for prompt payment.

(f) *Evasion.* Specifically, the provisions of this section shall not be evaded by any requirement by the seller or agreement between the buyer and seller that a seller may ship or a buyer receive casein in smaller quantity than that which was actually ordered or would have been ordered but for the attempted evasion. Furthermore, no person shall evade the provisions of this section by agreeing to receive unground "industrial casein" from a seller without taking title thereto, for the purpose of grinding or processing said casein for an amount which is less than the margin allowed herein for such grinding or processing, and then buy the ground or processed product at a price which is higher than the sum of the price listed for the unground casein plus the charge made for grinding or processing. Nor shall any person enter into any contract of a nature similar to that described above which will result in a maximum price to the seller of unground or unprocessed casein which is in excess of the price listed herein for such unground or unprocessed casein.

*Whey Powder*

SEC. 24 *Maximum prices for animal feeds made from milk products.* (a) *What products are covered.* This section establishes maximum prices for the following animal feeds made entirely from milk products: in dried form, skim milk, sour skim milk, buttermilk, whey, and whey solubles (all of which are referred to in this section as "dried milk animal feeds"); and the same products in condensed, concentrated, or evaporated form (all of which are referred to in this section as "condensed milk animal feeds"). This section also provides a method for establishing maximum prices for an animal feed product composed of a mixture of 50% or more by weight or volume of milk product ingredients and

50% or less of non-milk feed ingredients. (These mixtures are referred to in this section as "mixed animal feeds.") The animal feeds made entirely from milk products for which maximum prices are established in this section are those which meet the standards of the definitions listed in the next paragraph (b).

(b) *Definitions.* (1) "Dried skim milk" for animal feeds is the product resulting from the removal of water from clean, sound skim milk. It contains not more than 8 percent of moisture.

(2) "Dried sour skim milk" for animal feeds is the product resulting from the removal of water from clean, sound skim milk which has been soured by a suitable culture of lactic bacteria. It contains not more than 8 percent of moisture.

(3) "Dried buttermilk" for animal feeds is the product resulting from the removal of water from clean, sound buttermilk derived from natural cream to which no foreign substances have been added, excepting such as are necessary and permitted in the manufacture of butter. It contains not more than 8 percent of moisture, not more than 13 percent of mineral matter (ash), and not less than 5 percent of butterfat, as determined by the Roesse-Gottlieb method.

(4) "Dried whey" for animal feeds is the by-product resulting from the manufacture of cheese or casein, either or both. This product shall contain at least 65 percent of lactose (milk sugar).

(5) "Dried whey solubles" for animal feeds is the residual by-product resulting from the partial removal of milk sugar or albumen, or both, from clean, sound whey to which no foreign substances have been added except such as are necessary in the manufacture of milk sugar.

(6) "Condensed skim milk" for animal feeds is the product resulting from the removal of a considerable portion of water from clean, sound skim milk. It contains not less than 27 percent of total solids.

(7) "Evaporated, concentrated, or condensed sour skim milk" for animal feeds is the product resulting from the removal of a considerable portion of water from clean, sound skim milk which has been soured by a suitable culture of lactic bacteria. It contains not less than 27 percent of total solids.

(8) "Evaporated, concentrated, or condensed buttermilk" for animal feeds is the product resulting from the removal of a considerable portion of water from clean, sound buttermilk derived from natural cream to which no foreign substances have been added excepting such as are permitted and necessary in the manufacture of butter. It contains not less than 27 percent of total solids, not less than 2 percent of butterfat, and not more than .14 percent of ash for each percent of solids.

(9) "Condensed whey" for animal feeds is the product resulting from the removal of a considerable portion of water from clean sound cheese or casein whey, either or both.

(10) "Condensed whey solubles" for animal feeds is the residual by-product resulting from the partial removal of milk sugar or albumen, or both, from

clean, sound whey to which no foreign substances have been added except such as are necessary in the manufacture of milk sugar. It contains not less than 27 percent of total solids.

(11) "Mixed animal feed" as used in this section means an animal feed product containing 50% or more by weight or volume of milk-product ingredients and less than 50% by weight or volume of non-milk feed ingredients.

(12) "Wholesaler" means any person who buys animal feeds, unloads such animal feeds into a warehouse, and resells them in their original containers without mixing them.

(13) "Sale at retail" means a sale and delivery of animal feeds to consumers in quantities not exceeding 500 pounds per sale for dried milk animal feeds and 10 barrels per sale for condensed milk animal feeds.

(14) "Consumer" means any person who buys animal feeds for the purpose of actually feeding them to animals or poultry.

(c) *Maximum prices for sales and deliveries by manufacturers—*(1) *10,000 pounds or more.* Maximum prices for sales and deliveries of milk animal feeds by a manufacturer or any person other than a wholesaler or retailer, to any person, shall be the prices listed in Table A below for quantities of 10,000 pounds or more.

TABLE A

| Animal feed products:  | Cents per lb. |
|--|---------------|
| Dried skim milk.....   | 10.0          |
| Dried sour skim milk.....  | 10.0          |
| Dried buttermilk.....  | 10.0          |
| Dried whey.....  | 8.0           |
| Dried whey solubles.....   | 8.0           |
| Condensed skim milk (not less than 27% total solids).....                                  | 3.75          |
| Evaporated, concentrated or condensed sour skim milk (not less than 27% total solids)..... | 3.75          |
| Evaporated, concentrated or condensed buttermilk (not less than 27% total solids).....     | 3.75          |
| Condensed whey (not less than 27% total solids).....                                       | 2.75          |
| Condensed whey solubles (not less than 50% total solids).....                              | 4.6           |

*For condensed whey only,* the following additions to the maximum price set out in the above table may be made if the condensed whey contains more than 27% of total solids; For each 1% of total solids over 27% but not over 65%,  $\frac{8}{100}$  of a cent may be added to the maximum price per pound but in no event shall the maximum price exceed 5.79 cents per pound for 65% or higher solids content. No addition to maximum prices for higher solids content is permitted on other milk animal feeds.

(2) *Increases on sales of less than 10,000 pounds.* On sales by a manufacturer, or any person other than a wholesaler or a retailer, of any of the milk animal feeds named in Table A in quantities of less than 10,000 pounds, the following additions may be made to the maximum prices named:

600 to 9,999 pounds inclusive, add  $\frac{1}{10}$  cent per pound  
Less than 600 pounds, add  $\frac{1}{4}$  cent per pound.

(3) The above maximum prices shall be f. o. b. the seller's plant where the milk animal feeds were produced.

(4) If the sale is made on a delivered basis, the maximum delivered price shall be the f. o. b. price listed in subparagraphs (1) and (2) above for the quantity sold, plus the lowest available freight rate from the seller's point of production of the finished product to the purchaser's receiving point, but charges for freight shall in no case exceed the amount actually paid by the seller for transportation of the given shipment.

(d) *Maximum prices for sales and deliveries by wholesalers.* The maximum prices for milk animal feeds sold by wholesalers are the prices set out in subparagraph (c) (1) above (for quantities of 10,000 pounds or more) plus  $\frac{1}{4}$  cent per pound, plus all transportation charges actually paid by the wholesaler for moving such animal feeds to his place of business at the lowest available freight rate.

Transportation charges to be added shall be determined by dividing the total charge for a shipment by the number of pounds (net weight) shipped. If, however, the wholesaler buys animal feeds on a delivered basis, he shall calculate his cost for the animal feeds by dividing the delivered cost to him of the animal feeds by the number of pounds

(net weight) delivered, and then add  $\frac{1}{4}$  cent per pound of net weight to determine his maximum selling price.

If the wholesaler delivers the animal feeds to his buyer he may add to the maximum prices established by this paragraph the lowest of the following delivery charges:

(1) His actual cost for transporting the animal feeds from his shipping point to buyer's receiving point.

(2) His customary delivery charge, if he had an established charge for such deliveries prior to September 14, 1944.

(3) The lowest published common carrier rate for shipping a like quantity of animal feeds from his shipping point to buyer's receiving point.

(e) *Maximum prices for sales and deliveries at retail.* Maximum prices for retail sales and deliveries to consumers, in quantities specified below, shall be calculated as follows:

(1) Take the maximum price per pound set out in paragraph (c) (1), if the sale is made by a manufacturer, or the price paid to the supplier, if the sale is made by a dealer who is not a manufacturer;

(2) Add the appropriate one of the following amounts:

| <i>Dried milk animal feeds</i>                           | <i>Condensed milk animal feeds</i>                     |
|--|--|
| 100 to 500 pounds, add $\frac{1}{2}$ cent per pound..... | 2 to 10 barrels, add $\frac{1}{2}$ cent per pound.     |
| 99 pounds or less, add $\frac{3}{4}$ cent per pound..... | Less than 2 barrels, add $\frac{3}{4}$ cent per pound. |

(3) Add the transportation charges, if any, actually paid by the retail seller in moving the animal feeds to his place of business, at the lowest available freight rate. These transportation charges shall be calculated by dividing the total shipping charges for the shipment by the number of pounds (net weight) shipped.

If, however, the animal feeds have been bought on a delivered basis, the seller shall calculate his costs by dividing the delivered cost to him by the number of pounds (net weight) delivered, and then adding the appropriate amount from (2) above.

If the seller delivers the animal feeds he may add to these maximum prices the lower of the following delivery charges:

His actual cost for transporting the animal feeds from the place of business at which the feeds were sold to the buyer's receiving point; or

His customary delivery charge, if he had an established charge for such deliveries prior to September 14, 1944.

(f) *Containers.*—(1) *Condensed milk animal feeds sold in barrels.* The maximum prices for condensed milk animal feeds are for such products packed in new or reconditioned used tight wooden barrels or other equally efficient containers. If the buyer returns used barrels to the seller, an allowance shall be made of the actual market value of such barrels.

(2) *Condensed milk animal feeds sold in less-than-barrel quantities.* If the condensed milk animal feeds are packed and sold in containers smaller than barrels, furnished by the seller,  $\frac{1}{4}$  cent per pound container cost may be added to the maximum price for half-barrels or larger,

up to barrel size; and  $\frac{1}{2}$  cent per pound container cost for less than half-barrel containers. No such addition to maximum price may be made if the buyer furnishes the container.

(3) *Dried animal feeds.* The maximum prices for dried animal feeds are for products packed in a suitable container such as a tight-woven burlap bag. An allowance of the market value of the bags shall be made if bags are returned by the buyer to the seller.

(g) *Combinations of milk animal feeds.* If two or more of the milk animal feeds defined in paragraph (b) are manufactured together, or sold in one container, the price for such combined milk animal feeds shall be no higher than the maximum price for the lowest-priced milk animal feed which it contains. For example, if whey and skim milk are combined in the drying process, or are put in the same container after drying, the resulting product shall be sold at no more than the applicable whey price.

(h) *Mixed animal feeds.* When one of the milk animal feeds is mixed with a non-milk feed ingredient to form a mixed animal feed as defined in paragraph (b), the procedure in establishing the requested maximum prices shall be as follows:

For mixed animal feeds manufactured and sold before September 14, 1944, the manufacturer shall within sixty days from September 14, 1944, apply on OPA Form 635-1095 for a maximum price for each mixed animal feed manufactured by him. The following data and the information specified in the application form shall be supplied:

(1) Name of product; nature and degree of processing; types of containers.

(2) Cost of production, including ingredient cost, labor, handling, marketing, and general administrative expenses.

(3) Container costs.

(4) Volume of sales to wholesalers, retailers, and consumers by size of container in large, medium, and small quantities.

(5) Requested maximum price.

(6) Method used in determining requested maximum price.

The original and two copies of the application for a maximum price for each mixed animal feed shall be sent by registered mail to the Secretary, Office of Price Administration, Washington 25, D. C. Until a different maximum price is established by the Price Administrator, the mixed animal feed shall be sold at a price no higher than the maximum price that is in effect on September 14, 1944.

In placing a value on milk animal feeds used in the manufacture of the mixed product, no figure shall be used which is higher than the price established in this section for the lowest-priced milk animal feed used in the particular mixed product.

If the Administrator does not approve the maximum price suggested in the application, he shall, within sixty days from the date the application is received, issue an order or letter order establishing a different maximum price, or extend for another sixty days the period for determination of a price. If the Administrator has not acted within sixty days from receipt of the application, either to fix a price or to extend the period for determination, the applicant's suggested maximum price shall be deemed to be accepted as of the expiration of said sixty days. If an extension has been granted, but no different maximum price has been established, the applicant's suggested maximum price shall be deemed to be accepted as of the expiration of the sixty-day extension.

As to mixed animal feeds that have not been sold before September 14, 1944 the manufacturer shall, before the mixed feed is offered for sale, submit an application on OPA Form 635-1095, following the instructions set out in this paragraph (h) above and furnishing all of the information that is pertinent to his application, including a suggested maximum price. The Administrator shall, within thirty days from the date the application is received, either approve said suggested price as the maximum price for the product; or set a different maximum price, or set a temporary maximum price to be effective for a limited time until the Administrator can establish a maximum price. If the Administrator does not act in one of these three ways within said thirty days the suggested price named by the applicant shall be the maximum price for the product.

Failure by a manufacturer of a mixed animal feed to file an application for a maximum price is a violation of this regulation.

(i) *Animal feeds not covered by this section.* Sales of mixed animal feeds composed of milk ingredients constituting less than 50% in weight or volume are governed by the provisions of Maxi-

mum Price Regulation 378.<sup>18</sup> Sales of animal feeds composed of milk ingredients constituting more than 50 percent in weight or volume, if not covered by this section, are governed by the provisions of MPR 280.

(j) *Method of computation and fractions of a cent.* In computing maximum prices pursuant to this section all calculations shall be carried to the second decimal of a cent to arrive at the maximum price per pound. Any fractions of a cent resulting after the price for the total quantity sold has been calculated shall be adjusted to the next higher cent, if it is one-half cent or more, and to the next lower cent if it is less than one-half cent.

(k) *Discounts and allowances.* The maximum prices established by this section shall not be increased by brokerage fees, commissions or other charges. However, the maximum prices shall be decreased to reflect the seller's customary discounts and allowances including those for prompt payment.

(l) *Evasion.* Specifically, the provisions of this section shall not be evaded by any requirement by the seller or agreement between the buyer and seller that a seller may ship or a buyer receive animal feeds in smaller quantity than that which was actually ordered or would have been ordered but for the attempted evasion. Nor shall the provisions of this section be evaded by the buyer furnishing, or returning to, the seller used containers at a price or allowance other than their actual market value.

(m) *Records.* The invoice which the seller is required to deliver to the buyer under section 5 of this regulation shall, for condensed whey, state the percentage of total solids in the product. This is in addition to the other information required to be stated on the invoice. If the invoice covers a combination of milk animal feeds, as referred to in paragraph (g), it shall also specify the products of which the combination is composed.

[Sec. 24 amended by Am. 12, 9 F.R. 11171, effective 9-14-44]

**Milk Sugar**

SEC. 25. *Maximum prices for milk sugar—(a) Definitions.* (1) "Milk sugar" (lactose) means the sugar which is obtained from cow's milk. The term includes any such sugar whether it is sold in powdered or crystalline form.

(2) "Refined milk sugar" means milk sugar, U. S. P.; that is, it conforms to all of the standards for milk sugar set forth in the latest edition of the United States Pharmacopoeia.

(3) "Technical milk sugar" means milk sugar which equals milk sugar, U. S. P. in all respects, except that its solution in water may be straw color and its ash content may be 1.0 percent.

(4) "Crude milk sugar" means milk sugar which is neither refined milk sugar nor technical milk sugar.

(5) "Producer" means any person who produces refined, technical, or crude milk sugar.

(6) "Packager" means a person (other than a producer) who buys milk sugar and packs it into containers.

(7) "Wholesaler" means a person who buys milk sugar in a container and sells it in the same container to persons other than household consumers. A person may be a wholesaler with respect to certain sales and a packager with respect to other sales, depending on whether or not he packed the milk sugar into a container.

(8) "Retailer" means a person who buys milk sugar in a container and sells it in the same container to household consumers.

(9) "Item" means a particular unit of sale of a particular brand and type of milk sugar in a particular container size.

(10) "Barrel" means a wooden barrel costing approximately 1 cent per pound of milk sugar.

(b) *Producer prices.* (1) Sales made in "barrels." The producer's maximum prices f. o. b. plant for milk sugar sold in barrels to any class of purchaser shall be those listed in the following Table A.

TABLE A

| Quantity                          | Cents per pound (f. o. b. plant) |           |                               |                                   |
|-----------------------------------|----------------------------------|-----------|-------------------------------|-----------------------------------|
|                                   | Refined                          | Technical | Crude sold for laboratory use | Crude sold for further refinement |
| 1 to 9 barrels, inclusive.....    | 27½                              | 25½       | 19                            | 17                                |
| 10 to 149 barrels, inclusive..... | 26½                              | 24½       | 19                            | 17                                |
| 150 barrels or more.....          | 26                               | 24        | 19                            | 17                                |

(2) *Sales made in containers other than barrels.* The producer's maximum prices f. o. b. plant for milk sugar sold in containers other than barrels shall be those listed in the following Table B, plus the actual cost of container.

TABLE B

| Quantity                                 | Cents per pound (f. o. b. plant) |           |                               |                                   |
|--|----------------------------------|-----------|-------------------------------|-----------------------------------|
|  | Refined                          | Technical | Crude sold for laboratory use | Crude sold for further refinement |
| Less than 1,500 lbs.....                 | 26½                              | 24½       | 18                            | 16                                |
| 1,500 lbs. to 30,000 lbs. inclusive..... | 25½                              | 23½       | 18                            | 16                                |
| Over 30,000 lbs.....                     | 25                               | 23        | 18                            | 16                                |

(3) *Discounts and allowances.* The maximum prices established for producers shall not be increased by brokerage fees, commissions, or other charges. However, the maximum prices shall be decreased to reflect the producer's customary discounts and allowances, including those given for prompt payment, but not including the discount based solely on quantity of purchase.

(4) *F. o. b. and delivered prices.* The producer's prices are f. o. b. the producer's plant. If the sale is made on a delivered basis, the maximum delivered price shall not exceed the applicable f. o. b. price plus the actual freight charges incurred from the producer's plant to the purchaser's receiving point;

such freight charges in no event to exceed the lowest established rate for the mode of transportation employed.

(5) *Evasion.* Specifically, the producer prices shall not be increased by any arrangement between the buyer and seller whereby a seller is to ship or sell, and the buyer receive or buy, a smaller quantity of milk sugar than that which was actually ordered, or would have been ordered but for the attempted evasion.

(c) *The packager's prices.* Packager maximum prices for each item of milk sugar shall be the maximum prices established pursuant to Maximum Price Regulation 280, plus the following:

(1) The difference between the "old cost" of the milk sugar in the item and the "new cost" of the milk sugar in the item. The "old cost" is the packager's delivered cost (price paid supplier, less all discounts except the discount for prompt payment; plus transportation charges, if any, to his place of business) for his latest purchase of a customary quantity of the milk sugar ingredient from a customary supplier occurring prior to November 15, 1943. The "new cost" is the packager's delivered cost (price paid supplier less all discounts, except the discount for prompt payment, plus transportation charges, if any, to his place of business) for the first purchase of milk sugar ingredient in a customary quantity from a customary supplier, occurring after November 14, 1943.

(i) If at any time after establishing a "new cost" the packager's source of supply changes resulting in a decrease in the cost of milk sugar, he must recalculate his prices by reestablishing a "new cost" based on the first purchase of a customary quantity from the new supplier. Where the source of supply changes, resulting in an increase in the cost of milk sugar, he may recalculate his prices by reestablishing a "new cost" based on the first purchase of a customary quantity from the new supplier.

NOTE: The packager's maximum prices remain as established under Maximum Price Regulation 280 until such time as the packager has a new cost and is able to compute his prices under this paragraph. Thereupon, the new prices so established apply only to those items containing milk sugar which was purchased at the changed cost.

(d) *The wholesaler's prices.* The wholesaler's maximum prices for each item of milk sugar shall be the maximum prices established pursuant to Maximum Price Regulation 280, plus the following:

(1) The difference between the "old cost" of the item and the "new cost" of the item. The "old cost" is the wholesaler's delivered cost (price paid supplier less all discounts, except the discount for prompt payment; plus transportation charges, if any, to his place of business) for the latest purchase of the item in a customary quantity from a customary supplier occurring prior to November 15, 1943. The "new cost" is the delivered cost (price paid supplier less all discounts, except the discount for prompt payment; plus transportation charges, if any, to his place of business) for the first purchase of the item in a customary quantity from a customary supplier, occurring after November 14, 1943.

<sup>18</sup> 8 F.R. 5810, 5648, 9530, 10435, 14281, 15489; 9 F.R. 5829, 6565.

(i) If at any time after establishing a "new cost" the wholesaler's source of supply changes resulting in a decrease in the cost of the items, he must recalculate his prices by reestablishing a "new cost" based on the first purchase of a customary quantity from the new supplier. Where the source of supply changes, resulting in an increase in the cost of the items, he may recalculate his prices by reestablishing a "new cost" based on the first purchase of a customary quantity from the new supplier.

NOTE: The wholesaler's maximum prices remain as established under Maximum Price Regulation 280 until such time as the wholesaler has a "new cost" and is able to compute his prices under this paragraph. Thereupon, the new prices apply only to that part of his inventory upon which the price change has been experienced.

(e) *Retailer's prices.* A retailer's maximum prices for each item of milk sugar shall be his "delivered cost" (price paid supplier less all discounts, except the discount for prompt payment; plus transportation charges, if any, to his place of business); plus the dollar and cents markup which he customarily applied to such items, not to exceed the highest markup used during the period March 1, 1942, through October 2, 1943.

NOTE: A retailer cannot, of course, use a markup which was based on a price in excess of the price allowed by Maximum Price Regulation 280.

(f) *Reports.*—(1) *Producer reports.* Producers establishing maximum prices for sales in containers other than barrels, must within 30 days after establishing such prices, file with the Manufactured Dairy Products Section, Office of Price Administration, Washington, D. C., a statement showing the following:

(i) The producer's name and address,  
(ii) The prices established pursuant to paragraph (b) (2) of this section for sales in containers other than barrels.  
(iii) The cost of the container and a description thereof.

(2) *Packager reports.* Packagers establishing maximum prices for items which they pack must within 30 days after establishing such prices, file with the Manufactured Dairy Products Section, Office of Price Administration, Washington, D. C., a statement showing the following:

(i) The packager's name and address,  
(ii) The maximum prices established pursuant to Maximum Price Regulation 280 for each item which they pack,  
(iii) The "old cost" and the "new cost" as determined pursuant to paragraph (c) (1) of this section, and  
(iv) The maximum prices established pursuant to paragraph (c) of this section.

(g) *Calculations.* In calculating the price of a particular quantity of milk sugar whether it be for a pound, carload, dozen, etc., calculations shall be carried to the second decimal point of a cent. If the final price for the quantity results in a price which includes a fraction of a cent, the price shall be adjusted to the next higher cent where the fraction is one-half cent or more, and to the next lower cent where the fraction is less than one-half cent.

### Condensed Milk, Etc.

SEC. 26. *Maximum prices for condensed milk, condensed skim milk and condensed products containing milk solids, in bulk or bulk packed, and canned sweetened condensed milk—(a) Sales by processors*

of condensed milk products in bulk or bulk packed. (1) Maximum prices for sales to any class of purchasers shall be those listed in Items 1 and 2 of Table A, f. o. b. processor's plant, subject to the composition adjustments set forth in Item 4 of Table A.

TABLE A

| Product                               | Composition percentage (exclusive of moisture) |      |       | In cents per liquid pound (f. o. b. plant) |        |   |        |
|---------------------------------------|--|------|-------|--|--------|---|--------|
|                                       | Milk fat                                       | MSNF | Sugar | In wooden barrels                          |        | In containers (except wooden barrels) and in tank cars or tank trucks |        |
|                                       |  |      |       | Zone A                                     | Zone B | Zone A  | Zone B |
| Item 1:                               |  |      |       |  |        |   |        |
| Plain condensed skim milk.....        | 0  | 29   | 0     |  |        | 4.06  | 4.13   |
| Super-heated condensed skim milk..... | 0  | 29   | 0     |  |        | 4.39  | 4.46   |
| Item 2:                               |  |      |       |  |        |   |        |
| Plain condensed milk.....             | 8  | 22   | 0     |  |        | 8.28  | 8.53   |
| Super-heated condensed milk.....      | 8  | 22   | 0     |  |        | 8.61  | 8.86   |
| Sweetened condensed skim milk.....    | 0  | 29   | 42    | 8.08                                       | 8.15   | 7.33  | 7.40   |
| Sweetened condensed milk.....         | 8½   | 19½  | 42    | 12.28                                      | 12.53  | 11.53   | 11.78  |

Item 3.—*Description of zones.* (i) Zone A shall be all states not included in Zone B.

(ii) Zone B shall be Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, Virginia and West Virginia.

Item 4.—*Adjustments.* (i) The maximum prices for products listed in Item 1 of Table A, in bulk or bulk packed, shall be adjusted up or down by adding or deducting \$.0014 per pound for each change of 1% in the composition percentage of milk solids not fat in the finished product, and fractions of 1% shall be adjusted proportionately.

(ii) The maximum prices for products listed in Item 2 of Table A and for any "miscellaneous condensed product", in bulk or bulk packed, shall be adjusted up or down by the amounts stated below for each change of 1% in the composition percentage of the ingredients in the comparable finished product, and fractions of 1% shall be adjusted proportionately. (See examples.)

| Ingredient:              | Add or deduct per pound |
|--------------------------|-------------------------|
| Milk solids not fat..... | \$.00145                |
| Milk fat.....            | .0065                   |
| Sugar.....               | .0006                   |

*Example A.* If a product contains only 7% fat and 18% MSNF it is not "plain condensed milk". However, if a processor in Zone A wishes to supply such a "miscellaneous condensed product" he would figure his maximum price as follows:

Find the price in Table A for the comparable finished product (plain condensed milk) which is 8.28¢. Since the butterfat is 1% less and MSNF are 4% less than the stated composition of plain condensed milk, he will deduct \$.0065 for reduction in fat and \$.0058 (\$.00145 x 4) for reduction in MSNF, resulting in a price of 7.05¢ per lb. for the "miscellaneous condensed product".

*Example B.* If "plain condensed milk" should contain 8½% fat and 20% MSNF the price is figured by adding to the price in Table A, \$.00325 (½ of \$.0065) for ½% increase in fat and deducting \$.0029 (.00145 x 2) for 2% decrease in MSNF to obtain a price of 8.315¢ instead of 8.28¢ per pound in Zone A.

(2) *Dry solids.* "Dry solids" means the number of pounds of dry milk solids not fat in a condensed liquid product.

(3) *Records.* The invoice which the seller is required to deliver to the buyer under section 5 of this regulation shall also state the total net weight of

the finished product together with the percentage content of dry solids not fat.

(4) *F. o. b. and delivered prices.* The processor's prices are f. o. b. the processor's plant, however, sales may be made on a delivered basis as follows:

(i) If delivery is made from the processor's plant to the buyer's place of business or customary receiving point by a vehicle owned or controlled by the processor, add to the price (f. o. b. the processor's plant) either \$.0015 per liquid pound, or, the lowest published rate of a common or contract carrier available for the delivery service;

(ii) If delivery is made from the processor's plant to the buyer's customary receiving point or place of business by a common or contract carrier, add to the price (f. o. b. the processor's plant) the established transportation charge of such carrier and the actual icing charge, if any, incurred from the processor's plant to the buyer's customary receiving point or place of business;

(iii) If, before April 28, 1942, a processor made deliveries of small or less carload lots of condensed milk products to the buyer's place of business from a public warehouse or distributing branch, which was in whole or in part, used, leased, owned or controlled by the processor before April 28, 1942, for the purpose of receiving, storing and shipping (or repacking and shipping) condensed milk products, and which is located more than 15 miles from the processor's plant, his maximum price for such deliveries shall be the price f. o. b. his processing plant plus

(a) The lowest published common or contract carrier rate, and icing charge, if any, incurred from his processing plant to the above described warehouse or distributing branch, and plus

(b) ¾ cent per liquid pound if delivery from the warehouse or distributing branch to the buyer's place of business is made in a vehicle owned or controlled by the processor, or plus

(c) Either ¾ cent per liquid pound, or, ½ cent per liquid pound and the lowest published rate of a common or contract carrier available for the de-



livery service, if delivery is made from the warehouse or distributing branch by a vehicle not owned or controlled by the processor, whichever is lower.

(iv) If the processor performs any of the transportation services described below by his own vehicle or by a vehicle not owned or controlled by a common or contract carrier, the appropriate maximum prices established in subdivisions (ii) and (iii) may be increased by \$0.001 per liquid pound for that part of the services actually performed:

(a) From the processor's plant to the receiving point of a common or contract carrier;

(b) From the terminal of a common or contract carrier to the buyer's customary receiving point or place of business or to the warehouse or distributing branch described in subdivision (iii), and

(c) From the processing plant to the warehouse or distributing branch described in subdivision (iii).

(b) *Sales by or through brokers, jobbers and other persons in bulk or bulk packed.* (1) The maximum prices on sales of condensed milk products, in bulk and bulk packed, by or through brokers, jobbers and other persons to any class of purchasers shall not exceed the maximum prices set forth in paragraph (a) for processors, except that,

(i) In the case of a jobber, as defined in subdivision (iv), who resold condensed milk products, in bulk or bulk packed, before April 28, 1942, his maximum price (f. o. b. his place of business) shall be the appropriate price set forth in paragraph (a) f. o. b. processor's plant, plus the actual transportation charge and actual icing charge, if any, to the jobber's place of business plus the appropriate markup (in cents per liquid pound) as follows:

|  | Cents |
|--|-------|
| Plain condensed skim milk.....   | 3/8   |
| Super-heated condensed skim milk....   | 3/8   |
| Plain condensed milk.....  | 3/8   |
| Super-heated condensed milk.....   | 3/8   |
| Miscellaneous condensed product.....   | 3/8   |
| Sweetened condensed (Milk and skim milk):  |       |
| In lots of 5 barrels or less.....  | 3/8   |
| In lots of more than 5 barrels.....  | 3/10  |
| When the products listed above are re-packed or sold in lots of less than 50 pounds..... | 3/4   |

(ii) In the case of a jobber, as defined in subdivision (iv), who did not resell condensed milk products, in bulk or bulk packed, before April 28, 1942, his maximum prices (f. o. b. his place of business) shall be the appropriate price set forth in paragraph (a) f. o. b. processor's plant, plus the actual transportation charge and actual icing charge, if any, to the jobber's place of business.

(iii) In the event a sale is made on a delivered basis by a jobber, as defined in subdivision (iv), his maximum prices shall be increased by the cost of transportation (exclusive of icing cost, if any) from the jobber's place of business to the buyer's customary receiving point computed in the same manner as delivery charges by a processor are computed in paragraph (a) (4).

(iv) The term "jobber" as used in subdivisions (i), (ii) and (iii) above means and is limited to a person who purchases

from a processor all bulk condensed milk products he sells (for his own account) and customarily receives shipment, in large or carload lots, at a warehouse owned or leased and maintained by him and not owned or controlled by any processor of condensed milk products or by any of the jobber's customers and whose sale or delivery on any day to any individual customer of any of the bulk condensed milk products listed in subdivision (i) above, does not exceed 1,350 pounds in containers (other than wooden barrels) and 7,500 pounds in wooden barrels.

(v) "Jobber's place of business" means the place where the jobber's warehouse described in subdivision (iv) above, is located.

[Paragraphs (a) and (b) amended by Am. 7, 9 F.R. 6105, effective 6-8-44]

(c) *Sales by processors of canned sweetened condensed milk in cartons.*

(1) Maximum prices for sales and deliveries by a processor of sweetened condensed milk (as defined in paragraph (d) (15) and containing 42% sugar), in cans, packed in cartons shall be either (i) the prices listed in Table B subject to adjustments for variations in composition and can weights as set forth in (c) (2) below, or (ii) the highest prices to purchasers (other than the United States Government, or any agency thereof) charged by that processor in March 1942, whichever shall be the higher.

[Subparagraph (1) amended by Am. 11, 9 F.R. 10871, effective 9-7-44]

TABLE B  
PRICES ARE SUBJECT TO THE PROVISIONS OF PARAGRAPHS (a) (5) AND (a) (6)  
[In dollars and cents per carton]

| If delivered in—   | Carton of 48 14-ounce cans | Carton of 24 14-ounce cans | Carton of 48 15-ounce cans | Carton of 24 15-ounce cans |
|--|----------------------------|----------------------------|----------------------------|----------------------------|
| Carloads to the United States Government or any agency thereof, f. o. b. processor's plant or warehouse.....           | \$6.25                     | \$3.12 1/2                 | \$6.59                     | \$3.29 1/2                 |
| Carloads to the customary receiving point of buyers other than the United States Government or any agency thereof..... | 6.25                       | 3.12 1/2                   | 6.59                       | 3.29 1/2                   |
| Less carloads to physical premises of a retail store or of a food processor.....                                       | 6.40                       | 3.20                       | 6.74                       | 3.37                       |
| Less carloads to the customary receiving point of other buyers.....  | 6.30                       | 3.15                       | 6.64                       | 3.32                       |

(2) *Composition adjustments.* (i) The maximum prices for cartons of 48 cans listed in Table B above shall be adjusted up or down for variations in the composition percentage of net weight per can of the finished product as set forth below:

| Composition or can weight:  | Per carton of 48 cans   |
|---|-------------------------|
| Milk fat, for each 1/2% variation.  | 14¢ (add).              |
| Milk solids not fat, for each 1% variation.   | 6¢ (add or deduct).     |
| Sugar, for each 1% variation.   | 2 1/2¢ (add or deduct). |
| Can weight, for each 1/2 ounce variation in net weight per can with standard composition as described in (c) (1). | 17¢ (add or deduct).    |

(ii) Where a product contains added milk fat and increased or decreased milk solids and the net weight of the can is above or below 14 ounces the processor's maximum prices shall be figured as follows:

Find the price per carton of 48—14-ounce cans, with the varied ingredients in (c) (1) and (c) (2) above and adjust the total amount for each 1/2-ounce variation above or below the 14-ounce can weight by adding or deducting,

|  |
|--|
| 1/2¢ for each 1/2% of milk fat.          |
| 1/4¢ for each 1% of milk solids not fat. |

(iii) The price for cartons of 24 cans shall be 1/2 of the price for cartons of 48 cans; other quantities in proportion.

(3) Where canned sweetened condensed milk is sold f. o. b. or delivered to any point other than the buyer's customary receiving point, the maximum

prices established in paragraphs (c) (1) and (c) (2) shall be reduced by the cost of transportation between that point and the buyer's customary receiving point, computed in the same manner as delivery charges are computed in paragraph (a) (4).

(d) *Definitions.* (1) "Milk" means cows' milk.

(2) "Skim milk" means cows' milk from which substantially all of the milk fat has been removed.

(3) "MSNF" means milk solids not fat.

(4) "Sugar", except where otherwise specifically limited, means refined sugar (sucrose) or any combination of refined sugar (sucrose) and refined corn sugar (dextrose), or corn sirup.

(5) "Barrel" means a tight wooden barrel costing approximately 1 cent per pound of bulk sweetened condensed milk or of sweetened condensed skim milk.

(6) "Bulk" or "bulk packed" means packed or shipped in any container or in any form other than in hermetically sealed containers of one gallon capacity or smaller, and other than in glass or paper containers of one quart capacity or less.

[Subparagraph (6) amended by Am. 7, 9 F.R. 6105, effective 6-8-44]

(7) "Buyer's place of business" means the place at which a buyer conducts his principal business operations. This place may be the buyer's warehouse, his manufacturing plant, or his wholesale or retail store, depending on the nature of his business.

(8) "Customary receiving point" means that place, in the town or city where the buyer's place of business is located, at which the buyer customarily takes possession of condensed milk products. It may be either a railroad siding

or the buyer's warehouse in that town or city.

(9) "Processor" means a person who manufactures for sale any of the products described in this section.

(10) "Plain condensed skim milk, concentrated skim milk" is the product resulting from the evaporation of a considerable portion of the moisture from skim milk, and contains not less than 20 percent of the solids of milk or skim milk.

(11) "Super-heated plain condensed skim milk" is plain condensed skim milk in which live steam has been introduced at a stage of processing.

(12) "Plain condensed milk, concentrated milk" is the liquid food made by evaporating sweet milk to such point that it contains not less than 7.9 percent of milk fat and not less than 25.9 percent of total milk solids. It conforms to the definition and standard of identity for plain condensed milk, concentrated milk, promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of July 2, 1940, 5 F.R. 2444.

(13) "Super-heated plain condensed milk" is plain condensed milk in which live steam has been introduced at a stage of processing.

(14) "Sweetened condensed skim milk is the liquid or semi-liquid product resulting from the evaporation of a considerable portion of the moisture from skim milk to which refined sugar (sucrose) or a combination of refined sugar (sucrose) and refined corn sugar (dextrose) has been added. It contains not less than 24 percent of the solids of milk or skim milk.

(15) "Sweetened condensed milk" is the liquid or semi-liquid food made by evaporating a mixture of sweet milk and refined sugar (sucrose) or any combination of refined sugar (sucrose) and refined corn sugar (dextrose) to such point that the finished sweetened condensed milk contains not less than 28.0 percent of total milk solids and not less than 8.5 percent of milk fat. The quantity of refined sugar (sucrose) or any combination of sugar and refined corn sugar (dextrose) used is sufficient to prevent spoilage. It conforms to the definition and standard of identity for sweetened condensed milk promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of July 2, 1940, 5 F.R. 2445.

(16) "Miscellaneous condensed product" means a condensed or concentrated liquid product, sold in bulk, which is not specifically named in and covered by this section 26, or by some other maximum price regulation, and the composition of which (exclusive of sugar and moisture) includes more than one-half (by weight or volume) of the solids of milk or skim milk.

(e) Reference to other maximum price regulations governing sales of canned sweetened condensed milk:

(1) Sales at wholesale shall be priced under the provisions of Maximum Price Regulation No. 421 and at retail under the provisions of Maximum Price Regulations Nos. 422 and 423.

(f) Notification of new maximum price. With the first delivery of canned sweetened condensed milk after April 8,

1944, in any case where the seller's new maximum price is different from the maximum price he previously had for the same item, he shall:

Supply each wholesaler and retailer who purchases from him with written notice as set forth below:

(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for canned sweetened condensed milk (describe item by kind, variety, grade, brand, style of pack, and container type and size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulations Nos. 421, 422, or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier containing this notification after April 8, 1944. You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulations Nos. 421, 422, or 423, whichever is applicable to you.

For a period of 60 days after determining the new maximum price for the

item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, each seller shall include in each case, carton, or other receptacle containing the item, the written notice set forth above, or securely attach it to the outside. However, for sales direct to any retailer, the seller may supply the notice by attaching it to, or stating it on, the invoice covering the shipment, instead of providing it with the goods.

SEC. 27. Maximum prices for Brick, Munster and Swiss cheese—(a) Sales by cheese factories or cheese makers, primary wholesalers, secondary wholesalers and service wholesalers—(1) In Wisconsin. (i) The maximum prices for the sale of Brick, Munster, and Swiss cheese conforming with the standards prescribed in paragraph (c) (8) (i), (ii), and (iii) respectively, and delivered at any place in Wisconsin shall be the appropriate price set forth in Table A below:

TABLE A  
[In cents per pound]

| Sales and deliveries by                | Brick   | Munster  | Swiss   |
|--|---|--|---|
| Cheese factories or cheese makers..... | 20½   | 20½  | 32¾ (not in tubs or boxes).<br>33 (in tubs or boxes).<br>35½¢ per lb. for sales of more than 1 tub or 1 box.<br>36¢ per lb. for sales of 1 tub or less or 1 box or less.  |
| Primary wholesalers.....               | 27¢ per lb. for sales of over 175 lbs.<br>27½¢ per lb. for sales of 175 lbs. or less. | 27¢ per lb. for sales of over 175 lbs.<br>28¢ per lb. for sales of 175 lbs. or less. | 36½¢ per lb. for sales of one wheel or block.<br>37¢ per lb. for sales of 100 lbs. or less.<br>35½¢ per lb. for sales of more than 1 tub or 1 box.<br>37¢ per lb. for sales of 1 tub or less or 1 box or less.<br>37½¢ per lb. for sales of one wheel or block. |
| Secondary wholesalers.....             |   |  | 38¢ per lb. for sales of 100 lbs. or less.  |
| Service wholesalers.....               | 31½   | 31½  | 44.   |

(ii) The maximum prices for the sale of Brick, Munster, and Swiss cheese containing either more moisture or less milk fat, or more moisture and less milk fat, than prescribed in paragraph (c) (8) (i), (ii), and (iii) respectively, and delivered at any place in Wisconsin shall be the appropriate price set forth in Table B below: *Provided, however,* That the maximum prices set forth in Table B for sub-standard Swiss cheese as described above shall not be effective until December 4, 1944, and that prior to that time the maximum prices established for Swiss cheese in Table A above shall be applicable to all Swiss cheese regardless of its moisture or its milk fat content.

TABLE B  
[In cents per pound]

| Sales and deliveries by                | Brick | Munster | Swiss |
|--|-------|---------|-------|
| Cheese factories or cheese makers..... | 12    | 12      | 20    |
| Primary wholesalers.....               | 13½   | 13½     | 21½   |
| Secondary wholesalers.....             |       |         |       |
| Service wholesalers.....               | 14½   | 15      | 24½   |

(2) *Outside Wisconsin.* The maximum price for the sale of cheese delivered at any place outside Wisconsin shall be the appropriate price set forth in Tables A or B above plus the lowest published railroad carlot freight rate per pound gross weight from the applicable point named

below to the place of delivery multiplied by 1.15:

From Monroe, Wisconsin for Swiss.  
From Plymouth, Wisconsin for Brick and Munster.

In calculating the transportation charge the 3 percent transportation tax imposed by section 620 of the Revenue Act of 1942 shall be included.

(3) Sales to processors for processing—(i) *By cheese factories.* The maximum price for the sale of Brick, Munster, and Swiss cheese by a cheese factory or cheese maker to a processor for processing delivered at any place shall be the maximum price established in subparagraphs (1) and (2) above for a sale and delivery in that place by a cheese factory.

(ii) *By other sellers.* The maximum price for the sale of Brick, Munster and Swiss cheese by any seller other than a cheese factory or cheese maker to a processor for processing shall be as follows:

(a) *Delivered at any place in Wisconsin.*

27¢ per lb. for Brick cheese  
27¢ per lb. for Munster cheese  
34½¢ per lb. for Swiss cheese

(b) *Delivered at any place outside Wisconsin.* The maximum price set forth in inferior subdivision (i) immediately above plus the lowest published railroad carlot freight rate per pound

gross weight from the applicable point named below to the place of delivery multiplied by 1.15:

- From Monroe, Wisconsin for Swiss.
- From Plymouth, Wisconsin for Brick and Munster.

In calculating the transportation charge the 3 percent transportation tax imposed by section 620 of the Revenue Act of 1942 shall be included.

(iii) *Sale of substandard cheese by anyone.* The maximum price for a sale of Brick, Munster and Swiss cheese which fails to meet the requirements set forth in paragraph (c) (8) (i), (ii), and (iii) respectively by anyone to a processor for processing, delivered at any place shall be the maximum price established by subparagraphs (1) and (2) of this paragraph for sales and delivery in that place of such cheese by a "primary wholesaler."

[Subparagraph (3) added by Am. 19, 10 F.R. 250, effective 1-10-45]

(b) *General provisions—(1) Transportation charges; cheese factory to primary wholesaler.* (i) In addition to the maximum prices established in paragraph (a), a primary wholesaler may compensate any cheese factory, cheese maker, or other person who hauls cheese from the cheese factory to the primary wholesaler's warehouse for such hauling services. The maximum price which may be paid by a primary wholesaler or charged by a cheese factory or hauler or other carrier for this service may not exceed the appropriate price set forth in Table C below. This price must be based on the actual distance from the cheese factory to the primary wholesaler's warehouse. The distance between the cheese factory and the primary wholesaler's warehouse shall be computed via the shortest publicly traveled route.

TABLE C

| Miles (one way) not over— | Cents per 100 lbs. net weight | Miles (one way) not over— | Cents per 100 lbs. net weight |
|---------------------------|-------------------------------|---------------------------|-------------------------------|
| 5.....                    | 17                            | 120.....                  | 46                            |
| 10.....                   | 18                            | 130.....                  | 47                            |
| 15.....                   | 20                            | 140.....                  | 49                            |
| 20.....                   | 21                            | 150.....                  | 51                            |
| 25.....                   | 23                            | 160.....                  | 53                            |
| 30.....                   | 24                            | 170.....                  | 55                            |
| 35.....                   | 26                            | 180.....                  | 56                            |
| 40.....                   | 27                            | 190.....                  | 58                            |
| 45.....                   | 29                            | 200.....                  | 60                            |
| 50.....                   | 30                            | 210.....                  | 62                            |
| 55.....                   | 31                            | 220.....                  | 63                            |
| 60.....                   | 32                            | 230.....                  | 65                            |
| 65.....                   | 34                            | 240.....                  | 66                            |
| 70.....                   | 35                            | 250.....                  | 68                            |
| 75.....                   | 36                            | 260.....                  | 69                            |
| 80.....                   | 37                            | 270.....                  | 71                            |
| 85.....                   | 38                            | 280.....                  | 72                            |
| 90.....                   | 40                            | 290.....                  | 74                            |
| 100.....                  | 42                            | Over 290.....             | 75                            |
| 110.....                  | 44                            |                           |                               |

(ii) Except that if the hauling service is performed by a common or a contract carrier, the maximum price for such hauling service shall be the appropriate published rate of such carrier.

(iii) A primary wholesaler who, either with his own truck or by other means, performs the hauling service from the factory to his warehouse, may not pay the allowable hauling charge or any portion thereof to any person not actually performing the service; and no person,

including factory, cheese maker, trustee, or any agent thereof, may charge or accept any payment for such service which is in fact performed by the primary wholesaler or his agent.

(iv) The maximum prices established in Tables A and B for primary wholesalers include transportation costs, if any, from the cheese factory or cheese maker to the primary wholesaler's warehouse whether that warehouse is located inside or outside the State of Wisconsin.

(2) *Allowances and fees.* (i) The maximum prices established in paragraph (a) shall not be increased by brokerage fees, commissions or other charges not specifically authorized by this paragraph (b).

(ii) When a person described in paragraph (a) employs a person in the brokerage of cheese, the provisions of Revised Maximum Price Regulation 165<sup>19</sup> shall apply. The fee established by that regulation shall be paid without increasing any of the maximum prices established in paragraph (a).

(3) *Calculations.* All calculations of any transportation rate or charge and of any maximum price established by this section shall be made on a cents-per-pound basis and shall be carried to the second decimal point. The price per pound (carried to the second decimal point) shall be multiplied by the number of pounds sold and the total price then adjusted to the nearest cent, or the next higher cent where the total price ends with a decimal of 0.50 cents: *Provided, however,* All maximum prices of "service wholesalers" made on a cents-per-pound basis and carried to the second decimal point shall be rounded to the nearest 1/10 of a cent or to the next higher 1/10 of a cent where the second digit beyond the decimal point is the numeral, five.

(4) *Maximum prices for sales at retail by factories and wholesalers.* (i) The maximum price for the sale at retail to an ultimate household user of any cheese delivered at any place by a cheese factory, cheese maker, primary wholesaler, secondary wholesaler, or service wholesaler, shall be the appropriate maximum price established in that place for a sale by a cheese factory plus 27 percent.

(ii) No sale described above of a quantity in excess of 15 lbs. shall be considered a sale at retail.

(5) *Maximum prices in places not on railroad line or siding.* The maximum price for the sale of any cheese delivered in a place not on a railroad line or siding shall be the maximum price for a similar sale of that cheese in the nearest place that is located on a railroad line or siding. *Provided, however,* Where the latter place is more than 50 miles from the place of delivery, transportation costs from that place to the place of delivery, not to exceed the lowest common carrier rate where one exists may be added.

(6) *Maximum prices for sales not already provided for.* The maximum price for the sale or delivery in any place of any cheese described in this section for which a maximum price has not already been established by this section shall be the maximum price established for "sales by cheese factories" of that particular

cheese in that place by paragraph (a) of this section.

(7) *Special provisions for records and reports.* The provisions of section 5 shall apply to all sales of cheese as described in this section other than those by a cheese factory or cheese maker to a primary wholesaler. However, for all such latter sales the cheese factory or cheese maker shall preserve for inspection by the Office of Price Administration for so long as the Emergency Price Control Act, as amended, remains in effect, remittance statements furnished to the cheese factory or cheese maker by the primary wholesaler.

(8) *Evasive practices prohibited—(i) Used cheese boxes.* The maximum prices established by this section shall not be evaded by the selling or furnishing of used cheese boxes at less than their reasonable market value by any buyer of any cheese described in this section or his agent or affiliate to any seller of such cheese, his agent or affiliate. Any sale of used cheese boxes by a buyer of any cheese described in this section, his agent or affiliate, to a seller of such cheese, his agent or affiliate at any price less than the prices established in Table D below shall be considered prima facie evidence of an evasion of the maximum prices established by this section.

TABLE D

| Used boxes for Brick and Munster                              | Full box | Half box | Quarter box |
|---|----------|----------|-------------|
| F. o. b. assembly warehouse... Delivered to cheese factory... | 25<br>26 | 15<br>16 | 10<br>11    |

(ii) *Supplies.* No buyer of any cheese described in this section, his agent or affiliate, shall sell, lend or otherwise transfer supplies or equipment to a seller of such cheese, his agent or affiliate, at less than the market value of such supplies and equipment. Any sale or transfer contrary to the provisions of this subparagraph is an evasion of paragraph (a) of this section and is hereby prohibited.

(iii) The practice described in subdivisions (i) and (ii) of this subparagraph (8) are in addition to any evasive practices prohibited by section 6 of this regulation.

(c) *Definitions.* (1) "Primary wholesaler" is a person who purchases or receives cheese from two or more cheese factories or cheese makers and who sells or delivers to wholesalers, retailer distributing warehouses, retail stores, or commercial, industrial, institutional, or federal or non-federal governmental users.

(i) *Provided however,* That no person shall be considered a primary wholesaler with respect to any cheese sold by him unless with respect to that cheese he meets all of the following requirements:

(a) He must own or lease and maintain a refrigerated warehouse or segregated specific space in a refrigerated warehouse.

(b) Such warehouse or warehouse space must not be leased, rented, or in any other way procured from or furnished by any person (including such person's principal, agent, partner, em-

<sup>19</sup> 10 F.R. 2097.

ployee, subsidiary, trustee, associate, or affiliate) from whom he purchases or receives cheese or to whom he sells or delivers cheese.

(c) He must actually assemble the cheese sold by him by unloading it from its carrier, physically placing it in the warehouse where it must come to rest, and by removing it from the warehouse by loading it on a carrier.

(d) Within the warehouse he must grade the cheese in accordance with legal requirements, or in the absence of such requirements in accordance with customary industry practices. He must also paraffin (if not already paraffined) or otherwise prepare the cheese for shipment.

(e) He must bear and pay for all labor costs involved in the warehousing of the cheese, and in the handling of such cheese into, within, and out of the warehouse.

(i) *Provided, further*, That no person shall be considered a primary wholesaler as to any cheese sold to a processor for processing.

(2) "Secondary wholesaler" is a person who purchases cheese from a primary wholesaler and who sells to wholesalers, retailer distributing warehouses, retail stores, or commercial, industrial, institutional, or federal or non-federal governmental users.

(i) *Provided however*, That no person shall ever or at any time be considered a secondary wholesaler with respect to any sale of cheese if such person (or his principal, agent, partner, employee, subsidiary, trustee, associate, or affiliate) in any manner, or with respect to any sale of cheese whatsoever, qualifies as a "primary wholesaler" as defined in subparagraph (1) above.

(3) "Service wholesaler" is a person who sells to, and makes delivery of cheese in small lots (as stated below) to the physical premises of, an individual retail store, or an individual commercial, industrial, institutional, or federal or non-federal governmental user.

Bricks in lots of 35 lbs. or less.  
Munster in lots of 35 lbs. or less.  
Swiss in lots of 50 lbs. or less.

*Provided*, That a sale of any quantity to a ship operator where delivery is made to the ship shall be deemed a sale by a "service wholesaler".

(i) No person shall be deemed a "service wholesaler" unless he owns or maintains a warehouse in the marketing area in which the physical premises of the above described purchasers are located.

(ii) The maximum prices established for "service wholesalers" shall *not* apply to any sale by a cheese factory or cheese maker or association of cheese factories or cheese makers to any purchaser described in this subparagraph (3) whose physical premises are located

(a) At a point on or east of the 99th meridian and more than 50 miles from the place where the cheese factory is located, or

(b) In the area west of the 99th meridian and east of a line running south from the United States-Canadian boundary along the 120th meridian to the State of California and then along the California-Nevada state boundary line and

then further along the California-Arizona state boundary line to Mexico and more than 200 miles from the place where the cheese factory is located, or

(c) At a point west of the area described in (b) above and more than 100 miles from the place where the cheese factory is located,

where the sale or delivery is made by, through, or with the assistance of any agent, commission salesman, or trucking or hauling agent or contractor. For any such sales, the maximum price shall not exceed the appropriate maximum price in that place for a sale by a cheese factory or cheese maker for the particular type of cheese as established in paragraph (a) of this section, plus the total of the exact sums paid by the cheese factory, cheese maker or association, to the agent, commission salesman, and trucking or hauling agent or contractor for making the sale to the purchaser, and for performing "local transportation services," *Provided, however*, That in no case may the maximum price exceed the appropriate maximum price established in paragraph (a) for "primary wholesalers," or, in the event the cheese factory, cheese maker, or association owns or maintains a warehouse in the marketing area and sales and deliveries are made in small lots as prescribed in this subparagraph (3), in no case may the maximum price exceed the appropriate maximum price established in paragraph (a) for "service wholesalers." "Local transportation services" means and is limited to, the actual distance traversed from the railroad siding in, or point of entrance to, the city, town, village, or hamlet in which the physical premises of the purchaser are located, to such physical premises.

(iii) The provisions of foregoing subdivision (ii) shall not apply to any sale where the cheese factory or place of manufacture and the physical premises of the purchaser are located at any place in the following area: Montana; Wyoming; Utah; Nevada; Colorado; New Mexico; Arizona; the following counties in Texas: El Paso, Hudspeth, Culberson, Reeves, Jeff Davis, Presidio, Brewster, Pecos, Terrell, Crockett, and Val Verde; all counties in Idaho south of Idaho County, and Malheur County, Oregon.

[Subparagraph (ii) amended and (iii) added by Am. 19, 10 F.R. 250, effective 1-6-45]

(4) "Delivered at any place." The phrase, "delivered at any place" comprehends all sales whether made on the basis of actual delivery to the point of shipping destination or on the basis of f. o. b. shipping point or some other point. Sales f. o. b. any point shall be considered "delivered" at that point.

(5) "Place" means any city, town, village or hamlet within the United States.

(6) "Retailer distributing warehouse" means a place where cheese is received and held for disposition to retail stores. Chain store warehouses and retailer owned cooperative warehouses are included in the meaning of "retailer distributing warehouse."

(7) "Physical premises" means as follows:

(i) In the case of an individual retail store, the place where the cheeses described in this section are sold to ultimate household users.

(ii) In the case of an individual commercial, industrial, institutional, or federal or non-federal governmental user, the place where such cheeses are consumed by such users.

(8) The maximum prices in Table A of paragraph (a) are for cheeses covered by the definitions set forth below, which definitions are for the purpose of establishing standards of identity for specific pricing: *Provided however*, The prescribed moisture and milk-fat standards shall not become effective with reference to Swiss cheese until December 4, 1944.

(i) *Brick cheese*. The food product commonly known as brick cheese is prepared from cow's milk by the following process:

Milk may or may not be pasteurized. It may be standardized to adjust the fat content by removing a portion of the fat, by adding skim milk, or by adding cream. The milk is warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria which may be present in the milk or which may be added. Sufficient rennet or other suitable coagulant is added to cause setting to a semi-solid mass. This mass is so cut, stirred, and heated as to promote separation of the whey and curd. The final cooking temperature is about 108° F. When the curd is sufficiently firm about one-half of the whey is removed. The whey and curd remaining in the vat is again stirred and immediately dipped into forms or molds. (Another method requires draining practically all of the whey and the addition of salt brine to the curd in the vat before dipping.) The forms containing the cheese are then turned at regular intervals during the first day and a slight pressure may or may not be applied to the cheese. The cheeses are then salted. They may be dry salted or immersed in brine. They are then placed on shelves in a curing room having a temperature of about 65° F. and a relative humidity of about 85 percent. The cheeses are then washed frequently in a weak brine solution over a period of about 12 days. The cheeses are usually paraffined or waxed, wrapped in parchment or suitable moisture resistant wrapper and then with an over-wrap of suitable paper and packed in boxes for further holding or for shipment. The cheese contains not more than 43 percent of moisture and its solids contain not less than 50 percent of milk fat.

The term Brick cheese includes a pasteurized cured Brick cheese made by approximately the same process, including, but not limited to Beer Kaese cheese and cheese sold under such names as Bier Kase, Lager Kase, Baummeister, Milltown Bar and Beer Cheese, which cheese contains not more than 43 percent of moisture and its solids contain not less than 50 percent of milk fat.

(ii) *Munster cheese*. The food product commonly known as Munster cheese, also known as Muenster cheese is pre-

pared from cow's milk by the following process:

Milk may or may not be pasteurized. It may be standardized to adjust the fat content by removing a portion of the fat, by adding skim milk, or by adding cream. The milk may be warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria which may be present in the milk or which may be added. Sufficient rennet is added to cause setting to a semi-solid mass. The mass is cut into small cubes and stirred gently for a few minutes and then allowed to settle. The final cooking temperature is usually higher than the setting temperature. When the curd is sufficiently firm and there is a slight development of acid the whey is removed and the curd is dipped into perforated round or oblong hoops or forms.

The forms containing the cheese are turned several times at regular intervals during the first day. It is then taken out of the hoop and rubbed with dry salt about 3 days in succession, or it can be brine salted. The cheese is then transferred to the ripening cellar which should have a uniform temperature of about 55° F. and a relative humidity of about 75 percent. During the ripening period the cheese is usually kept on shelves and turned about twice a week. The rind of the cheese is usually colored by dipping in a vegetable coloring matter or by applying the color to the surface of the cheese. It is then wrapped in parchment or moisture resistant material and packed in boxes. The cheese contains not more than 44 percent of moisture and its solids contain not less than 50 percent of milk fat.

(iii) *Swiss cheese.* The food product commonly known as Swiss cheese, drum Swiss or block Swiss is prepared from cow's milk by the following process:

Milk may or may not be pasteurized but is usually clarified. It may be standardized to adjust the fat content by removing a portion of the fat or by adding skim milk. The milk is warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria which may be present in the milk or which may be added. A propionic acid forming organism may also be added. Sufficient rennet is added to cause setting to a semi-solid mass. The mass is so cut, stirred, and heated as to promote the separation of whey and curd. The final cooking temperature is about 127° F. When the curd is sufficiently firm it is allowed to settle in the kettle and is then removed from the whey with a dipping cloth. The mass of curd is then placed in a cheese hoop or block form on the press table, and put under pressure for a period of about 16 hours. Cheese is removed from the press table and immersed in brine for a period of about 3 days, then it is left in a cold room for about 12 days. It is then held in a curing room at a temperature of about 75° F. for a period of about 6 weeks or until the "eyes" have formed in the body of the cheese. It is then held at a lower temperature for further aging. The cheese contains not more than 40 percent moisture and its solids contain not less than 43 percent milk fat.

(d) Reference to other maximum price regulations governing sales of cheese:

(1) Except as otherwise provided in this section, sales at retail shall be priced under the provisions of Maximum Price Regulations Nos. 422 and 423.

[Subparagraph (1) amended by Am. 20, effective 3-5-45]

[Sec. 27 added by Am. 1, 9 F.R. 5427, effective 5-27-44; amended by Am. 10, 9 F.R. 10579, effective 9-4-44, except as provided in (a) (1) (ii) and (c) (8); and Am. 18, 9 F.R. 14289, effective 12-7-44]

Sec. 28. *Maximum prices for Colby cheese, washed curd cheese, soaked curd cheese, and skim milk cheese—(a) Sales by manufacturers and assemblers—(1) Sales by a cheese factory or cheese maker—(i) In Wisconsin.* The maximum price for the sale of Colby cheese, washed curd cheese, soaked curd cheese and skim milk cheese by a cheese factory or cheese maker delivered at any place in Wisconsin shall be the appropriate price set forth in Table A below:

TABLE A  
[In cents per pound]

| Styles and approximate weight (in pounds)       | Colby cheese                   | Washed or soaked curd cheese   | Skim milk cheese               |
|---|--------------------------------|--------------------------------|--------------------------------|
| Cheddars, twins and larger, 70 or more.....     | 26 <sup>1</sup> / <sub>2</sub> | 25 <sup>3</sup> / <sub>4</sub> | 12                             |
| Flats, 35.....                                  | 26 <sup>3</sup> / <sub>4</sub> | 26                             | 12 <sup>1</sup> / <sub>2</sub> |
| Double Daisies, 44.....                         | 27                             | 26 <sup>1</sup> / <sub>2</sub> | 12 <sup>1</sup> / <sub>2</sub> |
| Triple Daisies, 66.....                         | 27                             | 26 <sup>3</sup> / <sub>4</sub> | 12 <sup>1</sup> / <sub>2</sub> |
| Single Daisies, 22.....                         | 27 <sup>1</sup> / <sub>2</sub> | 26 <sup>3</sup> / <sub>4</sub> | 13                             |
| Longhorns, 12.....                              | 27 <sup>1</sup> / <sub>2</sub> | 26 <sup>3</sup> / <sub>4</sub> | 13                             |
| Young Americas, 12.....                         | 27 <sup>1</sup> / <sub>2</sub> | 26 <sup>3</sup> / <sub>4</sub> | 13                             |
| Picnics and Midgets, 12.....                    | 27 <sup>1</sup> / <sub>2</sub> | 27                             | 13 <sup>1</sup> / <sub>2</sub> |
| Square Prints, 10.....                          | 27 <sup>3</sup> / <sub>4</sub> | 27                             | 13 <sup>1</sup> / <sub>2</sub> |
| Natural Loaf and Smaller Styles, 5 or less..... | 27 <sup>3</sup> / <sub>4</sub> | 27                             | 13 <sup>1</sup> / <sub>2</sub> |

(ii) *Outside Wisconsin.* The maximum price for the sale of cheese described in this section by a cheese factory or cheese maker delivered at any place outside Wisconsin shall be the appropriate price set forth in Table A above plus a "transportation factor".

(iii) The prices in the preceding subdivisions (i) and (ii) are prices for unparaffined, ungraded, bulk cheese as described in this section packed in boxes customarily employed for the particular styles listed in Table A.

(iv) *Marking of date and place of manufacture.* On and after May 27, 1944 every person engaged in the manufacture of cheese shall mark plainly and conspicuously on the side of such cheese before it leaves the cheese factory, with dark colored vegetable ink, the name of the state in which the cheese has been manufactured and the day, month, and year of manufacture.

(2) *Transportation charges; cheese factory to assembler.* (i) In addition to the maximum prices established in subparagraph (1) of this paragraph, a cheese assembler may compensate any cheese factory, cheese maker, or other person who hauls cheese from the cheese factory to the assembler's warehouse for such hauling services. The maximum price which may be paid by a cheese assembler or charged by a cheese factory or hauler or other carrier for this service

may not exceed the appropriate price set forth in Table B below. This price must be based on the actual distance from the cheese factory to the assembler's warehouse. The distance between the cheese factory and the assembler's warehouse shall be computed via the nearest publicly traveled route.

TABLE B

| Miles (one way), not over— | Cents per 100 lbs. net weight | Miles (one way), not over— | Cents per 100 lbs. net weight |
|----------------------------|-------------------------------|----------------------------|-------------------------------|
| 5.....                     | 17                            | 120.....                   | 46                            |
| 10.....                    | 18                            | 130.....                   | 47                            |
| 15.....                    | 20                            | 140.....                   | 49                            |
| 20.....                    | 21                            | 150.....                   | 51                            |
| 25.....                    | 23                            | 160.....                   | 53                            |
| 30.....                    | 24                            | 170.....                   | 55                            |
| 35.....                    | 26                            | 180.....                   | 56                            |
| 40.....                    | 27                            | 190.....                   | 58                            |
| 45.....                    | 29                            | 200.....                   | 60                            |
| 50.....                    | 30                            | 210.....                   | 62                            |
| 55.....                    | 31                            | 220.....                   | 63                            |
| 60.....                    | 32                            | 230.....                   | 65                            |
| 65.....                    | 34                            | 240.....                   | 66                            |
| 70.....                    | 35                            | 250.....                   | 68                            |
| 75.....                    | 36                            | 260.....                   | 69                            |
| 80.....                    | 37                            | 270.....                   | 71                            |
| 85.....                    | 38                            | 280.....                   | 72                            |
| 90.....                    | 40                            | 290.....                   | 74                            |
| 100.....                   | 42                            | Over 290.....              | 75                            |
| 110.....                   | 44                            |                            |                               |

(ii) *Provided,* That if the hauling service is performed by a common or a contract carrier, the maximum price for such hauling service shall be the appropriate published rate of such carrier.

(iii) An assembler who, either with his own truck or by other means, performs the hauling service from the factory to the assembling warehouse, may not pay the allowable hauling charge or any portion thereof to any person not actually performing the service; and no person, including factory, cheese maker, trustee, or any agent thereof, may charge or accept any payment for such service which is in fact performed by the assembler or his agent.

(3) *Assembling costs.* (i) Whenever assembling operations are performed by an assembler, <sup>3</sup>/<sub>4</sub> cents per pound may be added to the maximum prices established in subparagraph (1) of this paragraph for each pound of cheese so assembled.

(ii) For the purpose of this paragraph, no person shall be entitled to the additional assembling allowance unless he performs all of the following functions; accumulates cheese; grades it in accordance with legal requirements, or, in the absence of such requirements, in accordance with customary industry practices; paraffins (if not already paraffined) or otherwise prepares it for shipment, weighs it; stores it in a refrigerated space; and customarily ships it. For the purpose of this subparagraph paraffining means a covering of all surfaces of the cheese by dipping in paraffin having a temperature of not less than 240° Fahrenheit. The cheese, before paraffining, must have dry, clean surfaces free of mold and be not less than 3 days old at the time of dipping.

(iii) This assembly allowance shall include transportation costs, if any, from the cheese factory to the assembling warehouse, whether the assembling warehouse is located inside or outside the State of Wisconsin.

(b) *Sales by wholesalers—(1) Sales by a "primary wholesaler"—(i) Defini-*

tion. A "primary wholesaler" is a person who sells to a wholesaler or to a retailer distributing warehouse. (No assembler, however, shall be considered a primary wholesaler as to any cheese sold to a processor for processing.)

(ii) *In Wisconsin.* The maximum price for the sale of any "cheese item" by a "primary wholesaler" delivered at any place in Wisconsin shall be the appropriate price set forth in Table C below:

TABLE C  
[In cents per pound]

| Styles (see table A for weights)                                   | Colby cheese | Washed or soaked curd cheese | Skim milk cheese |
|--|--------------|------------------------------|------------------|
| Cheddars, Twins and larger..                                       | 27.79        | 27.03                        | 13.00            |
| Flats.....   | 28.05        | 27.28                        | 13.26            |
| Double and Triple Daisies.....                                     | 28.30        | 27.54                        | 13.51            |
| Single Daisies, Longhorns and Young Americas.....                  | 28.81        | 28.05                        | 14.02            |
| Picnics, Midgets, Square Prints, and Natural Loaf and smaller..... | 29.07        | 28.30                        | 14.28            |

(iii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" by a "primary wholesaler" delivered at any place outside Wisconsin shall be the appropriate price set forth in Table C above plus a "transportation factor".

(2) *Sales by a "service wholesaler"*—  
(i) *Definition.* A "service wholesaler" is a person who sells to, and makes delivery to the physical premises of, an individual retail store or an individual commercial, industrial, institutional, or non-federal governmental user. No person shall be deemed a "service wholesaler" unless he owns or maintains a warehouse in the marketing area in which the physical premises of the above described purchaser are located. The physical premises of an individual retail store means the place where "cheese items" are sold to ultimate household users. The physical premises of individual commercial, industrial, institutional, or non-federal governmental users means the place where "cheese items" are consumed by such users.

(ii) *In Wisconsin.* The maximum price for the sale of any "cheese items" by a "service wholesaler" delivered to the physical premises of a purchaser, (designated in subdivision (1) of this subparagraph) at any place in Wisconsin shall be as set forth in Table D below:

TABLE D  
[In cents per pound]

| Styles (see table A for weights)                                  | Colby cheese | Washed or soaked curd cheese | Skim milk cheese |
|---|--------------|------------------------------|------------------|
| Cheddars, twins and larger..                                      | 30.24        | 29.41                        | 14.15            |
| Flats.....  | 30.52        | 29.69                        | 14.43            |
| Double and Triple Daisies.....                                    | 30.80        | 29.97                        | 14.70            |
| Single Daisies, Longhorns, and Young Americas.....                | 31.35        | 30.52                        | 15.26            |
| Picnics, Midgets, Square Prints and Natural Loaf and smaller..... | 31.63        | 30.80                        | 15.54            |

(iii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" by a service wholesaler delivered to the physical premises of a purchaser

(designated in subdivision (1) of this subparagraph), at any place outside Wisconsin shall be the appropriate price set forth in Table D above plus a "transportation factor".

(iv) The maximum prices established in subdivisions (ii) and (iii) of this subparagraph shall not apply to any sale by a cheese factory or cheese maker or an association of cheese factories or cheese makers to any purchaser whose physical premises are located:

(a) At a point on or east of the 99th meridian and more than 50 miles from the place where the cheese factory is located, or

(b) In the area west of the 99th meridian and east of a line running south from the United States-Canadian boundary along the 120th meridian to the State of California and then along the California-Nevada state boundary line and then further along the California-Arizona state boundary line to Mexico, and more than 200 miles from the place where the cheese factory is located, or

(c) At a point west of the area described in (b) above and more than 100 miles from the place where the cheese factory is located

where the sale or delivery is made by, through, or with the assistance of any agent, commission salesman, or trucking or hauling agent or contractor. For any such sales, the maximum price shall not exceed the appropriate maximum price in that place for a sale by a cheese factory or cheese maker of the particular "cheese item" sold as established in paragraph (a) (1) of this section, plus an assembling allowance of  $\frac{3}{4}$  cent per pound (if the cheese has been assembled by an assembler), plus the total of the exact sums paid by the cheese factory or association to the agent, commission salesman, and trucking or hauling agent or contractor for making the sale to the purchaser, and for performing "local transportation services." *Provided, however,* That in no case may the maximum price exceed the maximum price established in Table C of paragraph (b) (1) of this section, or, in the event a cheese factory, cheese maker, or association owns or maintains a warehouse in the marketing area, in no case may the maximum price exceed the maximum price established in Table D of this subparagraph (2). "Local transportation services" means and is limited to, the actual distance traversed from the railroad siding in, or point of entrance to, the city, town, village, or hamlet in which the physical premises of the purchaser are located to such physical premises.

(v) The provisions of foregoing subparagraph (iv) shall not apply to any sale where the cheese factory or place of manufacture and the physical premises of the purchaser are located at any place in the following area: Montana; Wyoming; Utah; Nevada; Colorado; New Mexico; Arizona; the following counties in Texas: El Paso, Hudspeth, Culberson, Reeves, Jeff Davis, Presidio, Brewster, Pecos, Terrell, Crockett, and Val Verde; all counties in Idaho south of Idaho County; and Malheur County, Oregon.

[Subparagraph (iv) amended and (v) added by Am. 19, 10 F.R. 250, effective 1-6-45]

(3) *Sales by a cash and carry wholesaler*—(1) *Definition.* A "cash and carry wholesaler" is a person who sells to and does not make delivery to the physical premises of an individual retail store or to an individual commercial, industrial, institutional or non-federal governmental user. No person shall be deemed a "cash and carry wholesaler" unless he owns or maintains a warehouse within a distance of 50 miles from the physical premises of the above described purchaser. The physical premises of an individual retail store means the place where "cheese items" are sold to ultimate household users. The physical premises of individual commercial, industrial, institutional, or non-federal governmental users means the place where "cheese items" are consumed by such users.

(ii) *In Wisconsin.* The maximum price for the sale of any "cheese item" by a "cash and carry wholesaler" delivered at any place in Wisconsin shall be as set forth in Table E below:

TABLE E  
[In cents per pound]

| Styles (see table A for weights)                                   | Colby cheese | Washed or soaked curd cheese | Skim milk cheese |
|--|--------------|------------------------------|------------------|
| Cheddars, twins and larger..                                       | 29.15        | 28.35                        | 13.64            |
| Flats.....   | 29.42        | 28.62                        | 13.91            |
| Double and Triple Daisies.....                                     | 29.69        | 28.89                        | 14.17            |
| Single Daisies, Longhorns, and Young Americas.....                 | 30.22        | 29.42                        | 14.71            |
| Picnics, Midgets, Square Prints, and Natural Loaf and smaller..... | 30.49        | 29.69                        | 14.98            |

(ii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" by a "cash and carry wholesaler" delivered at any place outside Wisconsin shall be the appropriate price set forth in Table E above plus a "transportation factor."

(4) *Reference to assembling allowance.*  
(i) The maximum prices established in subparagraphs (1), (2), and (3) of this paragraph (b) for sales "by wholesalers" are for any "cheese item" which has been assembled by an assembler in accordance with the requirements of paragraph (a) (3) of this section.

(ii) The maximum price for the sale of any "cheese item" by a wholesaler which has not been assembled by an assembler in accordance with the requirements of paragraph (a) (3) of this section shall be the appropriate maximum price established in subparagraphs (1), (2), or (3) of this paragraph (b) minus  $\frac{3}{4}$ ¢ per pound.

(c) *Sales and deliveries to individual army posts, naval bases, or Federal hospitals, schools, or penal institutions*—(1) *In Wisconsin.* The maximum price for the sale of any "cheese item" where delivery is made to the physical location of, an individual army post or naval base, or a Federal hospital, school, or penal institution located at any place in Wisconsin shall be as follows:

(i) For sales and deliveries of quantities of less than carload lots but more

than 5,000 pounds, the maximum prices set forth in Table F below:

TABLE F  
[In cents per pound]

| Styles (see table A for weights)                                   | Colby cheese | Washed or soaked curd cheese | Skim milk cheese |
|--|--------------|------------------------------|------------------|
| Cheddars, twins and larger.....                                    | 27.79        | 27.03                        | 13.00            |
| Flats.....   | 28.05        | 27.28                        | 13.26            |
| Double and Triple Daisies.....                                     | 28.30        | 27.54                        | 13.51            |
| Single Daisies, Longhorns, and Young Americas.....                 | 28.81        | 28.05                        | 14.02            |
| Picnics, Midgets, Square Prints, and Natural Loaf and smaller..... | 29.07        | 28.30                        | 14.28            |

(ii) For sales and deliveries of quantities of 5,000 pounds or less, the maximum prices set forth in Table G below:

TABLE G  
[In cents per pound]

| Styles (see table A for weights)                                   | Colby cheese | Washed or soaked curd cheese | Skim milk cheese |
|--|--------------|------------------------------|------------------|
| Cheddars, twins and larger.....                                    | 29.15        | 28.35                        | 13.64            |
| Flats.....   | 29.42        | 28.62                        | 13.91            |
| Double or Triple Daisies.....                                      | 29.69        | 28.89                        | 14.17            |
| Single Daisies, Longhorns, and Young Americas.....                 | 30.22        | 29.42                        | 14.71            |
| Picnics, Midgets, Square Prints, and Natural Loaf and smaller..... | 30.49        | 29.69                        | 14.98            |

(2) *Outside Wisconsin.* And, *Provided further,* The maximum price for the sale of any "cheese item" made to, and delivery made to the physical premises of, an individual army post or naval base, or a Federal hospital, school, or penal institution located at any place outside Wisconsin shall be the appropriate price in either Table F or Table G above, whichever is applicable, plus a "transportation factor".

(d) *Sales by licensed ship suppliers of cheese items delivered shipside.* Notwithstanding other provisions of this section 28, the maximum price for the sale of any "cheese item" by a licensed ship supplier either to the United States Government or any of its agencies or to a ship operator where delivery is made shipside any vessel operating under the direction or control of the United States Government, the War Shipping Administration or any of the United Nations shall be the maximum price as established by paragraph (b) (2) of this section for a delivery in that place by a service wholesaler: *Provided, however,* All maximum prices of "service wholesalers" made on a cents per pound basis and carried to the second decimal point shall be rounded to the nearest 1/10th of a cent or to the next higher 1/10th of a cent where the second digit beyond the decimal point ends with the numeral, five.

[Paragraph (d) added by Am. 9, 9 F.R. 10090, effective 8-23-44; amended by Am. 11, 9 F.R. 10871, effective 9-7-44. Former paragraphs (d) through (l) redesignated (e) through (m) by Am. 9]

(e) *Calculations.* All calculations of any "transportation factor" and of any maximum price established by this section shall be made on a cents per pound basis and shall be carried to the second

decimal point. The prices per pound carried to the second decimal point shall be multiplied by the number of pounds sold and the total price then adjusted to the nearest cent, or the next higher cent where the total price ends with a decimal of \$.005.

(f) *Discounts and allowances.* The maximum prices established in the foregoing paragraphs of this section shall not be increased by brokerage fees, commissions or other charges.

(g) *Evasive practices prohibited—*(1) *Used cheese boxes.* The maximum prices established by this section shall not be evaded by the selling or furnishing of used cheese boxes at less than their true economic value by any buyer of a "cheese item" or his agent or affiliate to any seller of a "cheese item" or his agent or affiliate. Any sale of used cheese boxes by a buyer of a "cheese item", his agent or affiliate to a seller of a "cheese item", his agent or affiliate at any price less than the prices established in Table H below shall be considered prima facie evidence of an evasion of the maximum prices established by this section.

TABLE H

| Used boxes for—         | F. o. b. assembling warehouse | Delivered to cheese factory |
|-------------------------|-------------------------------|-----------------------------|
|                         | Cents                         | Cents                       |
| Twins and Cheddars..... | 20                            | 21                          |
| Single Daisies.....     | 12                            | 13                          |
| Longhorns.....          | 17                            | 18                          |
| Flats.....              | 14                            | 15                          |

(2) *Supplies.* No buyer of a "cheese item," his agent or affiliate, shall sell, lend, or otherwise transfer supplies or equipment, except cheese hoops, to a seller of a "cheese item", his agent or affiliate at less than the true value of such supplies and equipment. Any sale or transfer contrary to the provisions of this subparagraph is an evasion of paragraph (a) (1) of this section and is hereby prohibited.

(3) The practices described in subparagraphs (1) and (2) of this paragraph as evasions of this regulation are in addition to any evasive practices prohibited by section 6 of this regulation.

(h) *Special provisions for records and reports.* The provisions of section 5 shall apply to all sales of cheese as described in this section other than those by a cheese factory or cheese maker to an assembler. However, for all such latter sales the cheese factory or cheese maker shall preserve for inspection by the Office of Price Administration for so long as the Emergency Price Control Act, as amended, remains in effect, remittance statements furnished to the cheese factory or cheese maker by the assembler.

(i) *Maximum prices in places not on railroad line or siding.* The maximum price for the sale of any "cheese item" delivered in a place not on a railroad line or siding shall be the maximum price for a similar sale of that "cheese item" in the nearest place that is located on a railroad line or siding: *Provided, however,* Where the latter place is more than 50 miles from the place of delivery, transportation costs from that place to the place of delivery, not to exceed the lowest

common carrier rate where one exists may be added.

(j) *Maximum prices for sales at retail by manufacturers, assemblers and wholesalers.* (1) The maximum price for the sale at retail of any "cheese item" delivered at any place by a cheese factory, cheese maker, assembler or wholesaler, shall be the appropriate maximum price established in that place for a sale of that "cheese item" by a retail store classified in Group 1 under Maximum Price Regulation No. 423. (A Group 1 retail store is any independent retail store having a gross sales volume during 1942 of less than \$50,000).

(2) No sale of a quantity in excess of 5 pounds shall be considered a sale at retail.

(k) *Maximum prices for "cut" cheese items.* (1) Whenever any "cheese item" prior to its sale or delivery is cut or sliced into pieces, cuts, or slices, the maximum price for the sale of any such pieces, cuts, or slices shall be the same as the maximum price for that "cheese item" from which the pieces, cuts, or slices are made.

(1) *Maximum prices for sales not already provided for.* (1) The maximum price for the sale or delivery in any place of any "cheese item" for which a maximum price is not established by any of the foregoing paragraphs of this section shall be the maximum prices established for "sales by a cheese factory" of that style in that place by paragraph (a) (1) of this section plus (where the requirements of paragraph (a) (3) of this section are satisfied) an assembling allowance of 3/4¢ per pound.

(m) *Definitions—*(1) *Cheese item.* "Cheese item" means any style, form, size and color of any of the particular types of Colby cheese and of washed or soaked curd cheese and skim milk cheese listed in Tables C, D, E, F and G of this section.

(2) *Delivered at any place.* The phrase, "delivered at any place" comprehends all sales whether made on the basis of actual delivery to the point of shipping destination or on the basis of f. o. b. shipping point or some other point. Any cheese item sold f. o. b. any point shall be considered "delivered" at that point.

(3) *Place.* "Place" means any city, town, village or hamlet within the United States.

(4) *Retailer distributing warehouse.* "A retailer distributing warehouse" is a place where cheese is received and held for disposition to retail stores. Chain store warehouses and retailer owned cooperative warehouses are included in the meaning of "retailer distributing warehouse".

(5) *Transportation factor.* A "transportation factor" means the lowest published railroad carlot freight rate per pound gross weight from Plymouth, Wisconsin, to the place of delivery multiplied by 1.15. In calculating transportation charges referred to in the foregoing paragraphs, the 3% transportation tax imposed by section 620 of the Revenue Act of 1942 shall be included.

(6) The maximum prices in this section are for cheese covered by the definitions set forth below. The definition for skim milk cheese is for the purpose of establishing standards of identity for specific pricing.

(i) "Colby cheese" means "Colby cheese" as defined in the "Standards of Identity for Cheddar cheese, cheese, washed curd cheese, soaked curd cheese, Colby cheese" promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of January 9, 1941, Page 196. It contains not more than 40% of moisture and its solids contain not less than 50% of milk fat.

(ii) "Washed or soaked curd cheese", means "washed curd cheese, soaked curd cheese" as defined in the "Standards of Identity for Cheddar cheese, cheese, washed curd cheese, soaked curd cheese, Colby cheese" promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of January 9, 1941, Page 196. It contains not more than 42% of moisture and its solids contain not less than 50% of milk fat.

(iii) "Skim milk cheese", means all cheese (including but not limited to Scarmorze cheese and Cacio Cavallo cheese) made from cows' milk by the Cheddar, washed curd, soaked curd, Colby, Monterey or Provolone processes described in subdivisions (a), (b) and (c) below, or by any minor variations of such processes and in any style, form and size, containing either more moisture or less milk fat, or, more moisture and less milk fat than moisture of 41% or milk fat of 50% in the water free substance: *Provided, however,* The following cheeses and cheese products are excluded from the provisions of this definition:

- Processed cheese of all kinds.
- Cheese foods and spreads.
- Monterey cheese containing not more than 44% moisture and not less than 50% milk fat.
- High moisture Jack cheese containing not more than 50% moisture and not less than 50% milk fat.
- Provolone, Salami, Provolette and Provolone (Glant) cheese containing not more than 45% moisture and not less than 45% milk fat.
- Baker's cheese.
- Pot cheese.
- Smearcase cheese.
- Hand cheese.
- Farmer's cheese.
- Creamed cottage cheese, cottage cheese, cream cheese, Neufchatel cheese and all other cheese for which "Standards of Identity" have been promulgated by the Food and Drug Administration, or which are specifically priced in this Revised Maximum Price Regulation No. 289, or which may be specifically excepted from the provisions of this section, in writing, by the Office of Price Administration.

(a) The Cheddar, washed curd, soaked curd or Colby cheese process is as described in the "Standards of Identity for Cheddar cheese, cheese, washed curd cheese, soaked curd cheese, Colby cheese" promulgated by the Food and Drug Administration and published in the Federal Register of January 9, 1941, pages 195 and 196.

(b) The Monterey cheese process is as follows:

"Milk may or may not be pasteurized. It may be standardized to adjust the fat content by removing a portion of the fat,

by adding skim milk, or by adding cream. The milk is warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria which may be present in the milk or which may be added. Sufficient rennet is added to cause setting to a semi-solid mass. This mass is so cut, stirred, and heated as to promote acid development and separation of the whey and curd. The final cooking temperature is about 110° F. About seventy minutes after heat is applied the whey is removed and the curd cooled by circulating cold water through the jacket of the vat or directly into the curd. The curd is then salted and placed in suitable forms of different sizes and shapes for pressing. The cheese is pressed for about 16 hours and then placed on shelves in the curing room at a temperature of about 60° F."

(c) The Provolone cheese process is as follows:

"Milk may or may not be pasteurized. It may be standardized by removing a portion of the fat or by adding skim milk. The milk is warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria which may be present in the milk or which may be added. A special rennet paste is used to set the milk to a semi-solid mass. This mass is so cut, stirred, and heated as to promote acid development and the separation of whey and curd. The final cooking temperature is about 125° F. When the curd is of the proper consistency it is molded into loaves which vary greatly in sizes and shapes, by dipping in hot water, then kneading and pulling until smooth and free from lumps and brittleness. It is then salted in brine and smoked. The cheese may be hung in warehouses or packed in specially constructed wooden crates for curing."

(n) Reference to other maximum price regulations governing sales of cheese:

(1) Except as otherwise provided in this section, sales at retail shall be priced under the provisions of Maximum Price Regulations Nos. 422 and 423.

[Subparagraph (1) amended by Am. 20, effective 3-5-45]

[Sec. 28 added by Am. 2, 9 F.R. 5429, effective 5-27-44, except that the effective date for skim milk cheese (other than skim milk cheese containing no milk fat) manufactured prior to 5-27-44 shall be 90 days after 5-27-44, and for such 90 day period either the price for the cheese item established under the provisions of Maximum Price Regulation No. 280, or, the prices established in this section for Colby cheese, whichever is lower, shall govern.]

SEC. 29. Maximum prices for Provolone, Parmesan, Monte and Modena, Asiago (Soft), and Romano cheese and all cheeses made by the same respective processes—(a) Sales by cheese factories or cheese makers, assemblers, primary wholesalers and service wholesalers—(1) In Wisconsin.

(i) The maximum price for the sale of any "cheese item" conforming with the standards prescribed in paragraph (c) (9) (i), (ii), (iii), (iv), (v) and (vi), respectively, of this section and delivered at any place in Wisconsin shall be the appropriate price set forth in Table A below:

TABLE A  
[In cents per pound]

| Types of cheese   | Sales and deliveries by— |            |                      |                            |                      |
|---|--------------------------|------------|----------------------|----------------------------|----------------------|
|   | Cheese factories         | Assemblers | Primary whole-salers | Non-delivering wholesalers | Service whole-salers |
| Provolone and group I: Pasta Filata (stringy curd).....           | 33½                      | 35         | 36½                  | 38¾                        | 42                   |
| Parmesan and group II: Granular types.....                        | 41                       | 42½        | 44½                  | 47                         | 50½                  |
| Monte, Modena and group III.....                                  | 33¾                      | 35         | 36¾                  | 39                         | 42½                  |
| Asiago (soft) and group IV: Romano and group V: Sharp Rennet..... | 33¾                      | 35½        | 36¾                  | 38¾                        | 42                   |
| Asiago (medium) and group VI.....                                 | 47¼                      | 48¾        | 53                   | 55½                        | 59½                  |
|   | 34½                      | 36         | 38                   | 40½                        | 44                   |

(ii) The maximum price for the sale of any "cheese item" containing either more moisture or less milk fat than prescribed in paragraph (c) (9) (i), (ii), (iii), (iv), (v) and (vi), respectively, of this section and delivered at any place in Wisconsin, shall be the appropriate price set forth in Table B below:

TABLE B  
[In cents per pound]

| Types of cheese   | Sales and deliveries by— |            |                      |                            |                      |
|---|--------------------------|------------|----------------------|----------------------------|----------------------|
|   | Cheese factories         | Assemblers | Primary whole-salers | Non-delivering wholesalers | Service whole-salers |
| Provolone and group I: Pasta Filata (stringy curd).....           | 17½                      | 18¾        | 19¾                  | 20½                        | 22¼                  |
| Parmesan and group II: Granular types.....                        | 20                       | 21         | 22                   | 23½                        | 25½                  |
| Monte, Modena and group III.....                                  | 12                       | 12¾        | 13¼                  | 14¼                        | 15½                  |
| Asiago (soft) and group IV: Romano and group V: Sharp Rennet..... | 12                       | 12¾        | 13½                  | 14¼                        | 15½                  |
| Asiago (medium) and group VI.....                                 | 21                       | 22         | 23½                  | 24¾                        | 26¾                  |
|   | 16¾                      | 17¾        | 18¾                  | 20¼                        | 22¼                  |

[Subparagraph (1) and (11) amended by Am. 15, 9 F.R. 14288, effective 12-7-44; and Am. 19, 10 F.R. 250, effective 1-10-45]

(2) Outside Wisconsin. The maximum price for the sale of any "cheese item" delivered at any place outside of Wisconsin shall be the appropriate price set forth in Table A or B above plus the lowest published railroad carlot freight rate per pound gross weight from Wisconsin Rapids, Wisconsin, to the place of delivery multiplied by 1.15. In calculating the transportation charge the 3% transportation tax imposed by section 620 of the Revenue Act of 1942 shall be included.

(b) General provisions—(1) Transportation charges; Cheese factory to assembler. (i) In addition to the maximum prices established in paragraph (a), a cheese assembler may compensate any cheese factory, cheese-maker, or other person who hauls from the cheese factory to the assembler's warehouse for such hauling services. The maximum price which may be paid by a cheese assembler or charged by a cheese factory or hauler or other carrier for this service may not exceed the appropriate



price set forth in Table C below. This price must be based on the actual distance from the cheese factory to the assembler's warehouse. The distance between the cheese factory and the assembler's warehouse shall be computed via the shortest publicly traveled route.

TABLE C

| Miles—not over (one way) | Cents per 100 lbs. net weight | Miles—not over (one way) | Cents per 100 lbs. net weight |
|--------------------------|-------------------------------|--------------------------|-------------------------------|
| 5.....                   | 17                            | 120.....                 | 46                            |
| 10.....                  | 18                            | 130.....                 | 47                            |
| 15.....                  | 20                            | 140.....                 | 49                            |
| 20.....                  | 21                            | 150.....                 | 51                            |
| 25.....                  | 23                            | 160.....                 | 53                            |
| 30.....                  | 24                            | 170.....                 | 55                            |
| 35.....                  | 26                            | 180.....                 | 56                            |
| 40.....                  | 27                            | 190.....                 | 58                            |
| 45.....                  | 29                            | 200.....                 | 60                            |
| 50.....                  | 30                            | 210.....                 | 62                            |
| 55.....                  | 31                            | 220.....                 | 63                            |
| 60.....                  | 32                            | 230.....                 | 65                            |
| 65.....                  | 34                            | 240.....                 | 66                            |
| 70.....                  | 35                            | 250.....                 | 68                            |
| 75.....                  | 36                            | 260.....                 | 69                            |
| 80.....                  | 37                            | 270.....                 | 71                            |
| 85.....                  | 38                            | 280.....                 | 72                            |
| 90.....                  | 40                            | 290.....                 | 74                            |
| 100.....                 | 42                            | Over 290.....            | 75                            |
| 110.....                 | 44                            |                          |                               |

(ii) Except that if the hauling service is performed by a common or a contract carrier, the maximum price for such hauling service shall be the appropriate published rate of such carrier.

(iii) An assembler who, either with his own truck or by other means, performs the hauling service from the factory to the assembling warehouse, may not pay the allowable hauling charge or any portion thereof to any person not actually performing the service; and no person, including factory, cheese maker, trustee, or any agent thereof, may charge or accept any payment for such service which is in fact performed by the assembler or his agent.

(2) Allowances and fees. (i) The maximum prices established in paragraph (a) shall not be increased by brokerage fees, commissions or other charges not specifically authorized by this paragraph (b).

(ii) When a person described in paragraph (a) employs a person in the brokerage of cheese, the provisions of Maximum Price Regulation 165 shall apply. The fee established by that regulation shall be paid without increasing any of the maximum prices established in paragraph (a).

(3) Calculations. All calculations of any transportation rate or charge and of any maximum price established by this section shall be made on a cents per pound basis and shall be carried to the second decimal point. The price per pound (carried to the second decimal point) shall be multiplied by the number of pounds sold and the total price then adjusted to the nearest cent, or the next higher cent where the total price ends with a decimal of \$.0050: *Provided, however*, All maximum prices of "service wholesalers" made on a cents per pound basis and carried to the second decimal point shall be rounded to the nearest 1/10th of a cent or to the next higher 1/10th of a cent where the second digit

beyond the decimal point ends with the numeral, five.

[Subparagraph (3) amended by Am. 11, 9 F.R. 10871, effective 9-7-44]

(4) Maximum prices for sales at retail by factories, assemblers and wholesalers.

(i) The maximum price for the sale at retail of any "cheese item" delivered at any place by a cheese factory, cheese maker, assembler, primary wholesaler or service wholesaler, shall be the appropriate maximum price established in that place for a sale by a cheese factory plus 27 percent.

(ii) No sale to any person of a quantity in excess of 25 pounds shall be considered a sale at retail.

(5) Maximum prices in places not on railroad line or siding. The maximum price for the sale of any "cheese item" delivered in a place not on a railroad line or siding shall be the maximum price for a similar sale of that "cheese item" in the nearest place that is located on a railroad line or siding. *Provided, however*: Where the latter place is more than 50 miles from the place of delivery, transportation costs from that place to the place of delivery, not to exceed the lowest common carrier rate where one exists may be added.

(6) Maximum prices for sales not already provided for. The maximum price for the sale or delivery in any place of any "cheese item" for which a maximum price is not established by this section shall be the maximum price established for "sales by cheese factories" of that "cheese item" in that place by paragraph (a) of this section except that where the requirements of paragraph (c) (1) of this section are satisfied, the appropriate price established for assemblers shall be the maximum price.

(7) Special provisions for records and reports. The provisions of section 5 shall apply to all sales of cheese as described in this section other than those by a cheese factory or cheese maker to an assembler. However, for all such latter sales the cheese factory or cheese maker shall preserve for inspection by the Office of Price Administration for so long as the Emergency Price Control Act, as amended, remains in effect, remittance statements furnished to the cheese factory or cheese maker by the assembler.

(c) Definitions—(1) "Assembler" means a person who accumulates cheese and grades it in accordance with legal requirements, or, in the absence of such requirements, in accordance with customary industry practices; stores it in a refrigerated space; paraffins (if not already paraffined) or otherwise prepares it for shipment, weighs, packs, and customarily ships it.

(i) No person shall be entitled to charge the maximum prices established for "assemblers" unless he performs all of the above-described functions.

(ii) The prices established for "assemblers" shall include transportation costs, if any, from the cheese factory or cheese maker to the assembling warehouse, whether the assembling warehouse is located inside or outside the State of Wisconsin.

(2) "Cheese item" means any style, form, size and color of any of the par-

ticular types of cheese listed or described in this section.

(3) "Delivered at any place." The phrase, "delivered at any place" comprehends all sales whether made on the basis of actual delivery to the point of shipping destination or on the basis of f. o. b. shipping point or some other point. Sales f. o. b. any point shall be considered "delivered" at that point.

(4) "Place" means any city, town, village or hamlet within the United States.

(5) "Primary wholesaler" means a person who sells to a wholesaler or to a retailer distributing warehouse, or who sells to, and makes delivery to the physical premises of, an individual retail store or individual commercial, industrial, institutional or federal or non-federal governmental users.

(No assembler, however, shall be considered a primary wholesaler as to any cheese sold to a processor for processing.)

(i) The physical premises of an individual retail store means the place where the cheeses described in this section are sold to ultimate household users. The physical premises of individual commercial, industrial, institutional or federal or non-federal governmental users means the place where such cheeses are consumed by such users.

[Subparagraph (5) amended by Am. 19, 10 F.R. 250, effective 1-10-45]

(6) "Retailer distributing warehouse" means a place where cheese is received and held for disposition to retail stores. Chain store warehouses and retailer owned cooperative warehouses are included in the meaning of "retailer distributing warehouse".

(7) "Non-delivering wholesaler" means a person who sells to a service wholesaler or an individual retail store, an individual commercial, industrial, institutional, or governmental user in quantity lots of 400 pounds or less of any one or more of the cheese items described in this section 29.

[Subparagraph (7) added and former subparagraphs (7) and (8) redesignated (8) and (9) by Am. 15, 9 F.R. 14288, effective 12-7-44; (7) amended by Am. 19, 10 F.R. 250, effective 1-10-45]

(8) "Service wholesaler" means a person who sells to, and makes delivery (on any day) of any one or more of the cheeses described in this section in quantities of 400 pounds or less to the physical premises of, an individual retail store or individual commercial, industrial, institutional or federal or non-federal governmental users.

(i) No person shall be deemed a "service wholesaler" unless he owns or maintains a warehouse in the marketing area in which the physical premises of the above described purchasers are located. The physical premises of an individual retail store means the place where the cheeses described in this section are sold to ultimate household users. The physical premises of individual commercial, industrial, institutional, or federal or non-federal governmental users means the place where such cheeses are consumed by such users.

(ii) The maximum prices established for "service wholesalers" shall not apply to any sale by a cheese factory or cheese maker or association of cheese factories or cheese makers to any purchaser described in this subparagraph (8) whose physical premises are located:

(a) At a point on or east of the 99th meridian and more than 50 miles from the place where the cheese factory is located, or

(b) In the area west of the 99th meridian and east of a line running south from the United States-Canadian boundary along the 120th meridian to the State of California and then along the California-Nevada state boundary line and then further along the California-Arizona state boundary line to Mexico, and more than 200 miles from the place where the cheese factory is located, or

(c) At a point west of the area described in (b) above and more than 100 miles from the place where the cheese factory is located,

where the sale or delivery is made by, through, or with the assistance of any agent, commission salesman, or trucking or hauling agent or contractor. For any such sales, the maximum price shall not exceed the appropriate maximum price in that place for a sale by a cheese factory or cheese maker for the particular "cheese item" as established in paragraph (a) of this section, plus the total of the exact sums paid by the cheese factory, cheese maker, or association, to the agent, commission salesman and trucking or hauling agent or contractor for making the sale to the purchaser, and for performing "local transportation services." *Provided, however,* That in no case may the maximum price exceed the appropriate maximum price established in paragraph (a) for "primary wholesalers," or, in the event the cheese factory, cheese maker, or association owns or maintains a warehouse in the marketing area and sales and deliveries are made in small lots as prescribed in this subparagraph (8), in no case may the maximum price exceed the appropriate maximum price established in paragraph (a) for "service wholesalers." "Local transportation service" means, and is limited to, the actual distance traversed from the railroad siding in, or point of entrance to the city, town, village, or hamlet in which the physical premises of the purchaser are located, to such physical premises.

(iii) The provisions of foregoing subdivision (ii) shall not apply to any sale where the cheese factory or place of manufacture and the physical premises of the purchaser are located at any place in the following area: Montana; Wyoming; Utah; Nevada; Colorado; New Mexico; Arizona; the following counties in Texas: El Paso, Hudspeth, Culberson, Reeves, Jeff Davis, Presidio, Brewster, Pecos, Terrell, Crockett, and Val Verde; all counties in Idaho south of Idaho County; and Malheur County, Oregon.

[Subparagraph (ii) amended and (iii) added by Am. 19, 10 F.R. 250, effective 1-6-45]

(9) The maximum prices in Table A of paragraph (a) are for cheeses covered by the definitions set forth below which definitions are for the purpose of estab-

lishing standards of identity for specific pricing: *Providing, however,* The prescribed moisture and milk fat standards shall become effective 90 days after June 5, 1944.

(i) "*Provolone and Group I*" cheese. The food product commonly known as Provolone cheese is prepared from cow's milk by the following process:

Milk may or may not be pasteurized. It may be standardized by removing a portion of the fat or by adding skim milk. The milk is warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria which may be present in the milk or which may be added. A special rennet paste is used to set the milk to a semi-solid mass. This mass is so cut, stirred, and heated as to promote acid development and the separation of whey and curd. The final cooking temperature is about 125° F. When the curd is of the proper consistency it is molded into loaves which vary greatly in sizes and shapes, by dipping in hot water, then kneading and pulling until smooth and free from lumps and brittleness. It is then salted in brine and smoked. The cheese may be hung in warehouses or packed in specially constructed wooden crates for curing.

The term "Provolone and Group I" includes Provolone cheese and all other cheese made by the Provolone process or by any minor variations of such process and in any style, form and size, including but not limited to Salami, Provolette and Provolone Giants, which cheese contains not more than 45 percent moisture and its solids contain not less than 45 percent of milk fat.

(ii) "*Parmesan and Group II*" cheese. The food product commonly known as Parmesan cheese is prepared from cow's milk by the following process:

The milk may or may not be pasteurized. It may be standardized to adjust the fat content by removing a portion of the fat or by adding skim milk. The milk is warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria which may be present in the milk, or which may be added. Sufficient rennet is added to cause setting to a semi-solid mass. The mass is so cut, stirred, and heated as to promote the separation of whey and curd. The final cooking temperature is about 125 degrees F. When the curd is sufficiently firm it is removed from the kettle by means of a cloth, drained for a short time, and then packed in hoops for pressing. The hoops are about 18 inches in diameter and about 10 inches high. About 3 days after pressing, the cheese is salted. After salting, the cheese is moved to a cool, well-ventilated room where it may be held on shelves for an indefinite length of time. The surface of the cheese is occasionally rubbed with vegetable oil.

The term "Parmesan and Group II" includes Parmesan cheese, and all other cheese (except Sbrinz, "Asiago, medium, and Group VI" and "Monte, Modena and Group III" cheese) made by the Parmesan process, or by any minor variations of such process and in any style, form and size, including, but not limited to

Reggiano and Asiago, old, which cheese contains not more than 32% moisture, and its solids contain not less than 36% of milk fat. Sbrinz cheese is not included within this group for the purposes of this section, but is specifically exempted from the provisions of this regulation. The maximum price for Sbrinz cheese is controlled by Maximum Price Regulation 280.

(iii) "*Monte, Modena and Group III*" cheese. The food products commonly known as Monte cheese and Modena cheese are prepared from cow's milk by the same process as that used in preparing "Parmesan and Group II" cheese described in paragraph (c) (9) (ii) above.

The term "Monte, Modena and Group III" includes Monte cheese and Modena cheese and all other cheese (except "Parmesan and Group II", and "Asiago, medium, and Group VI" cheese) made by the Parmesan process or by any minor variation of such process, and in any style, form and size, which cheese contains not less than 25% of milk fat in its solids and not more than 32% moisture.

[Subparagraph (ii) and (iii) amended by Am. 15, 9 F.R. 14288, effective 10-7-44]

(iv) "*Asiago (soft) and Group IV*" cheese. The food product commonly known as Asiago (soft) cheese is prepared from cow's milk by the following process:

Milk may or may not be pasteurized. It may be standardized to adjust the fat content by removing a portion of the fat or by adding skim milk. The milk is warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria which may be present in the milk or which may be added. Sufficient rennet is added to cause setting to a semi-solid mass. The mass is so cut, stirred, and heated as to promote the separation of whey and curd. The final cooking temperature is about 125° F. When the curd is sufficiently firm it is removed from the kettle by means of a cloth, drained for a short time, and then packed in hoops for pressing. After pressing the cheese is salted and is then moved to a cool, well ventilated room where it may be held on shelves for an indefinite length of time. The surface of the cheese is occasionally rubbed with vegetable oil.

The term "Asiago (soft) and Group IV" includes Asiago soft cheese and all other cheese made by the Asiago soft cheese process or by any minor variations of such process and in any style, form, and size, including but not limited to Vezzena, Kasseri, Fondue and Fontina, which cheese contains not more than 39 percent moisture and its solids contain not less than 48 percent milk fat.

(v) "*Romano and Group V*" cheese. The food product commonly known as Romano cheese is prepared from cow's milk by the following process:

Milk may or may not be pasteurized. It may be standardized to adjust the fat content by removing a portion of the fat, or by the adding of skim milk. The milk is warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria which may be present in the milk or which may be

added. A special rennet paste is used to set the milk to a semi-solid mass. The mass is so cut, stirred and heated as to promote the separation of whey and curd. The final cooking temperature is about 120° F. The curd is then placed in forms where it is allowed to drain for about 24 hours. It is then salted by immersing in brine or by rubbing salt on the surface. The cheese is ripened at a temperature of about 60° F.

The term "Romano and Group V" includes Romano cheese and all other cheese made by the Romano process or by any minor variations of such process and in any style, form and size, including but not limited to Cacio Cavallo Siciliano, Fioretto Sardo, Incanestrato, Pecorino Toscano, Pepato, Romanello, Romanina, Romano white, Romano yellow, Small Romano, Toscanetto, which cheese contains not more than 32 percent of moisture and its solids contain not less than 40 percent of milk fat.

(vi) "Asiago, medium and Group VI" cheese. The food product commonly known as Asiago, medium, cheese, is prepared from cow's milk by the same process as that used in preparing "Parmesan and Group II" cheese described in paragraph (c) (9) (ii) above.

The term "Asiago, medium, and Group VI" includes Asiago, medium, cheese and all other cheese (except "Parmesan and Group II" and "Monte, Modena, and Group III" cheese) made by the Parmesan process or by any minor variation of such process, and in any style, form and size, which cheese contains not less than 36% of milk fat in its solids and not more than 36% of moisture.

[Subparagraph (vi) added by Am. 15, 9 F.R. 14288, effective 12-7-44]

(vii) None of the above described cheeses which have been grated shall be subject to the provisions of this section. Sales of such grated cheese are subject to the provisions of Maximum Price Regulation 280.

[Subparagraph (vii), originally added by Am. 11, 9 F.R. 10871 as (vi), effective 9-7-44; reinserted as (vii) and amended by Am. 19, 10 F.R. 250, effective 1-10-45]

(d) Reference to other maximum price regulations governing sales of cheese:

(1) Except as otherwise provided in this section, sales at retail shall be priced under the provisions of Maximum Price Regulations Nos. 422 and 423.

[Subparagraph (1) amended by Am. 20, effective 3-5-45]

(2) Sales of an imported "cheese item", for a period of 90 days after June 5, 1944, shall be priced under the provisions of Maximum Price Regulation No. 280. Upon the expiration of that 90 day period, all of the provisions of this section and section 10 of Revised Maximum Price Regulation No. 289 shall apply to an imported "cheese item".

[Sec. 29 added by Am. 4, 9 F.R. 5917, effective 6-5-44, except as provided in (d) (2)]

SEC. 30. Maximum prices for Monterey and High Moisture Jack Cheese—(a) Sales by cheese factories or cheese makers, assemblers, primary wholesalers and

service wholesalers—(1) In Wisconsin. (i) The maximum prices for the sale of any "cheese item" conforming with the standards prescribed in subdivision (ii) below, and delivered at any place in Wisconsin shall be the appropriate price set forth in Table A below:

TABLE A  
[In cents per pound]

| Types of cheese         | Sales and deliveries by |            |                     |                     |
|-------------------------|-------------------------|------------|---------------------|---------------------|
|                         | Cheese factories        | Assemblers | Primary wholesalers | Service wholesalers |
| Monterey.....           | 26.25                   | 27         | 27.54               | 29.97               |
| High Moisture Jack..... | 24                      | 24.75      | 25.24               | 27.47               |

(ii) Definition. Monterey and High Moisture Jack Cheese. The food products commonly known as Monterey cheese and High Moisture Jack cheese (also known as California Jack Cheese) are prepared from cow's milk by the following process:

Milk may or may not be pasteurized. It may be standardized to adjust the fat content by removing a portion of the fat, by adding skim milk, or by adding cream. The milk is warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria which may be present in the milk or which may be added. Sufficient rennet is added to cause setting to a semi-solid mass. This mass is so cut, stirred, and heated as to promote acid development and separation of the whey and curd. The final cooking temperature is about 110° F. About seventy minutes after heat is applied the whey is removed and the curd cooled by circulating cold water through the jacket of the vat or directly into the curd. The curd is then salted and placed in suitable forms of different sizes and shapes for pressing. The cheese is pressed for about 16 hours and then placed on shelves in the curing room at a temperature of about 60° F.

Monterey Cheese contains not more than 44 percent of moisture and its solids contain not less than 50 percent of milk fat.

High Moisture Jack Cheese contains not more than 50 percent of moisture and its solids contain not less than 50 percent of milk fat.

(2) Outside Wisconsin. The maximum price for the sale of cheese delivered at any place outside of Wisconsin shall be the appropriate price set forth in Table A above plus the lowest published railroad carlot freight rate per pound gross weight from Plymouth, Wisconsin to the place of delivery multiplied by 1.15. In calculating the transportation charge the 3% transportation tax imposed by section 620 of the Revenue Act of 1942 shall be included.

(b) General provisions—(1) Transportation charges; Cheese factory to assembler. (i) In addition to the maximum prices established in paragraph (a), a cheese assembler may compensate any cheese factory, cheese maker, or other person who hauls cheese from the cheese factory to the assembler's warehouse for such hauling services. The maximum

price which may be paid by a cheese assembler or charged by a cheese factory or hauler or other carrier for this service may not exceed the appropriate price set forth in Table B below. This price must be based on the actual distance from the cheese factory to the assembler's warehouse. The distance between the cheese factory and the assembler's warehouse shall be computed via the shortest publicly traveled route.

TABLE B

| Miles—not over (one way) | Cents per 100 lbs. net weight | Miles—not over (one way) | Cents per 100 lbs. net weight |
|--------------------------|-------------------------------|--------------------------|-------------------------------|
| 5.....                   | 17                            | 120.....                 | 46                            |
| 10.....                  | 18                            | 130.....                 | 47                            |
| 15.....                  | 20                            | 140.....                 | 49                            |
| 20.....                  | 21                            | 150.....                 | 51                            |
| 25.....                  | 23                            | 160.....                 | 53                            |
| 30.....                  | 24                            | 170.....                 | 55                            |
| 35.....                  | 26                            | 180.....                 | 56                            |
| 40.....                  | 27                            | 190.....                 | 58                            |
| 45.....                  | 29                            | 200.....                 | 60                            |
| 50.....                  | 30                            | 210.....                 | 62                            |
| 55.....                  | 31                            | 220.....                 | 63                            |
| 60.....                  | 32                            | 230.....                 | 65                            |
| 65.....                  | 34                            | 240.....                 | 66                            |
| 70.....                  | 35                            | 250.....                 | 68                            |
| 75.....                  | 36                            | 260.....                 | 69                            |
| 80.....                  | 37                            | 270.....                 | 71                            |
| 85.....                  | 38                            | 280.....                 | 72                            |
| 90.....                  | 40                            | 290.....                 | 74                            |
| 100.....                 | 42                            | Over 290.....            | 75                            |
| 110.....                 | 44                            |                          |                               |

(ii) Except that if the hauling service is performed by a common or a contract carrier, the maximum price for such hauling service shall be the appropriate published rate of such carrier.

(iii) An assembler who, either with his own truck or by other means, performs the hauling service from the factory to the assembling warehouse, may not pay the allowable hauling charge or any portion thereof to any person not actually performing the service; and no person, including factory, cheese maker, trustee, or any agent thereof, may charge or accept any payment for such service which is in fact performed by the assembler or his agent.

(2) Allowances and fees. (i) The maximum prices established in paragraph (a) shall not be increased by brokerage fees, commissions or other charges not specifically authorized by this paragraph (b).

(ii) When a person described in paragraph (a) employs a person in the brokerage of cheese, the provisions of Maximum Price Regulation 165 shall apply. The fee established by that regulation shall be paid without increasing any of the maximum prices established in paragraph (a).

(3) Calculations. All calculations of any transportation rate or charge and of any maximum price established by this section shall be made on a cents per pound basis and shall be carried to the second decimal point. The price per pound (carried to the second decimal point) shall be multiplied by the number of pounds sold and the total price then adjusted to the nearest cent, or the next higher cent where the total price ends with a decimal of \$.0050.

Provided, however, All maximum prices of "service wholesalers" made on a cents per pound basis and carried to the second decimal point shall

be rounded to the nearest  $\frac{1}{10}$ th of a cent or to the next higher  $\frac{1}{10}$ th of a cent where the second digit beyond the decimal point ends with the numeral, five.

[Subparagraph (3) amended by Am. 11, 9 F.R. 10871, effective 9-7-44]

(4) *Marking of date and place of manufacture.* On and after the effective date of this regulation every person engaged in the manufacture of cheese shall mark plainly and conspicuously on the side of such cheese before it leaves the cheese factory, with dark colored vegetable ink, the name of the state in which the cheese has been manufactured and the day, month, and year of manufacture.

(5) *Maximum prices for sales at retail by manufacturers, assemblers and wholesalers.* (i) The maximum price for the sale at retail of any "cheese item" delivered at any place by a cheese factory, cheese maker, assembler, primary wholesaler or service wholesaler, shall be the appropriate maximum price established in that place for a sale by a cheese factory plus 27 percent.

(ii) No sale of a quantity in excess of 5 pounds shall be considered a sale at retail.

(6) *Maximum prices in places not on railroad line or siding.* The maximum price for the sale of any "cheese item" delivered in a place not on a railroad line or siding shall be the maximum price for a similar sale of that "cheese item" in the nearest place that is located on a railroad line or siding. *Provided, however:* Where the latter place is more than 50 miles from the place of delivery, transportation costs from that place to the place of delivery, not to exceed the lowest common carrier rate where one exists may be added.

(7) *Maximum prices for sales not already provided for.* The maximum price for the sale or delivery in any place of any "cheese item" for which a maximum price is not established by this section shall be the maximum price established for "sales by cheese factories" of that style in that place by paragraph (a) of this section plus (where the requirements of paragraph (c) (1) of this section are satisfied) an assembling allowance of  $\frac{3}{4}$ ¢ per pound.

(8) *Special provisions for records and reports.* The provisions of section 5 shall apply to all sales of cheese as described in this section other than those by a cheese factory or cheese maker to an assembler. However, for all such latter sales the cheese factory or cheese maker shall preserve for inspection by the Office of Price Administration for so long as the Emergency Price Control Act, as amended, remains in effect, remittance statements furnished to the cheese factory or cheese maker by the assembler.

(c) *Definitions.* (1) "Assembler" means a person who accumulates cheese and grades it in accordance with legal requirements, or, in the absence of such requirements, in accordance with customary industry practices; stores it in a refrigerated space; paraffines (if not already paraffined) or otherwise prepares

it for shipment, weighs, packs and customarily ships it.

(i) No person shall be entitled to charge the maximum prices established for "assemblers" unless he performs all of the above described functions.

(ii) The prices established for "assemblers" shall include transportation costs, if any, from the cheese factory or cheese maker to the assembling warehouse, whether the assembling warehouse is located inside or outside the State of Wisconsin.

(2) "Cheese item" means any style, form, size and color of any of the particular types of cheese listed or described in this section.

(3) "Delivered at any place." The phrase, "delivered at any place" comprehends all sales whether made on the basis of actual delivery to the point of shipping destination or on the basis of f. o. b. shipping point or some other point. Sales f. o. b. any point shall be considered "delivered at that point."

(4) "Place" means any city, town, village or hamlet within the United States.

(5) "Primary wholesaler" means a person who sells to a wholesaler or to a retailer distributing warehouse. (No assembler, however, shall be considered a primary wholesaler as to any cheese sold to a processor for processing.)

(6) "Retailer distributing warehouse" means a place where cheese is received and held for disposition to retail stores. Chain store warehouses and retailer owned cooperative warehouses are included in the meaning of "retailer distributing warehouse".

(7) "Service wholesaler" means a person who sells to, and makes delivery to the physical premises of, an individual retail store or individual commercial, industrial, institutional or federal or non-federal governmental users.

(i) No person shall be deemed a "service wholesaler" unless he owns or maintains a warehouse in the marketing area in which the physical premises of the above described purchasers are located. The physical premises of an individual retail store means the place where the cheeses described in this section are sold to ultimate household users. The physical premises of individual commercial, industrial, institutional or federal or non-federal governmental users means the place where such cheeses are consumed by such users.

(ii) The maximum prices established for "service wholesalers" shall not apply to any sale by a cheese factory or cheese maker or association of cheese factories or cheese makers to any purchaser described in this subparagraph (7) whose physical premises are located:

(a) At a point on or east of the 99th meridian and more than 50 miles from the place where the cheese factory is located, or

(b) In the area west of the 99th meridian and east of a line running south from the United States-Canadian boundary along the 120th meridian to the State of California and then along the California-Nevada state boundary line and then further along the California-

Arizona state boundary line to Mexico, and more than 200 miles from the place where the cheese factory is located, or

(c) At a point west of the area described in (b) above and more than 100 miles from the place where the cheese factory is located,

where the sale or delivery is made by, through, or with the assistance of any agent, commission salesman, or trucking or hauling agent or contractor. For any such sales, the maximum price shall not exceed the appropriate maximum price in that place for a sale by a "cheese factory or cheese maker" as established in paragraph (a) of this section, plus the total of the exact sums paid by the cheese factory, cheese maker, or association, to the agent, commission salesman and trucking or hauling agent or contractor for making the sale to the purchaser, and for performing "local transportation services." *Provided, however,* That in no case may the maximum price exceed the appropriate maximum price established in paragraph (a) for "primary wholesalers," or in the event the cheese factory, cheese maker or association owns or maintains a warehouse in the marketing area, in no case may the maximum price exceed the appropriate maximum price established in paragraph (a) for "service wholesalers." "Local transportation services" means and is limited to, the actual distance traversed from the railroad siding in, or point of entrance to, the city, town, village, or hamlet in which the physical premises of the purchaser are located, to such physical premises.

(iii) The provisions of foregoing subdivision (ii) shall not apply to any sale where the cheese factory or place of manufacture and the physical premises of the purchaser are located at any place in the following area: Montana; Wyoming; Utah; Nevada; Colorado; New Mexico; Arizona; the following counties in Texas: El Paso, Hudspeth, Culberson, Reeves, Jeff Davis, Presidio, Brewster, Pecos, Terrell, Crockett, and Val Verde; all counties in Idaho south of Idaho County; and Malheur County, Oregon.

[Subparagraph (ii) amended and (iii) added by Am. 19, 10 F.R. 250, effective 1-6-45]

(d) Reference to other maximum price regulations governing sales of cheese:

(1) Except as otherwise provided in this section, sales at retail shall be priced under the provisions of Maximum Price Regulations Nos. 422 and 423.

[Subparagraph (1) amended by Am. 20, effective 3-5-45]

(2) Sales of any "cheese item" containing either more moisture or less milk fat, or, more moisture and less milk fat, than prescribed in paragraph (a) (1) (ii) shall be priced at the prices established for "skim milk cheese" in section 28 of Revised Maximum Price Regulation No. 289 except that for a period of 90 days after June 5, 1944, either the price for the "cheese item" established under provisions of Revised Maximum Price Regulation No. 280, or, the price

established in this section for Monterey cheese, whichever is lower, shall govern.

[Subparagraph (2) amended by Am. 11, 9 F.R. 10871, effective 9-7-44]  
 [Sec. 30 added by Am. 5, 9 F.R. 5919, effective 6-5-44, except as provided in (d) (2)]

**SEC. 31. Maximum prices for Blue and Gorgonzola cheese and all cheeses made by the same respective processes—**(a) *Sales by cheese factories or cheese makers, assemblers, primary wholesalers, non-delivering wholesalers and service wholesalers.*—(1) *In Wisconsin.* (i) The maximum price for the sale of any "cheese item" conforming with the standards prescribed in paragraph (c) (8) (i) and (ii) respectively of this section, and delivered at any place in Wisconsin shall be the appropriate price set forth in Table A below:

TABLE A  
 (In cents per pound and packaged)

| Sales and deliveries           | Bulk prices (per pound) | ¾ oz. portions (per box 18 oz.) (net weight) | 1¼ oz. portions (per box 15 oz.) (net weight) | 3 oz. portions (per box 18 oz.) (net weight) |
|--------------------------------|-------------------------|--|---|--|
| Factory.....                   | 36                      |  |   |  |
| Assembler.....                 | 37.5                    |  |   |  |
| Primary wholesaler.....        | 39.75                   | 65   | 50  | 57   |
| Non-delivering wholesaler..... | 41                      | 67.5   | 52  | 59.25  |
| Service wholesaler.....        | 46                      | 78   | 60  | 68   |

[Subparagraph (1) amended by Am. 11, 9 F.R. 10871, effective 9-7-44; and Am. 19, 10 F.R. 250, effective 1-10-45]

(ii) The maximum price for the sale of any "cheese item" containing either more moisture or less milk fat, or more moisture and less milk fat, than prescribed in paragraph (c) (8) (i) and (ii) respectively of this section, and delivered at any place in Wisconsin shall be the appropriate price set forth in Table B below and shall become effective 90 days after June 5, 1944.

TABLE B  
 (In cents per pound)

| Types of cheese | Sales and deliveries by— |            |                     |                     |
|-----------------|--------------------------|------------|---------------------|---------------------|
|                 | Cheese factories         | Assemblers | Primary wholesalers | Service wholesalers |
| Blue.....       | 20                       | 21         | 22¼                 | 25¼                 |
| Gorgonzola..... | 20                       | 21         | 22¼                 | 25¼                 |

(2) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" delivered at any place outside of Wisconsin shall be the appropriate price set forth in Table A or B above plus the lowest published railroad carlot freight rate per pound gross weight from Wisconsin Rapids, Wisconsin, to the place of delivery multiplied by 1.15. In calculating the transportation charge the 3% transportation tax imposed by section 620 of the Revenue Act of 1942 shall be included.

(3) The maximum price for the sale of any portion size of Blue or Gorgonzola cheese not described in Table A above shall be determined in the following manner:

The seller shall divide his price (whether in cents per pound or dollars per dozen) as established by Table A for the nearest size of the most similar type container by the number of ounces or other units in such container and shall multiply the result by the number of the same units in the new container for which he is attempting to determine a price. He shall figure this new maximum price in terms of the same general unit (cents per pound or dollars per dozen) as that used in Table A for the nearest size of the most similar container. He shall adjust his price for the new container size to the nearest quarter of a cent fractional unit (1 cent, ¾ cent, ½ cent or ¼ cent).

[Subparagraph (3) added by Am. 19, 10 F.R. 250, effective 1-10-45]

(b) *General provisions—*(1) *Transportation charges, cheese factory to assembler.* (i) In addition to the maximum prices established in paragraph (a), a cheese assembler may compensate any cheese factory, cheese maker, or other person who hauls from the cheese factory to the assembler's warehouse for such hauling services. The maximum price which may be paid by a cheese assembler or charged by a cheese factory or hauler or other carrier for this service may not exceed the appropriate price set forth in Table C below. This price must be based on the actual distance from the cheese factory to the assembler's warehouse. The distance between the cheese factory and the assembler's warehouse shall be computed via the shortest publicly traveled route.

TABLE C

| Miles—not over (one way) | Cents per 100 lbs. net weight | Miles—not over (one way) | Cents per 100 lbs. net weight |
|--------------------------|-------------------------------|--------------------------|-------------------------------|
| 5.....                   | 17                            | 120.....                 | 46                            |
| 10.....                  | 18                            | 130.....                 | 47                            |
| 15.....                  | 20                            | 140.....                 | 49                            |
| 20.....                  | 21                            | 150.....                 | 51                            |
| 25.....                  | 23                            | 160.....                 | 53                            |
| 30.....                  | 24                            | 170.....                 | 55                            |
| 35.....                  | 26                            | 180.....                 | 56                            |
| 40.....                  | 27                            | 190.....                 | 58                            |
| 45.....                  | 29                            | 200.....                 | 60                            |
| 50.....                  | 30                            | 210.....                 | 62                            |
| 55.....                  | 31                            | 220.....                 | 63                            |
| 60.....                  | 32                            | 230.....                 | 65                            |
| 65.....                  | 34                            | 240.....                 | 66                            |
| 70.....                  | 35                            | 250.....                 | 68                            |
| 75.....                  | 36                            | 260.....                 | 69                            |
| 80.....                  | 37                            | 270.....                 | 71                            |
| 85.....                  | 38                            | 280.....                 | 72                            |
| 90.....                  | 40                            | 290.....                 | 74                            |
| 100.....                 | 42                            | Over 290.....            | 75                            |
| 110.....                 | 44                            |                          |                               |

(ii) Except that if the hauling service is performed by a common or a contract carrier, the maximum price for such hauling service shall be the appropriate published rate of such carrier.

(iii) An assembler who, either with his own truck or by other means, performs the hauling service from the factory to the assembling warehouse, may not pay the allowable hauling charge or any portion thereof to any person not actually performing the service; and no person, including factory, cheese maker, trustee, or any agent thereof, may charge or accept any payment for such service which is in fact performed by the assembler or his agent.

(2) *Allowances and fees.* (i) The maximum prices established in para-

graph (a) shall not be increased by brokerage fees, commissions or other charges not specifically authorized by this paragraph (b).

(ii) When a person described in paragraph (a) employs a person in the brokerage of cheese, the provisions of Maximum Price Regulation 165 shall apply. The fee established by that regulation shall be paid without increasing any of the maximum prices established in paragraph (a).

(3) *Calculations.* All calculations of any transportation rate or charge and of any maximum price established by this section shall be made on a cents per pound basis and shall be carried to the second decimal point. The price per pound (carried to the second decimal point) shall be multiplied by the number of pounds sold and the total price then adjusted to the nearest cent, or the next higher cent where the total price ends with a decimal of \$.0050. *Provided, however,* All maximum prices of "service wholesalers" made on a cents per pound basis and carried to the second decimal point shall be rounded to the nearest 1/10th of a cent or to the next higher 1/10th of a cent where the second digit beyond the decimal point ends with the numeral, five.

[Subparagraph (3) amended by Am. 11, 9 F.R. 10871, effective 9-7-44]

(4) *Maximum prices for sales at retail by factories, assemblers and wholesalers.* (i) The maximum price for the sale at retail of any "cheese item" delivered at any place by a cheese factory, cheese maker, assembler, primary wholesaler or service wholesaler, shall be the appropriate maximum price established in that place for a sale by a cheese factory plus 27 percent.

(ii) No sale to any person of a quantity in excess of 10 pounds shall be considered a sale at retail.

(5) *Maximum prices in places not on railroad line or siding.* The maximum price for the sale of any "cheese item" delivered in a place not on a railroad line or siding shall be the maximum price for a similar sale of that "cheese item" in the nearest place that is located on a railroad line or siding. *Provided, however:* Where the latter place is more than 50 miles from the place of delivery, transportation costs from that place to the place of delivery, not to exceed the lowest common carrier rate where one exists may be added.

(6) *Maximum prices for sales not already provided for.* The maximum price for the sale or delivery in any place of any "cheese item" for which a maximum price is not established by this section shall be the maximum price established for "sales by cheese factories" of that "cheese item" in that place by paragraph (a) of this section except that where the requirements of paragraph (c) (1) of this section are satisfied, the appropriate price established for assemblers shall be the maximum price.

(7) *Special provisions for records and reports.* The provisions of section 5 shall apply to all sales of cheese as described in this section other than those by a cheese factory or cheese maker to an

assembler. However, for all such latter sales the cheese factory or cheese maker shall preserve for inspection by the Office of Price Administration for so long as the Emergency Price Control Act, as amended, remains in effect, remittance statements furnished to the cheese factory or cheese maker by the assembler.

(c) *Definitions.* (1) "Assembler" means a person who accumulates cheese and grades it in accordance with legal requirements, or, in the absence of such requirements, in accordance with customary industry practices; stores it in a refrigerated space; paraffins (if not already paraffined) or otherwise prepares it for shipment, weighs, packs, and customarily ships it.

(i) No person shall be entitled to charge the maximum prices established for "assemblers" unless he performs all of the above described functions.

(ii) The prices established for "assemblers" shall include transportation costs, if any, from the cheese factory or cheese maker to the assembling warehouse, whether the assembling warehouse is located inside or outside the State of Wisconsin.

(2) "Cheese item" means any style, form, size and color of any of the particular types of cheese listed or described in this section.

(3) "Delivered at any place". The phrase, "delivered at any place" comprehends all sales whether made on the basis of actual delivery to the point of shipping destination or on the basis of f. o. b. shipping point or some other point. Sales f. o. b. any point shall be considered "delivered" at that point.

(4) "Place" means any city, town, village or hamlet within the United States.

(5) "Primary wholesaler" means a person who sells to a wholesaler or to a retailer distributing warehouse, or who sells to, and makes delivery to the physical premises of, an individual retail store or individual commercial, industrial, institutional, or federal or non-federal governmental users.

(No assembler, however, shall be considered a primary wholesaler as to any cheese sold to a processor for processing.)

(i) The physical premises of an individual retail store means the place where the cheeses described in this section are sold to ultimate household users. The physical premises of individual commercial, industrial, institutional, or federal or non-federal governmental users means the place where such cheeses are consumed by such users.

[Subparagraph (5) amended by Am. 19, 10 F.R. 250, effective 1-10-45]

(6) "Retailer distributing warehouse" means a place where cheese is received and held for disposition to retail stores. Chain store warehouses and retailer owned cooperative warehouses are included in the meaning of "retailer distributing warehouse".

(7) "Non-delivering wholesaler" means a person who sells to a service wholesaler or an individual retail store, an individual commercial, institutional or governmental user in quantity lots of 200 pounds or less of Blue cheese alone or of Gorgonzola cheese alone, or of any combination of Blue and Gorgonzola cheese.

[Subparagraph (7) added by Am. 19, 10 F.R. 250, effective 1-10-45]

(8) "Service wholesaler" means a person who sells to, and makes delivery (on any day) to the physical premises of, an individual retail store or individual commercial, industrial, institutional or federal or non-federal governmental users in quantities of 200 pounds or less of Blue cheese alone or of Gorgonzola cheese alone, or of any combination of Blue and Gorgonzola cheese.

(i) No person shall be deemed a "service wholesaler" unless he owns or maintains a warehouse in the marketing area in which the physical premises of the above described purchasers are located. The physical premises of an individual retail store means the place where the cheeses described in this section are sold to ultimate household users. The physical premises of individual commercial, industrial, institutional, or federal or non-federal governmental users means the place where such cheeses are consumed by such users.

(ii) The maximum prices established for "service wholesalers" shall not apply to any sale by a cheese factory or cheese maker or association of cheese factories or cheese makers to any purchaser described in this subparagraph (8) whose physical premises are located:

(a) At a point on or east of the 99th meridian and more than 50 miles from the place where the cheese factory is located, or

(b) In the area west of the 99th meridian and east of a line running south from the United States-Canadian boundary along the 120th meridian to the State of California and then along the California-Nevada state boundary line and then further along the California-Arizona state boundary line to Mexico, and more than 200 miles from the place where the cheese factory is located, or

(c) At a point west of the area described in (b) above and more than 100 miles from the place where the cheese factory is located,

where the sale or delivery is made by, through, or with the assistance of any agent, commission salesman, or trucking or hauling agent or contractor. For any such sales, the maximum price shall not exceed the appropriate maximum price in that place for sale by a cheese factory or cheese maker for the particular "cheese item" as established in paragraph (a) of this section, plus the total of the exact sums paid by the cheese factory, cheese maker or association, to the agent, commission salesman and trucking or hauling agent or contractor for making the sale to the purchaser, and for performing "local transportation services." *Provided, however,* That in no case may the maximum price exceed the appropriate maximum price established in paragraph (a) for "primary wholesaler," or, in the event the cheese factory, cheese maker or association owns or maintains a warehouse in the marketing area on sales and deliveries are made in small lots as prescribed in this subparagraph (8), in no case may the maximum price exceed the appropriate maximum price established in

paragraph (a) for "service wholesalers." "Local transportation services" means and is limited to, the actual distance traversed from the railroad siding in, or point of entrance to, the city, town, village or hamlet in which the physical premises of the purchaser are located, to such physical premises.

(iii) The provisions of foregoing subparagraph (ii) shall not apply to any sale where the cheese factory or place of manufacture and the physical premises of the purchaser are located at any place in the following area: Montana; Wyoming; Utah; Nevada; Colorado; New Mexico; Arizona; the following counties in Texas: El Paso, Hudspeth, Culberson, Reeves, Jeff Davis, Presidio, Brewster, Pecos, Terrell, Crockett, and Val Verde; all counties in Idaho south of Idaho County; and Malheur County, Oregon.

[Subparagraph (8), formerly (7), amended by Am. 11, 9 F.R. 10871, effective 9-7-44; redesignated (8) and amended by Am. 19, 10 F.R. 250, effective 1-6-45]

(9) The maximum prices in Table A of paragraph (a) are for cheeses covered by the definitions set forth below which definitions are for the purpose of establishing standards of identity for specific pricing: *Provided, however:* The prescribed moisture and milk fat standards shall become effective 90 days after June 5, 1944.

(i) *Blue cheese.* The food product commonly known as Bleu, Blue or Blue Vein cheese is prepared from cow's milk by the following process:

Milk may or may not be pasteurized. It may or may not be homogenized or it may or may not be homogenized and pasteurized. It may be standardized to adjust the fat content by removing fat, by adding skim milk, or by adding cream. The milk is warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria which may be present in the milk or which may be added. Sufficient rennet is added to cause setting to a semi-solid mass. In about 1 hour after setting the semi-solid mass of curd is cut into cubes about 1 inch square. About 15 minutes after cutting the whey is drained by dipping the curd onto a cheese cloth spread onto a drain rack or it may be drained in the vat. In about 15 minutes after draining the curd is broken up and placed in perforated hoops or forms for further draining. These forms are about 7 $\frac{3}{8}$  inches in diameter and about 6 inches high. As the curd is placed in the forms it is sprinkled with spores commonly spoken of as *Penicillium roqueforti*. It is then transferred to a draining room held at about 70° F. with a relative humidity of about 85 percent where it is allowed to drain for about 24 hours. At the end of about 24 hours the forms are removed. During the next few days the cheeses are usually washed each day. The cheese is then moved to the salting room which is usually held at about 50° F. The salting operation requires about 3 days. It may be dry salted or brine salted. In about a week after salting or when the cheese has become firm it is pierced through with needles to permit free access of air to the interior of the cheese. It is then placed on edge in racks and transferred to a curing room

in which is maintained a temperature of about 50° F. and a relative humidity of about 95 percent. When mold starts to form in the body of the cheese the cheese is usually wrapped tightly in moisture resistant material and then with an over-wrap of a suitable paper and packed in boxes for further holding or shipment. The cheese contains not more than 43 percent of moisture and its solids contain not less than 50 percent of milk fat.

When made from sheep's milk this variety of cheese is called Roquefort cheese.

(ii) *Gorgonzola cheese.* The food product commonly known as Gorgonzola cheese is prepared from cow's milk by the following process:

Milk may or may not be pasteurized. It may or may not be homogenized or it may or may not be homogenized and pasteurized. It may be standardized to adjust the fat content by removing fat, by adding skim milk, or by adding cream. The milk is warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria which may be present in the milk or which may be added. Sufficient rennet is added to cause setting to a semi-solid mass. In about 1 hour after setting the semi-solid mass of curd is cut and the whey is drained by dipping the curd onto a cheese cloth spread onto a drain rack or it may be drained in the vat. In about 15 minutes after draining the curd is broken up and placed in perforated hoops or forms for further draining. As the curd is placed in the forms it is sprinkled with spores commonly spoken of as *Penicillium Glaucum*. It is then transferred to a draining room held at about 70° F. with a relative humidity of about 85 percent where it is allowed to drain for about 48 hours. At the end of about 48 hours the forms are removed. During the next few days the cheeses are usually washed each day. The cheese is then moved to the salting room which is usually held at about 50° F. The salting operation requires several days. It is usually dry salted but may be brine salted. In about a week after salting or when the cheese has become firm it is pierced through with needles to permit free access of air to the interior of the cheese for the purpose of activating the development of the spores of *Penicillium*. It is then placed on edge in racks and transferred to a curing room in which is maintained a temperature of about 50° F. and a relative humidity of about 90 percent. When mold starts to form in the body of the cheese, the cheese is usually scraped and then wrapped in paper and held for another period at about 40° F. The cheese may be scraped again and rewrapped before packing in fiber boxes for shipment. The cheese contains not more than 41 percent of moisture and its solids contain not less than 50 percent of milk fat.

[Subparagraph (9), formerly (8), redesignated by Am. 19, 10 F.R. 250, effective 1-10-45]

(d) Reference to other maximum price regulations governing sales of cheese:

(1) Except as otherwise provided in this section, sales at retail shall be priced

under the provisions of Maximum Price Regulations Nos. 422 and 423.

[Subparagraph (1) amended by Am. 20, effective 3-5-45]

(2) [Revoked.]

[Subparagraph (2) revoked by Am. 20, effective 3-5-45]

(e) The maximum price for the sale of any "cheese item" described in this section which has been imported into the United States, shall be either of the following, whichever is lower:

(1) The maximum price established by this section for a similar sale of domestically produced cheese, or

(2) the maximum price established by MPR 280 for such a sale by the particular seller.

[Paragraph (e) added by Am. 20, effective 3-5-45]

[Sec. 31 added by Am. 6, 9 F.R. 5921, effective 6-5-44, except as provided in (a) (1) (i), (c) (8) and (d) (2)]

SEC. 32. *Maximum prices for Limburger cheese*—(a) *Sales by cheese factories or cheese makers, assemblers, primary wholesalers and service wholesalers*—(1) *In Wisconsin.* (i) The maximum prices for the sale of Limburger cheese conforming with the standards prescribed in paragraph (c) (8) (1) and delivered at any place in Wisconsin shall be the appropriate price set forth in Table A below:

TABLE A  
[In cents per pound.]

| Sales and deliveries by—            | Limburger in "factory wrapped packages" (gross weight). See paragraph (b) (2) |       |
|-------------------------------------|---|-------|
|                                     | 1 lb. and 2 lbs.  | ½ lb. |
| Cheese factories or cheese makers.. | 26  | 26½   |
| Assemblers.....                     | 27½   | 28½   |
| Primary wholesalers.....            | 28½   | 29½   |
| Service wholesalers.....            | 32½   | 33½   |

(ii) The maximum prices for the sale of Limburger cheese containing either more moisture or less milk fat, or more moisture and less milk fat, than prescribed in paragraph (c) (8) (1) and delivered at any place in Wisconsin shall be the appropriate price set forth in Table B below:

TABLE B  
[In cents per pound.]

| Sales and deliveries by—            | Limburger in "factory wrapped packages" (gross weight). See paragraph (b) (2) |       |
|-------------------------------------|---|-------|
|                                     | 1 lb. and 2 lbs.  | ½ lb. |
| Cheese factories or cheese makers.. | 12  | 12½   |
| Assemblers.....                     | 13½   | 14½   |
| Primary wholesalers.....            | 14½   | 15    |
| Service wholesalers.....            | 16½   | 17    |

(2) *Outside Wisconsin.* The maximum price for the sale of cheese delivered at any place outside of Wisconsin shall be the appropriate price set forth in Table A or B above plus the lowest published railroad carlot freight rate per pound gross weight from Monroe, Wisconsin to the place of delivery multiplied by 1.15. In calculating the transportation charge the 3 percent transportation tax imposed by section 620 of the Revenue Act of 1942 shall be included.

(b) *General provisions*—(1) *Transportation charges; cheese factory to assembler.* (i) In addition to the maximum prices established in paragraph (a), a cheese assembler may compensate any cheese factory, cheese maker, or other person who hauls cheese from the cheese factory to the assembler's warehouse for such hauling services. The maximum price which may be paid by a cheese assembler or charged by a cheese factory or hauler or other carrier for this service may not exceed the appropriate price set forth in Table C below. This price must be based on the actual distance from the cheese factory to the assembler's warehouse. The distance between the cheese factory and the assembler's warehouse shall be computed via the shortest publicly traveled route.

TABLE C

| Miles—not over (1 way)— | Cents per 100 lbs. net weight | Miles—not over (1 way)— | Cents per 100 lbs. net weight |
|-------------------------|-------------------------------|-------------------------|-------------------------------|
| 5.....                  | 17                            | 120.....                | 46                            |
| 10.....                 | 18                            | 130.....                | 47                            |
| 15.....                 | 20                            | 140.....                | 49                            |
| 20.....                 | 21                            | 150.....                | 51                            |
| 25.....                 | 23                            | 160.....                | 53                            |
| 30.....                 | 24                            | 170.....                | 55                            |
| 35.....                 | 26                            | 180.....                | 56                            |
| 40.....                 | 27                            | 190.....                | 58                            |
| 45.....                 | 29                            | 200.....                | 60                            |
| 50.....                 | 30                            | 210.....                | 62                            |
| 55.....                 | 31                            | 220.....                | 63                            |
| 60.....                 | 32                            | 230.....                | 65                            |
| 65.....                 | 34                            | 240.....                | 66                            |
| 70.....                 | 35                            | 250.....                | 68                            |
| 75.....                 | 36                            | 260.....                | 69                            |
| 80.....                 | 37                            | 270.....                | 71                            |
| 85.....                 | 38                            | 280.....                | 72                            |
| 90.....                 | 40                            | 290.....                | 74                            |
| 100.....                | 42                            | Over 290.....           | 75                            |
| 110.....                | 44                            |                         |                               |

(ii) Except that if the hauling service is performed by a common or a contract carrier, the maximum price for such hauling service shall be the appropriate published rate of such carrier.

(iii) An assembler who, either with his own truck or by other means, performs the hauling service from the factory to the assembling warehouse, may not pay the allowable hauling charge or any portion thereof to any person not actually performing the service; and no person, including factory, cheese maker, trustee, or any agent thereof, may charge or accept any payment for such service which is in fact performed by the assembler or his agent.

(2) *Special wrapping of Limburger cheese.* (i) When a "factory wrapped package" of limburger cheese is further wrapped with a special outside wrapper marked with the net weight of the

cheese, the person performing the special outside wrapping service may, if he has purchased the cheese on the basis of gross weight and sells it on the basis of net weight, increase his established maximum price as follows:

|   |   |
|---|---|
| For each 1/2 lb. package.....                     | 1 1/4¢  |
| For each 1 lb. package.....                       | 2 3/4¢  |
| For each 2 lb. package.....                       | 4 1/2¢  |
| For each package weighing more than 2 pounds..... | 1¢ per package plus 1 1/4¢ per pound (net weight) |

Provided, however, Only one special wrapping charge may be added to the maximum prices set forth in Tables A and B of paragraph (a).

(i) The maximum prices of any subsequent seller of a "factory wrapped package" of Limburger cheese which has been further wrapped with a special outside wrapper marked with the net weight of the cheese shall be increased over the maximum prices set forth in Tables A and B of paragraph (a) for such a seller in the same amount as set forth in subdivision (i) of this subparagraph (2).

EXAMPLE: If a one pound package of cheese is specially wrapped at the cheese factory, the maximum price in Table A at the cheese factory shall be increased from 26¢ to 28 3/4¢ and the respective maximum prices on one pound packages for assemblers, primary wholesalers and service wholesalers shall likewise be increased 2 3/4¢; or if the pound package is specially wrapped by a primary wholesaler, his maximum price shall be increased from 28 1/2¢ to 31 1/4¢ and the maximum price for service wholesalers shall likewise be increased 2 3/4¢, but the maximum prices for cheese factories and assemblers shall not be increased.

(3) Allowances and fees. (i) The maximum prices established in paragraph (a) shall not be increased by brokerage fees, commissions or other charges not specifically authorized by this paragraph (b).

(ii) When a person described in paragraph (a) employs a person in the brokerage of cheese, the provisions of Revised Maximum Price Regulation 165 shall apply. The fee established by that regulation shall be paid without increasing any of the maximum prices established in paragraph (a).

(4) Calculations. All calculations of any transportation rate or charge and of any maximum price established by this section shall be made on a cents-per-pound basis and shall be carried to the second decimal point. The price per pound (carried to the second decimal point) shall be multiplied by the number of pounds sold and the total price then adjusted to the nearest cent, or the next higher cent where the total price ends with a decimal of .50 cents; Provided, however, All maximum prices of "service wholesalers" made on a cents-per-pound basis and carried to the second decimal point shall be rounded to the nearest 1/10 of a cent or to the next higher 1/10 of a cent where the second digit beyond the decimal point is the numeral, five.

(5) Maximum prices for sales at retail by factories, assemblers and wholesalers. (i) The maximum price for the

sale at retail to an ultimate household user of any cheese delivered at any place by a cheese factory, cheese maker, assembler, primary wholesaler or service wholesaler, shall be the appropriate maximum price established in that place for a sale by a cheese factory plus 27 percent.

(ii) No sale described above of a quantity in excess of 15 lbs. shall be considered a sale at retail.

(6) Maximum prices in places not on railroad line or siding. The maximum price for the sale of any cheese delivered in a place not on a railroad line or siding shall be the maximum price for a similar sale of that cheese in the nearest place that is located on a railroad line or siding: Provided, however, Where the latter place is more than 50 miles from the place of delivery, transportation costs from that place to the place of delivery, not to exceed the lowest common carrier rate where one exists may be added.

(7) Maximum prices for sales not already provided for. The maximum price for the sale or delivery in any place of any cheese described in this section for which a maximum price is not established by this section shall be the maximum price established for "sales by cheese factories" of that particular cheese in that place by paragraph (a) of this section except that where the requirements of paragraph (c) (1) of this section are satisfied, the appropriate price established for assemblers shall be the maximum price.

(8) Special provisions for records and reports. The provisions of section 5 shall apply to all sales of cheese as described in this section other than those by a cheese factory or cheese maker to an assembler. However, for all such latter sales the cheese factory or cheese maker shall preserve for inspection by the Office of Price Administration for so long as the Emergency Price Control Act, as amended, remains in effect, remittance statements furnished to the cheese factory or cheese maker by the assembler.

(9) Evasive practices prohibited—(i) Used cheese boxes. The maximum prices established by this section shall not be evaded by the selling or furnishing of used cheese boxes at less than their reasonable market value by any buyer of any cheese described in this section or his agent or affiliate to any seller of such cheese, his agent or affiliate. Any sale of used cheese boxes by a buyer of any cheese described in this section, his agent or affiliate, to a seller of such cheese, his agent or affiliate at any price less than the prices established in Table D below shall be considered prima facie evidence of an evasion of the maximum prices established by this section.

TABLE D

| Used boxes for Limburger       | Full box | Half box | Quarter box |
|--------------------------------|----------|----------|-------------|
| F. o. b. assembly warehouse... | 25       | 15       | 10          |
| Delivered to cheese factory... | 26       | 16       | 11          |

(ii) Supplies. No buyer of any cheese described in this section, his agent or affiliate, shall sell, lend or otherwise transfer supplies or equipment to a seller of such cheese, his agent or affiliate, at less than the market value of such supplies and equipment. Any sale or transfer contrary to the provisions of this subparagraph is an evasion of paragraph (a) of this section and is hereby prohibited.

(iii) The practice described in subdivisions (i) and (ii) of this subparagraph (9) are in addition to any evasive practices prohibited by section 6 of this regulation.

(c) Definitions. (1) "Assembler" means a person who accumulates cheese and grades it in accordance with legal requirements, or, in the absence of such requirements, in accordance with customary industry practices; stores it in a refrigerated space; paraffins (if not already paraffined) or otherwise prepares it for shipment, weighs, packs and customarily ships it.

(i) No person shall be entitled to charge the maximum prices established for "assemblers" unless he performs all of the above described functions.

(ii) The prices established for "assemblers" shall include transportation costs, if any, from the cheese factory or cheese maker to the assembling warehouse whether the assembling warehouse is located inside or outside the State of Wisconsin.

(2) "Delivered at any place." The phrase "delivered at any place" comprehends all sales whether made on the basis of actual delivery to the point of shipping destination or on the basis of f. o. b. shipping point or some other point. Sales f. o. b. any point shall be considered "delivered" at that point.

(3) "Factory wrapped packages" means pieces of partially cured Limburger cheese which have been wrapped at the cheese factory with parchment, manila paper and lead-tin foil or otherwise according to customary trade practice.

(4) "Place" means any city, town, village or hamlet within the United States.

(5) "Primary wholesaler" means a person who sells to a wholesaler or to a retailer distributing warehouse, or who sells to, and makes delivery of cheese in lots of more than 25 pounds to the physical premises of, an individual retail store or an individual commercial, industrial, institutional, or federal or non-federal governmental user. Provided, however, no person shall be considered a "primary wholesaler" as to any cheese sold to a processor for processing.

[Subparagraph (5) amended by Am. 20, effective 3-5-45]

(i) The physical premises of an individual retail store means the place where the cheeses described in this section are sold to ultimate household users. The physical premises of an individual commercial, industrial, institutional, or fed-



eral or non-federal governmental users means the place where such cheeses are consumed by such users.

(6) "Retailer distributing warehouse" means a place where cheese is received and held for disposition to retail stores. Chain store warehouses and retailer owned-cooperative warehouses are included in the meaning of "retailer distributing warehouse."

(7) "Service wholesaler" means a person who sells to, and makes delivery of cheese in lots of 25 pounds or less to the physical premises of, an individual retail store or individual commercial, industrial, institutional or federal or non-federal governmental user.

(i) No person shall be deemed a "service wholesaler" unless he owns or maintains a warehouse in the marketing area in which the physical premises of the above described purchasers are located. The physical premises of an individual retail store means the place where the cheeses described in this section are sold to ultimate household users. The physical premises of an individual commercial, industrial, institutional, or federal or non-federal governmental users means the place where such cheeses are consumed by such users.

(ii) The maximum prices established for "Service wholesalers" shall not apply to any sale by a cheese factory or cheese maker or association of cheese factories or cheese makers to any purchaser described in this subparagraph (7) whose physical premises are located

(a) At a point on or east of the 99th meridian and more than 50 miles from the place where the cheese factory is located, or

(b) In the area west of the 99th meridian and east of a line running south from the United States-Canadian boundary along the 120th meridian to the State of California and then along the California-Nevada state boundary line and then further along the California-Arizona state boundary line to Mexico, and more than 200 miles from the place where the cheese factory is located, or

(c) At a point west of the area described in (b) above and more than 100 miles from the place where the cheese factory is located,

where the sale or delivery is made by, through, or with the assistance of any agent, commission salesman, or trucking or hauling agent or contractor. For any such sales, the maximum price shall not exceed the appropriate maximum price in that place for a sale by a cheese factory or cheese maker for the particular type of cheese as established in paragraph (a) of this section, plus the total of the exact sums paid by the cheese factory, cheese maker or association, to the agent, commission salesman and trucking or hauling agent or contractor for making the sale to the purchaser, and for performing "local transportation services." *Provided, however, That in no*

case may the maximum price exceed the appropriate maximum price established in paragraph (a) for "primary wholesalers," or, in the event the cheese factory, cheese maker or association owns or maintains a warehouse in the marketing area and sales and deliveries are made in small lots as prescribed in this subparagraph (7), in no case may the maximum price exceed the appropriate maximum price established in paragraph (a) for "service wholesalers." "Local transportation services" means and is limited to, the actual distance traversed from the railroad siding in, or point of entrance to, the city, town, village, or hamlet in which the physical premises of the purchaser are located to such physical premises.

(iii) The provisions of foregoing subparagraph (ii) shall not apply to any sale where the cheese factory or place of manufacture and the physical premises of the purchaser are located at any place in the following area: Montana; Wyoming; Utah; Nevada; Colorado; New Mexico; Arizona; the following counties in Texas: El Paso, Hudspeth, Culberson, Reeves, Jeff Davis, Presidio, Brewster, Pecos, Terrell, Crockett, and Val Verde; all counties in Idaho south of Idaho County; and Malheur County, Oregon.

[Subparagraph (ii) amended and (iii) added by Am. 19, 10 F.R. 250, effective 1-6-45]

(8) The maximum prices in Table A of paragraph (a) are for cheeses covered by the definition set forth below which definition is for the purpose of establishing a standard of identity for specific pricing.

(i) *Limburger cheese.* The food product commonly known as Limburger cheese, a soft smear ripened cheese with a strong and characteristic odor and taste, is prepared from cow's milk by the following process:

Milk may or may not be pasteurized. It may be standardized to adjust the fat content by removing a portion of the fat, by the adding of skim milk, or by adding cream. The milk is warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria present in such milk or which may be added. Sufficient rennet is then added to cause setting to a semi-solid mass. The mass is so cut, stirred, and heated as to promote separation of whey and curd. The final cooking temperature is about 98° F. When the curd is sufficiently firm about one-half of the whey is removed. The curd and whey remaining in the vat is stirred and immediately dipped into forms or molds. (Another method requires draining practically all of the whey and the addition of salt brine to the curd in the vat before dipping.) The forms containing the cheese are usually turned at regular intervals during the first day, and a slight pressure may or may not be applied to the cheese. The cheeses may or may not be cut before being placed on a

salting table where they are rubbed with dry salt two or three times during the first 48 hours. The cheeses are then placed in a curing room at a temperature of about 60° F. having a relative humidity of about 95 percent. To develop and control the proper rind smear each cheese is washed in a weak brine solution about every other day until proper color and smear are obtained, which usually requires about 12 days. The cheese is wrapped in parchment, wax and foil, and placed in a cold room for further curing or until shipped. The cheese contains not more than 48 percent of moisture and its solids contain not less than 50 percent of milk fat.

(d) Reference to other maximum price regulations governing sales of cheese:

(1) Except as otherwise provided in this section, sales at retail shall be priced under the provisions of Maximum Price Regulations Nos. 422 and 423.

[Subparagraph (1) amended by Am. 20, effective 3-5-45]

[Sec. 32 added by Am. 17, 9 F.R. 14292, effective 12-7-44]

SEC. 33. *Maximum prices for natural and flavored Neufchatel and cream cheese.* This section establishes the maximum prices at which natural or flavored Neufchatel or cream cheese in bulk or in other than glass containers shall be sold to any purchaser. Sales of Neufchatel and cream cheese in glass containers are controlled by the provisions of Maximum Price Regulation 280.

(a) *Maximum prices for the sale of Neufchatel and cream cheese—*(1) *Sales of bulk or "unassembled" Neufchatel and cream cheese.* The maximum price for the sale by any person of natural or flavored Neufchatel or cream cheese which has not been assembled but is sold in bulk or in a package containing more than 30 lbs. of cheese delivered to the purchaser at any place shall be the applicable price set forth in Table A below for the zone in which delivery is made.

TABLE A  
[Prices are in cents per pound]

| Cheese item                                       | Zone                           |                                |                                |
|---|--------------------------------|--------------------------------|--------------------------------|
|   | 1                              | 2                              | 3                              |
| Cream cheese curd (natural or flavored).....      | 26 <sup>3</sup> / <sub>4</sub> | 27 <sup>3</sup> / <sub>4</sub> | 28 <sup>3</sup> / <sub>4</sub> |
| Neufchatel cheese curd (natural or flavored)..... | 19 <sup>1</sup> / <sub>4</sub> | 20 <sup>1</sup> / <sub>4</sub> | 21 <sup>1</sup> / <sub>4</sub> |

(2) *Sales by primary wholesalers, secondary wholesalers and service wholesalers of any assembled cheese item.* The maximum price for the sale by a primary wholesaler, secondary wholesaler or service wholesaler of any assembled, natural or flavored Neufchatel or cream cheese item delivered at any place shall be the applicable price set forth in Table B below for the zone in which delivery is made.

TABLE B

[Items Nos. 1 to 5, inclusive, and 10 to 14, inclusive, are in dollars per dozen; Items Nos. 6 to 9, inclusive, and 15 to 18, inclusive, are in cents per pound]

CREAM CHEESE

| Item No. |   | Sales and deliveries by— |                |                |                       |                |                |                     |                |                |
|----------|---|--------------------------|----------------|----------------|-----------------------|----------------|----------------|---------------------|----------------|----------------|
|          |   | Primary wholesalers      |                |                | Secondary wholesalers |                |                | Service wholesalers |                |                |
|          |   | Zone 1                   | Zone 2         | Zone 3         | Zone 1                | Zone 2         | Zone 3         | Zone 1              | Zone 2         | Zone 3         |
|          | Package size of cream cheese (natural or flavored): | Dols. per doz.           | Dols. per doz. | Dols. per doz. | Dols. per doz.        | Dols. per doz. | Dols. per doz. | Dols. per doz.      | Dols. per doz. | Dols. per doz. |
| 1        | 1 1/4-oz. package.....                              | .44 1/2                  | .45 1/2        | .46 1/2        | .48 1/2               | .49 1/2        | .50 1/2        | .54                 | .55            | .56            |
| 2        | 3-oz. package.....                                  | .94 1/2                  | .97            | .99 1/2        | 1.02 1/2              | 1.05           | 1.07 1/2       | 1.14                | 1.16 1/2       | 1.19           |
| 3        | 4-oz. package.....                                  | 1.23 1/2                 | 1.26 1/2       | 1.29 1/2       | 1.34                  | 1.37           | 1.40           | 1.49                | 1.52           | 1.55           |
| 4        | 6-oz. package.....                                  | 1.79 1/2                 | 1.84 1/2       | 1.89 1/2       | 1.95                  | 2.00           | 2.05           | 2.17                | 2.22           | 2.27           |
| 5        | 8-oz. package.....                                  | 2.24 1/2                 | 2.30 1/2       | 2.36 1/2       | 2.44                  | 2.50           | 2.56           | 2.71                | 2.77           | 2.83           |
|          |   | Cts. per lb.             | Cts. per lb.   | Cts. per lb.   | Cts. per lb.          | Cts. per lb.   | Cts. per lb.   | Cts. per lb.        | Cts. per lb.   | Cts. per lb.   |
| 6        | 2- or 3-lb. loaf.....                               | .36 1/2                  | .37 1/2        | .38 1/2        | .39                   | .40            | .41            | .42 1/2             | .43 1/2        | .44 1/2        |
| 7        | 5-lb. loaf.....                                     | .35 3/4                  | .36 3/4        | .37 3/4        | .38 3/4               | .39 3/4        | .40 3/4        | .41 3/4             | .42 3/4        | .43 3/4        |
| 8        | 10-lb. box or tub.....                              | .32 1/2                  | .33 1/2        | .34 1/2        | .34 1/2               | .35 1/2        | .36 1/2        | .36 3/4             | .37 1/2        | .38 1/2        |
| 9        | 20- or 30-lb. tub.....                              | .32                      | .33            | .34            | .33 1/2               | .34 1/2        | .35 1/2        | .35 1/2             | .36 1/2        | .37 1/2        |

NEUFCHATEL CHEESE

| Item No. |  | Sales and deliveries by— |                |                |                       |                |                |                     |                |                |        |
|----------|--|--------------------------|----------------|----------------|-----------------------|----------------|----------------|---------------------|----------------|----------------|--------|
|          |  | Primary wholesalers      |                |                | Secondary wholesalers |                |                | Service wholesalers |                |                |        |
|          |  | Zone 1                   | Zone 2         | Zone 3         | Zone 1                | Zone 2         | Zone 3         | Zone 1              | Zone 2         | Zone 3         | Zone 3 |
|          | Package size of Neufchatel cheese (natural or flavored): | Dols. per doz.           | Dols. per doz. | Dols. per doz. | Dols. per doz.        | Dols. per doz. | Dols. per doz. | Dols. per doz.      | Dols. per doz. | Dols. per doz. |        |
| 10       | 1 1/4-oz. package.....                                   | .36                      | .37            | .38            | .39                   | .40            | .41            | .43 1/2             | .44 1/2        | .45 1/2        |        |
| 11       | 3-oz. package.....                                       | .73 1/2                  | .76            | .78 1/2        | .80                   | .82 1/2        | .85            | .89                 | .91 1/2        | .94            |        |
| 12       | 4-oz. package.....                                       | .96                      | .99            | 1.02           | 1.04 1/2              | 1.07 1/2       | 1.10 1/2       | 1.16                | 1.19           | 1.22           |        |
| 13       | 6-oz. package.....                                       | 1.38 1/2                 | 1.43 1/2       | 1.48 1/2       | 1.50 1/2              | 1.55 1/2       | 1.60 1/2       | 1.67                | 1.72           | 1.77           |        |
| 14       | 8-oz. package.....                                       | 1.70 1/2                 | 1.76 1/2       | 1.82 1/2       | 1.85                  | 1.91           | 1.97           | 2.06                | 2.12           | 2.18           |        |
|          |  | Cts. per lb.             | Cts. per lb.   | Cts. per lb.   | Cts. per lb.          | Cts. per lb.   | Cts. per lb.   | Cts. per lb.        | Cts. per lb.   | Cts. per lb.   |        |
| 15       | 2- or 3-lb. loaf.....                                    | .27 3/4                  | .28 3/4        | .29 3/4        | .29                   | .30 1/2        | .31 1/2        | .32                 | .33            | .34            |        |
| 16       | 5-lb. loaf.....  | .27 1/4                  | .28 1/4        | .29 1/4        | .29                   | .30            | .31            | .31 1/2             | .32 1/2        | .33 1/2        |        |
| 17       | 10-lb. box or tub.....                                   | .24 1/4                  | .25 1/4        | .26 1/4        | .25 1/2               | .26 1/2        | .27 1/2        | .27                 | .28            | .29            |        |
| 18       | 20- or 30-lb. tub.....                                   | .23 3/4                  | .24 3/4        | .25 3/4        | .25                   | .26            | .27            | .26 3/4             | .27 1/2        | .28 1/2        |        |

(3) *Maximum prices for sales at retail by factories and wholesalers.* The maximum price for the sale at retail to an ultimate household user of any cheese item delivered at any place by a cheese factory or wholesaler shall be the appropriate maximum price established for a sale of such cheese item at that place by a primary wholesaler plus 27%. No sale of a quantity of cheese in excess of 5 pounds shall be considered a sale at retail for the purposes of this section.

[Subparagraph (3) added and former subparagraphs (3), (4) and (5) redesignated (4), (5) and (6) by Am. 19, 10 F.R. 250, effective 1-10-45]

(4) *Sales of other package sizes.* The maximum price for the sale by any primary wholesaler, secondary wholesaler, or service wholesaler of any assembled cheese item, the exact package size of which is not priced in Table B shall be determined in the following manner:

The seller shall divide his price (whether in cents per pound or dollars per dozen) as established by Table B for the nearest size of the most similar type container by the number of ounces or other units in such container and shall multiply the results by the number of the same units in the new container for which he is attempting to determine a price. He shall figure this new maximum price in terms of the same general unit (cents per pound or dollars per dozen) as that used in Table B for the nearest size of the most similar container. He shall adjust his price for the new container size to the nearest quarter of a cent fractional unit (1 cent, 3/4 cent, 1/2 cent or 1/4 cent).

(5) *Sales of cheese made by the Neufchatel or cream process but not meeting the standards for Neufchatel cheese.*

The maximum price for any sale of cheese made by the Neufchatel or cream cheese process which does not meet the standards for Neufchatel cheese set forth in subparagraph (c) (11) of this section shall be the maximum price established by Maximum Price Regulation 280 for such sale by the particular seller.

(6) *Maximum price for any sale not previously provided for.* The maximum price for any sale of Neufchatel or cream cheese for which a maximum price has not been established by the foregoing provisions of this section shall be the appropriate maximum price set forth in Table A of this section for sales of unassembled or bulk Neufchatel or cream cheese.

(b) *Allowances and fees.* The maximum prices established by this section shall not be increased by brokerage fees, commissions or other charges. When any person employs another person in the brokerage of cheese, the provisions of Revised Maximum Price Regulation 165 shall apply. The fee established by that regulation shall be paid without increasing any of the maximum prices established in this section.

(c) *Definition of terms used in this section.*

(1) A primary wholesaler means any Neufchatel or cream cheese factory which sells any cheese item to and makes delivery to the customary receiving point of another wholesaler.

(2) A "secondary wholesaler" means any person who purchases Neufchatel or cream cheese items from a primary wholesaler and resells such cheese items in quantity lots smaller than his purchases to one who customarily operates as a service wholesaler. No person who is a cheese manufacturer or primary

wholesaler of Neufchatel or cream cheese, or who is in any way affiliated or associated with a cheese manufacturer or primary wholesaler of such cheese may qualify as a secondary wholesaler; *Provided, however,* That any person making a delivered sale of Neufchatel or cream cheese items to the physical premises of a retail distributing warehouse may sell such cheese items at the prices established for a secondary wholesaler.

The "physical premises of a retail distributing warehouse" means any place in such retail distributing warehouse at which cheese items are generally received for redistribution to the various retail stores operated and serviced by the warehouse.

[Subparagraph (2) amended by Am. 19, 10 F.R. 250, effective 1-10-45]

(3) A service wholesaler means any person who sells any cheese item to and makes delivery to the physical premises of an individual retail store or a commercial, industrial, institutional or governmental user. The "physical premises of an individual retail store" means the place where the cheese is sold to ultimate household consumers. The "physical premises of a commercial, industrial, institutional or governmental user" means the place where the cheese is utilized by such buyer.

(4) *Assembled means cut into uniform sizes and weights and packed in wrappers, cartons or other packages or containers containing not more than 30 pounds of cheese and suitable for sale at wholesale and at retail and customarily used by the particular seller for wholesale or retail types of sales.*

(5) Cheese item as used in this section means natural or flavored Neufchatel or cream cheese which has been assembled and which is sold in any container of 30 pounds or less other than a glass container.

(6) Buyer's customary receiving point means that place in the city, town or village where the buyer's place of business is located at which the buyer customarily takes possession of purchases of cheese. It may, for example, be a railroad siding, the buyer's warehouse, or the seller's warehouse in that city, town or village.

(7) "Zone 1" includes the following States: Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa and Missouri.

(8) "Zone 2" includes the following States: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Kentucky, Ohio, Louisiana, Arkansas, Texas, Oklahoma, New Mexico, Kansas, Colorado, Nebraska, South Dakota, North Dakota, Wyoming and Montana. The District of Columbia is also included in Zone 2.

(9) "Zone 3" includes the following States: North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Washington, Oregon, California, Nevada, Utah, Arizona and Idaho.

(10) "Cream cheese". Cream cheese is cream cheese as defined in "cream cheese, Neufchatel cheese, cottage cheese and creamed cottage cheese; Definitions

and Standards of Identity" promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of December 23, 1942. It contains not less than 33% of milk fat and not more than 55% of moisture as determined, respectively, by the methods prescribed under "Fat—Official" on page 302 and under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940.

(11) "Neufchatel cheese" is Neufchatel cheese as defined in "cream cheese, Neufchatel cheese, cottage cheese, and creamed cottage cheese; Definitions and Standards of Identity" promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of December 23, 1942. It contains not less than 20%, but less than 33% of milk fat and not more than 65 percent of moisture, as determined, respectively, by the methods prescribed under "Fat—Official" on page 302 and under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940.

[Sec. 33 added by Am. 18, 9 F.R. 14339, effective 12-12-44]

This regulation shall become effective May 17, 1944. [RMFR 289 originally issued May 12, 1944]

[Effective dates of amendments are shown in notes following the parts affected]

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

Issued this 27th day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-3211; Filed, Feb. 27, 1945; 4:26 p. m.]

PART 1389—APPAREL  
[MPR 572, Amdt. 1]

MANUFACTURERS' PRICES FOR CERTAIN FALL AND WINTER OUTERWEAR

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

Maximum Price Regulation 572 is amended in the following respects:

1. Section 4 (b) (2) (iii) is amended to read as follows:

(iii) For each sub-group division factor, use the total net sales during 1943, of the sub-group for which that factor is applicable. If you made no sales of a particular sub-group during 1943, do not weight the division factor for that sub-group; however, you must so select a division factor for that sub-group that the range between the highest and the lowest sub-group division factors

in that group is no greater than the range between the highest and the lowest sub-group division factors in a group for which you have complete 1943 sales experience.

2. Paragraph (a) of footnote 2 in section 6 (c) (1) is amended to read as follows:

(a) *Calendar period.* If you are on an annual basis, make your first calculation on January 1, 1946 (cover the period between the effective date of the regulation and January 1, 1946, or, at your option, you may cover the period between January 1, 1945 and January 1, 1946). If you are on a quarterly basis, make your first calculation on July 1, 1945 (cover the period between the effective date of the regulation and July 1, 1945, or, at your option, you may cover the period between January 1, 1945 and July 1, 1945).

3. In paragraph (b) of footnote 2 in section 6 (c) (1), the sentence following the table is amended to read as follows:

For each of the dates listed above, cover the period between the effective date of the regulation and the date listed, or, at your option, you may cover the period between the first day of your fiscal year (or fiscal quarter) and the date listed.

4. An undesignated paragraph is added to section 6 (d) to read as follows:

The procedure which you must follow in case you find that it is necessary to amend the Form V which you have filed is set forth in Appendix C.

5. In Appendix A, the heading and the first sentence of paragraph (c) is amended to read as follows:

(c) *Combination leather and fabric coats.* Coats in lengths not less than the minimums listed below, of which (1) the outer shell is made partly of leather and partly of wool or part wool fabrics weighing 12 ounces or more per yard on a 54" width basis, or (2) the body (exclusive of sleeves) is made predominantly of leather and the remainder of the outer shell of fabric.

6. In Appendix A, the heading and the first sentence of paragraph (d) is amended to read as follows:

(d) *Combination leather and fabric jackets.* Jackets in lengths less than the minimums listed for wool and leather coats, of which (1) the outer shell is made partly of leather and partly of wool or part wool fabrics weighing 12 ounces or more per yard on a 54" width basis, or (2) the body (exclusive of sleeves) is made predominantly of leather and the remainder of the outer shell of fabric.

7. Paragraph (h) of Appendix A is amended to read as follows:

(h) *Wool jackets and vests.* Jackets in lengths less than the minimums listed for loafer coats (if single breasted) or mackinaws (if double breasted), and vests, of which the outer shell is made of all wool or part wool fabrics weighing 12 ounces or more per yard on a 54" width basis.

Group No.:  
23. Men's—all sizes.  
24. Boys—all sizes.

NOTE: If these garments are in part fabricated from wool or part wool knitted materials by a manufacturer chiefly engaged in the knitted outerwear industry, they are not covered by this regulation.

8. Paragraph (1) of Appendix A is amended to read as follows:

(1) *Corduroy jackets and pants.* Jackets in lengths less than the minimums listed for corduroy coats, either lined or unlined, of which the outer shell is made of corduroy, and corduroy pants.

Group No.:  
31. Men's—all sizes.  
32. Boys—all sizes.

NOTE: If the pants in group numbers 31 and 32 are sold by a person who does not make manufacturers' sales of corduroy jackets or of any other group number listed in Appendix A, such sales are not covered by this regulation.

9. The note in paragraph (m) of Appendix A is amended to read as follows:

NOTE: If the shirts in group numbers 33 and 34 are sold by a person who does not make manufacturers' sales of any other group number listed in Appendix A, such shirts are covered by this regulation only if the person makes manufacturers' sales of wool shirts made of fabric weighing 12 ounces or more per yard on a 54" width basis.

10. Paragraph (s) of Appendix A is amended to read as follows:

(s) Ski and skating outerwear clothing (for both sexes and in all but infants' sizes, except coats, jackets, skirts, legging sets, separate leggings, and ski pants covered by RMFR 287).

Group No.:  
48. Pants, leggings, jackets, snowsuits, caps, hoods, and mittens and all combinations of these.

NOTE: The caps and mittens listed in group number 48 are covered by this regulation only if they are sold in combination with any of the other items listed in group number 48, or in combination with any other group number listed in Appendix A.

11. The heading to Appendix C is amended to read as follows:

APPENDIX C: PROCEDURE FOR AMENDING FORMS I, II, V AND VIII

12. A new paragraph (c) is added to Appendix C to read as follows:

(c) If you find that it is necessary to amend your Form V, you must, within 30 days after filing the original form, file a signed copy of an amended form with your OPA district office, setting forth the inaccuracies in the original form and the reasons therefor.

13. In Appendix H, line 5 (a) (2) in Form VIII is amended to read as follows:

(2) The product obtained by multiplying your 1936-1939 average annual total net sales by 0.0183----- 12,000

14. In Appendix H, line 5 (b) in Form VIII is amended to read as follows:

(b) If your firm was not in business during at least three years of the four-year period 1936-1939, multiply your 1943 total net sales by 0.0087, and enter the result-----

This amendment shall become effective March 1, 1945.

Issued this 27th day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-3208; Filed, Feb. 27, 1945; 4:27 p. m.]

## PART 1389—APPAREL

[MPR 578]

MAXIMUM PRICES FOR CERTAIN GARMENTS  
PRODUCED WITH WAR PRODUCTION BOARD  
PRIORITIES ASSISTANCE

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 578 has been issued simultaneously herewith and filed with the Division of the Federal Register.

## Sec.

1. Scope of this regulation.
2. Maximum prices for sales by manufacturers and manufacturing-retailers.
3. Maximum prices for sales at wholesale.
4. Maximum prices for sales at retail.
5. Maximum prices for garments which have been bought or sold at a special sale.
6. Marking of garments.
7. When taxes may be added.
8. Sales slips and invoices.
9. Records.
10. Relation to other maximum price regulations.
11. What acts are prohibited.
12. Definitions.
13. Enforcement and licensing.
14. Amendment.

Appendix A—Garments produced under WPB Order M-385, Supplement II (Schedule I), issued July 27, 1944.

Appendix B—Garments produced under WPB Order M-328B, Supplement VIII (Schedule A), issued October 31, 1944.

Appendix C—Garments produced under WPB Order M-385, Supplement II (Schedule I), issued February 9, 1945.

Appendix D—Garments produced under WPB Order M-385, Supplement III (Schedule II) as amended, issued February 9, 1945.

Appendix E—Adjustment of margins.

AUTHORITY: § 1389.608 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *Scope of this regulation—*

(a) *What garments are covered.* This regulation applies only to the specified garments listed in Appendix A, B, C and D of this regulation, made from fabrics obtained under the following orders of the War Production Board:

(1) Order M-385, Supplement II (Schedule I), issued July 27, 1944.

(2) Order M-328B, Supplement VIII (Schedule A), issued October 31, 1944.

(3) Order M-385, Supplement II (Schedule I) as amended, issued February 9, 1945.

(4) Order M-385, Supplement III (Schedule II), issued February 9, 1945.

(b) *Types of sales covered.* This regulation applies to all sales including sales at retail, sales at wholesale, sales by manufacturers and sales by manufacturing-retailers. These types of sales are defined as follows:

(1) *Sales at retail.* All sales to individual ultimate consumers by persons who sell garments in substantially the same form in which they purchase them are "sales at retail". Sales to industrial, commercial or institutional users are also "sales at retail" if made by persons who

sell principally to individual ultimate consumers.

(2) *Sales at wholesale.* All sales to persons other than ultimate consumers by persons who sell garments in substantially the same form in which they purchase them are "sales at wholesale". "Sales at wholesale" also include sales to industrial, commercial or institutional users if they are made by persons who sell principally to persons other than individual ultimate consumers.

(3) *Sales by a manufacturer.* All sales by the person who fabricated the garment being sold, or who furnished the principal materials from which the garment was fabricated, are "sales by a manufacturer" unless they are "sales by a manufacturing-retailer", as defined in (4) below.

(4) *Sales by a manufacturing-retailer.* All sales to ultimate consumers by the person who fabricated the garment being sold, or who furnished the principal materials from which the garment was fabricated, are "sales by a manufacturing-retailer", if such person customarily sells to ultimate consumers most of the garments so fabricated.

(c) *Where this regulation applies.* This regulation covers sales in the 48 states and the District of Columbia.

SEC. 2. *Maximum prices for sales by manufacturers and manufacturing-retailers—*(a) *Over-riding ceiling price.* Each manufacturer and manufacturing-retailer must find his maximum price for garments covered by this regulation according to the instructions given in paragraph (b) of this section: Except that in no case may a manufacturer or a manufacturing-retailer establish a maximum price for a garment produced from fabrics obtained under WPB Orders M-385 or M-328B, which exceeds the lower of: (1) the over-riding ceiling price listed for that type of garment in Appendix A, B, C or D, whichever is appropriate, or (2) in the case of garments in Groups III or IV, the "highest price line limitation" provided in Revised Maximum Price Regulation 287<sup>1</sup> or Maximum Price Regulation 570.<sup>2</sup>

(b) *Maximum prices.* Each manufacturer and manufacturing-retailer finds his maximum prices as follows:

(1) *Group I.* For garments listed in Group I of the appendices, the maximum price shall be determined under the provisions of the General Maximum Price Regulation.<sup>3</sup>

(2) *Group II.* For garments listed in Group II of the appendices, the maximum price shall be determined under the provisions of Maximum Price Regulation 332.<sup>4</sup>

(3) *Group III.* For garments listed in Group III of the appendices, the maximum price shall be determined under the provisions of Maximum Price Regulation 570 except that the manufacturer

<sup>1</sup> 8 F.R. 9122, 10001, 10304; 9 F.R. 974, 12590.

<sup>2</sup> 10 F.R. 655.

<sup>3</sup> 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.

<sup>4</sup> 8 F.R. 2350, 2783.

or manufacturing-retailer may add to his direct cost of each garment under that regulation, the direct labor cost incurred in attaching labels as provided in section 6 (d) of this regulation.

(4) *Group IV.* For garments listed in Group IV of the appendices, a manufacturer or manufacturing-retailer shall determine his maximum price under this subparagraph by applying the appropriate maximum margin listed in the tables found below, to the direct cost of the garment.

(i) *Calculation of maximum prices.* This calculation is made by subtracting the maximum margin from 100% and dividing the difference into the direct cost of the garment. The result is the maximum price.

"Direct cost" under this paragraph means the sum of (i) net cost of materials and trimmings calculated as provided in section 30 (a) (8) and (9) of Revised Maximum Price Regulation 287, (ii) cost of direct labor calculated as provided in section 30 (a) (10) of Revised Maximum Price Regulation 287, and (iii) cost of direct labor incurred in attaching labels calculated as provided in section 6 (d) of this regulation.

*For example:* A manufacturer wishes to determine his ceiling price for a girl's dress. His net material cost is \$4.13 per dozen dresses, his net cost of trimmings is \$1.08 per dozen, his direct labor cost is \$3.20 per dozen, and the cost of attaching labels is 10¢ per dozen. Thus his total direct cost is \$8.51 (\$4.13 + \$1.08 + \$3.20 + \$0.10 = \$8.51). To apply the 34% margin listed in Table A for girls' dresses, he subtracted 34% from 100% (1.00 - .34 = .66) and divides the result, 66%, into the total direct cost (\$8.51 ÷ .66 = \$12.89) to find a maximum price of \$12.89 per dozen for this girl's dress.

TABLE A—MAXIMUM MARGINS FOR SALES BY  
MANUFACTURERS

(To be used where terms of sale include a discount of 8% or more\*)

| Garment   | Maximum margin (percent) |
|---|--------------------------|
| Dresses:  |                          |
| Women's and Misses'.....  | 32                       |
| Girls' and Toddlers'.....   | 34                       |
| Infants'.....   | 35                       |
| Blouses:  |                          |
| Women's and Misses'.....  | 32.5                     |
| Girls' and Toddlers'.....   | 35                       |
| Overalls, Coveralls, Sun suits, Creepers, Rompers and Crawlers..... | 37                       |

\*Where the terms of sale are net, or any discount lower than 8%, margins listed above must be adjusted as explained in Appendix C.

TABLE B—MAXIMUM MARGINS FOR SALES BY  
MANUFACTURING-RETAILERS

| Garment   | Maximum margin (percent) |
|---|--------------------------|
| Dresses:  |                          |
| Women's and Misses'.....  | 46                       |
| Girls' and Toddlers'.....   | 47                       |
| Infants'.....   | 48                       |
| Blouses:  |                          |
| Women's and Misses'.....  | 46                       |
| Girls' and Toddlers'.....   | 49                       |
| Overalls, Coveralls, Sun suits, Creepers, Rompers and Crawlers..... | 51                       |

(ii) *Maintenance of discounts and differentials.* Every manufacturer and

manufacturing-retailer must continue to sell at the terms, allowances, discounts and differentials which he customarily granted to each class of purchaser in March 1942, or if he was not in business in March 1942, he must sell at the terms, allowances, discounts and differentials customarily granted to each class of purchaser in March 1942 by his present most closely competitive seller of the same class who was in business in that month.

**Sec. 3. Maximum prices for sales at wholesale.** This section sets forth dollar-and-cents maximum prices for all sales at wholesale except that the maximum prices of garments which have been or are being sold at a "special sale" must be determined under Section 5.

Dollars-and-cents ceiling prices for regular sales at wholesale are set forth in Table I below. This table shows the net ceiling price per dozen for a regular sale at wholesale which corresponds to the manufacturer's net ceiling price (after deduction of all available discounts) for the garments f. o. b. manufacturer's place of business. When the wholesaler has found his manufacturer's net ceiling price (after deduction of all available discounts) in column 1 of the table, the corresponding figure in column 2 is his net ceiling price per dozen for a regular sale at wholesale.

TABLE I—MAXIMUM PRICES FOR REGULAR SALES AT WHOLESALE

| Column 1<br>If the manufacturer's net ceiling price per dozen is: | Column 2<br>The maximum net price per dozen for a regular sale at wholesale is: |
|---|---|
| \$0.31-\$0.33   | \$0.40  |
| \$0.34-\$0.37   | 0.45  |
| \$0.38-\$0.41   | 0.50  |
| \$0.42-\$0.45   | 0.55  |
| \$0.46-\$0.49   | 0.60  |
| \$0.50-\$0.53   | 0.65  |
| \$0.54-\$0.57   | 0.70  |
| \$0.58-\$0.61   | 0.75  |
| \$0.62-\$0.65   | 0.80  |
| \$0.66-\$0.69   | 0.85  |
| \$0.70-\$0.73   | 0.90  |
| \$0.74-\$0.77   | 0.95  |
| \$0.78-\$0.83   | 1.00  |
| \$0.84-\$0.91   | 1.10  |
| \$0.92-\$0.99   | 1.20  |
| \$1.00-\$1.07   | 1.30  |
| \$1.08-\$1.16   | 1.40  |
| \$1.17-\$1.24   | 1.50  |
| \$1.25-\$1.33   | 1.60  |
| \$1.34-\$1.39   | 1.70  |
| \$1.40-\$1.47   | 1.80  |
| \$1.48-\$1.55   | 1.90  |
| \$1.56-\$1.63   | 2.00  |
| \$1.64-\$1.74   | 2.10  |
| \$1.75-\$1.83   | 2.25  |
| \$1.84-\$1.95   | 2.35  |
| \$1.96-\$2.07   | 2.50  |
| \$2.08-\$2.17   | 2.62½   |
| \$2.18-\$2.27   | 2.75  |
| \$2.28-\$2.37   | 2.87½   |
| \$2.38-\$2.48   | 3.00  |
| \$2.49-\$2.58   | 3.12½   |
| \$2.59-\$2.68   | 3.25  |
| \$2.69-\$2.78   | 3.37½   |
| \$2.79-\$2.88   | 3.50  |
| \$2.89-\$2.98   | 3.62½   |
| \$2.99-\$3.08   | 3.75  |
| \$3.09-\$3.18   | 3.87½   |
| \$3.19-\$3.29   | 4.00  |
| \$3.30-\$3.39   | 4.12½   |
| \$3.40-\$3.49   | 4.25  |
| \$3.50-\$3.59   | 4.37½   |
| \$3.60-\$3.69   | 4.50  |
| \$3.70-\$3.79   | 4.62½   |

TABLE I—MAXIMUM PRICES FOR REGULAR SALES AT WHOLESALE—Continued

| Column 1<br>If the manufacturer's net ceiling price per dozen is: | Column 2<br>The maximum net price per dozen for a regular sale at wholesale is: |
|---|---|
| \$3.80-\$3.89   | 4.75  |
| \$3.90-\$3.99   | 4.87½   |
| \$4.00-\$4.10   | 5.00  |
| \$4.11-\$4.20   | 5.12½   |
| \$4.21-\$4.30   | 5.25  |
| \$4.31-\$4.40   | 5.37½   |
| \$4.41-\$4.50   | 5.50  |
| \$4.51-\$4.60   | 5.62½   |
| \$4.61-\$4.70   | 5.75  |
| \$4.71-\$4.80   | 5.87½   |
| \$4.81-\$4.91   | 6.00  |
| \$4.92-\$5.01   | 6.12½   |
| \$5.02-\$5.11   | 6.25  |
| \$5.12-\$5.21   | 6.37½   |
| \$5.22-\$5.31   | 6.50  |
| \$5.32-\$5.41   | 6.62½   |
| \$5.42-\$5.51   | 6.75  |
| \$5.52-\$5.61   | 6.87½   |
| \$5.62-\$5.72   | 7.00  |
| \$5.73-\$5.82   | 7.12½   |
| \$5.83-\$5.92   | 7.25  |
| \$5.93-\$6.02   | 7.37½   |
| \$6.03-\$6.12   | 7.50  |
| \$6.13-\$6.22   | 7.62½   |
| \$6.23-\$6.32   | 7.75  |
| \$6.33-\$6.42   | 7.87½   |
| \$6.43-\$6.53   | 8.00  |
| \$6.54-\$6.63   | 8.12½   |
| \$6.64-\$6.73   | 8.25  |
| \$6.74-\$6.83   | 8.37½   |
| \$6.84-\$6.93   | 8.50  |
| \$6.94-\$7.03   | 8.62½   |
| \$7.04-\$7.13   | 8.75  |
| \$7.14-\$7.23   | 8.87½   |
| \$7.24-\$7.34   | 9.00  |
| \$7.35-\$7.44   | 9.12½   |
| \$7.45-\$7.54   | 9.25  |
| \$7.55-\$7.64   | 9.37½   |
| \$7.65-\$7.74   | 9.50  |
| \$7.75-\$7.84   | 9.62½   |
| \$7.85-\$7.94   | 9.75  |
| \$7.95-\$8.04   | 9.87½   |
| \$8.05-\$8.15   | 10.00   |
| \$8.16-\$8.25   | 10.12½  |
| \$8.26-\$8.35   | 10.25   |
| \$8.36-\$8.45   | 10.37½  |
| \$8.46-\$8.55   | 10.50   |
| \$8.56-\$8.65   | 10.62½  |
| \$8.66-\$8.75   | 10.75   |
| \$8.76-\$8.85   | 10.87½  |
| \$8.86-\$8.96   | 11.00   |
| \$8.97-\$9.06   | 11.12½  |
| \$9.07-\$9.16   | 11.25   |
| \$9.17-\$9.26   | 11.37½  |
| \$9.27-\$9.36   | 11.50   |
| \$9.37-\$9.46   | 11.62½  |
| \$9.47-\$9.56   | 11.75   |
| \$9.57-\$9.66   | 11.87½  |
| \$9.67-\$9.77   | 12.00   |
| \$9.78-\$9.87   | 12.12½  |
| \$9.88-\$9.97   | 12.25   |
| \$9.98-\$10.07  | 12.37½  |
| \$10.08-\$10.17   | 12.50   |
| \$10.18-\$10.27   | 12.62½  |
| \$10.28-\$10.37   | 12.75   |
| \$10.38-\$10.47   | 12.87½  |
| \$10.48-\$10.58   | 13.00   |
| \$10.59-\$10.68   | 13.12½  |
| \$10.69-\$10.78   | 13.25   |
| \$10.79-\$10.88   | 13.37½  |
| \$10.89-\$10.98   | 13.50   |
| \$10.99-\$11.08   | 13.62½  |
| \$11.09-\$11.18   | 13.75   |
| \$11.19-\$11.28   | 13.87½  |
| \$11.29-\$11.39   | 14.00   |
| \$11.40-\$11.49   | 14.12½  |
| \$11.50-\$11.59   | 14.25   |
| \$11.60-\$11.69   | 14.37½  |
| \$11.70-\$11.79   | 14.50   |
| \$11.80-\$11.89   | 14.62½  |
| \$11.90-\$11.99   | 14.75   |
| \$12.00-\$12.09   | 14.87½  |
| \$12.10-\$12.20   | 15.00   |

TABLE I—MAXIMUM PRICES FOR REGULAR SALES AT WHOLESALE—Continued

| Column 1<br>If the manufacturer's net ceiling price per dozen is: | Column 2<br>The maximum net price per dozen for a regular sale at wholesale is: |
|---|---|
| \$12.21-\$12.30   | \$15.12½  |
| \$12.31-\$12.40   | 15.25   |
| \$12.41-\$12.50   | 15.37½  |
| \$12.51-\$12.60   | 15.50   |
| \$12.61-\$12.70   | 15.62½  |
| \$12.71-\$12.80   | 15.75   |
| \$12.81-\$12.90   | 15.87½  |
| \$12.91-\$13.01   | 16.00   |
| \$13.02-\$13.11   | 16.12½  |
| \$13.12-\$13.21   | 16.25   |
| \$13.22-\$13.31   | 16.37½  |
| \$13.32-\$13.41   | 16.50   |
| \$13.42-\$13.51   | 16.62½  |
| \$13.52-\$13.61   | 16.75   |
| \$13.62-\$13.71   | 16.87½  |
| \$13.72-\$13.82   | 17.00   |
| \$13.83-\$13.92   | 17.12½  |
| \$13.93-\$14.02   | 17.25   |
| \$14.03-\$14.12   | 17.37½  |
| \$14.13-\$14.22   | 17.50   |
| \$14.23-\$14.32   | 17.62½  |
| \$14.33-\$14.42   | 17.75   |
| \$14.43-\$14.53   | 17.87½  |
| \$14.54-\$14.63   | 18.00   |
| \$14.64-\$14.73   | 18.12½  |
| \$14.74-\$14.83   | 18.25   |
| \$14.84-\$14.93   | 18.37½  |
| \$14.94-\$15.03   | 18.50   |
| \$15.04-\$15.13   | 18.62½  |
| \$15.14-\$15.23   | 18.75   |
| \$15.24-\$15.33   | 18.87½  |
| \$15.34-\$15.43   | 19.00   |
| \$15.44-\$15.54   | 19.12½  |
| \$15.55-\$15.64   | 19.25   |
| \$15.65-\$15.74   | 19.37½  |
| \$15.75-\$15.84   | 19.50   |
| \$15.85-\$15.94   | 19.62½  |
| \$15.95-\$16.04   | 19.75   |
| \$16.05-\$16.14   | 19.87½  |
| \$16.15-\$16.24   | 20.00   |
| \$16.25-\$16.34   | 20.12½  |
| \$16.35-\$16.45   | 20.25   |
| \$16.46-\$16.55   | 20.37½  |
| \$16.56-\$16.65   | 20.50   |
| \$16.66-\$16.75   | 20.62½  |
| \$16.76-\$16.84   | 20.75   |
| \$16.85-\$16.94   | 20.87½  |
| \$16.95-\$17.06   | 21.00   |
| \$17.07-\$17.16   | 21.12½  |
| \$17.17-\$17.26   | 21.25   |
| \$17.27-\$17.36   | 21.37½  |
| \$17.37-\$17.46   | 21.50   |
| \$17.47-\$17.56   | 21.62½  |
| \$17.57-\$17.66   | 21.75   |
| \$17.67-\$17.76   | 21.87½  |
| \$17.77-\$17.87   | 22.00   |
| \$17.88-\$17.97   | 22.12½  |
| \$17.98-\$18.07   | 22.25   |
| \$18.08-\$18.18   | 22.37½  |
| \$18.19-\$18.27   | 22.50   |
| \$18.28-\$18.37   | 22.62½  |
| \$18.38-\$18.47   | 22.75   |
| \$18.48-\$18.57   | 22.87½  |
| \$18.58-\$18.68   | 23.00   |
| \$18.69-\$18.78   | 23.12½  |
| \$18.79-\$18.88   | 23.25   |
| \$18.89-\$18.98   | 23.37½  |
| \$18.99-\$19.08   | 23.50   |
| \$19.09-\$19.18   | 23.62½  |
| \$19.19-\$19.28   | 23.75   |
| \$19.29-\$19.38   | 23.87½  |
| \$19.39-\$19.49   | 24.00   |
| \$19.50-\$19.59   | 24.12½  |
| \$19.60-\$19.69   | 24.25   |
| \$19.70-\$19.79   | 24.37½  |
| \$19.80-\$19.89   | 24.50   |
| \$19.90-\$19.99   | 24.62½  |
| \$20.00-\$20.09   | 24.75   |
| \$20.10-\$20.19   | 24.87½  |
| \$20.20-\$20.30   | 25.00   |
| \$20.31-\$20.40   | 25.12½  |
| \$20.41-\$20.50   | 25.25   |
| \$20.51-\$20.60   | 25.37½  |
| \$20.61-\$20.70   | 25.50   |

TABLE I—MAXIMUM PRICES FOR REGULAR SALES AT WHOLESALE—Continued

| Column 1<br>If the manufacturer's net ceiling price per dozen is: | Column 2<br>The maximum net price per dozen for a regular sale at wholesale is: |
|---|---|
| \$20.71-\$20.80   | \$25.62½  |
| \$20.81-\$20.90   | 25.75   |
| \$20.91-\$21.00   | 25.87½  |
| \$21.01-\$21.11   | 26.00   |
| \$21.12-\$21.21   | 26.12½  |
| \$21.22-\$21.31   | 26.25   |
| \$21.32-\$21.41   | 26.37½  |
| \$21.42-\$21.51   | 26.50   |
| \$21.52-\$21.61   | 26.62½  |
| \$21.62-\$21.71   | 26.75   |
| \$21.72-\$21.81   | 26.87½  |
| \$21.82-\$21.92   | 27.00   |
| \$21.93-\$22.02   | 27.12½  |
| \$22.03-\$22.12   | 27.25   |
| \$22.13-\$22.22   | 27.37½  |
| \$22.23-\$22.32   | 27.50   |
| \$22.33-\$22.42   | 27.62½  |
| \$22.43-\$22.52   | 27.75   |
| \$22.53-\$22.71   | 28.00   |
| \$22.72-\$23.11   | 28.50   |
| \$23.12-\$23.51   | 29.00   |
| \$23.52-\$23.91   | 29.50   |
| \$23.92-\$24.31   | 30.00   |
| \$24.32-\$24.71   | 30.50   |
| \$24.72-\$25.11   | 31.00   |
| \$25.12-\$25.51   | 31.50   |
| \$25.52-\$25.91   | 32.00   |
| \$25.92-\$26.31   | 32.50   |
| \$26.32-\$26.71   | 33.00   |
| \$26.72-\$27.11   | 33.50   |
| \$27.12-\$27.51   | 34.00   |
| \$27.52-\$27.91   | 34.50   |
| \$27.92-\$28.31   | 35.00   |
| \$28.32-\$28.71   | 35.50   |
| \$28.72-\$29.11   | 36.00   |
| \$29.12-\$29.51   | 36.50   |
| \$29.52-\$29.91   | 37.00   |
| \$29.92-\$30.31   | 37.50   |
| \$30.32-\$30.71   | 38.00   |
| \$30.72-\$31.11   | 38.50   |
| \$31.12-\$31.51   | 39.00   |
| \$31.52-\$31.91   | 39.50   |
| \$31.92-\$32.31   | 40.00   |
| \$32.32-\$32.71   | 40.50   |
| \$32.72-\$33.11   | 41.00   |
| \$33.12-\$33.51   | 41.50   |
| \$33.52-\$33.91   | 42.00   |
| \$33.92-\$34.31   | 42.50   |
| \$34.32-\$34.71   | 43.00   |
| \$34.72-\$35.11   | 43.50   |
| \$35.12-\$35.51   | 44.00   |
| \$35.52-\$35.91   | 44.50   |
| \$35.92-\$36.31   | 45.00   |
| \$36.32-\$36.71   | 45.50   |
| \$36.72-\$37.11   | 46.00   |
| \$37.12-\$37.51   | 46.50   |
| \$37.52-\$37.91   | 47.00   |
| \$37.92-\$38.31   | 47.50   |
| \$38.32-\$38.71   | 48.00   |
| \$38.72-\$39.11   | 48.50   |
| \$39.12-\$39.51   | 49.00   |
| \$39.52-\$39.91   | 49.50   |
| \$39.92-\$40.31   | 50.00   |
| \$40.32-\$40.71   | 50.50   |
| \$40.72-\$41.11   | 51.00   |
| \$41.12-\$41.51   | 51.50   |
| \$41.52-\$41.91   | 52.00   |
| \$41.92-\$42.31   | 52.50   |
| \$42.32-\$42.71   | 53.00   |
| \$42.72-\$43.11   | 53.50   |
| \$43.12-\$43.51   | 54.00   |
| \$43.52-\$43.91   | 54.50   |
| \$43.92-\$44.31   | 55.00   |
| \$44.32-\$44.71   | 55.50   |
| \$44.72-\$45.11   | 56.00   |

\* SEC. 4. Maximum prices for sales at retail. This section sets forth dollar-and-cents maximum prices for all sales at retail.

Dollar-and-cents ceiling prices for sales at retail are set forth in Table II below. This table shows the retail ceiling

price which corresponds to the supplier's net ceiling price (after deduction of all available discounts) f. o. b. the supplier's place of business. When the retailer has found his supplier's net ceiling price in column 1 of this table, the corresponding figure in column 2 is his retail ceiling price per garment. (This price will be marked on the garment when the retailer receives it.)

TABLE II—MAXIMUM PRICES FOR SALES AT RETAIL

| Column 1<br>If the supplier's net ceiling price per dozen is: | Column 2<br>The retail ceiling price per garment is: |
|---|--|
| \$0.31-\$0.36   | \$0.04   |
| \$0.37-\$0.44   | .05  |
| \$0.45-\$0.52   | .05  |
| \$0.53-\$0.60   | .07  |
| \$0.61-\$0.68   | .08  |
| \$0.69-\$0.77   | .09  |
| \$0.78-\$0.85   | .10  |
| \$0.86-\$0.93   | .11  |
| \$0.94-\$1.01   | .12  |
| \$1.02-\$1.09   | .13  |
| \$1.10-\$1.17   | .14  |
| \$1.18-\$1.25   | .15  |
| \$1.26-\$1.34   | .16  |
| \$1.35-\$1.42   | .17  |
| \$1.43-\$1.50   | .18  |
| \$1.51-\$1.58   | .19  |
| \$1.59-\$1.66   | .20  |
| \$1.67-\$1.74   | .21  |
| \$1.75-\$1.83   | .22  |
| \$1.84-\$1.91   | .23  |
| \$1.92-\$1.99   | .24  |
| \$2.00-\$2.07   | .25  |
| \$2.08-\$2.15   | .26  |
| \$2.16-\$2.23   | .27  |
| \$2.24-\$2.32   | .28  |
| \$2.33-\$2.40   | .29  |
| \$2.41-\$2.48   | .30  |
| \$2.49-\$2.56   | .31  |
| \$2.57-\$2.64   | .32  |
| \$2.65-\$2.72   | .33  |
| \$2.73-\$2.81   | .34  |
| \$2.82-\$2.89   | .35  |
| \$2.90-\$2.97   | .36  |
| \$2.98-\$3.05   | .37  |
| \$3.06-\$3.13   | .38  |
| \$3.14-\$3.21   | .39  |
| \$3.22-\$3.30   | .40  |
| \$3.31-\$3.38   | .41  |
| \$3.39-\$3.46   | .42  |
| \$3.47-\$3.54   | .43  |
| \$3.55-\$3.62   | .44  |
| \$3.63-\$3.70   | .45  |
| \$3.71-\$3.78   | .46  |
| \$3.79-\$3.87   | .47  |
| \$3.88-\$3.95   | .48  |
| \$3.96-\$4.03   | .49  |
| \$4.04-\$4.16   | .50  |
| \$4.17-\$4.68   | .55  |
| \$4.69-\$5.09   | .60  |
| \$5.10-\$5.50   | .65  |
| \$5.51-\$5.91   | .70  |
| \$5.92-\$6.31   | .75  |
| \$6.32-\$6.72   | .80  |
| \$6.73-\$7.13   | .85  |
| \$7.14-\$7.54   | .90  |
| \$7.55-\$7.95   | .95  |
| \$7.96-\$8.35   | 1.00   |
| \$8.36-\$8.76   | 1.05   |
| \$8.77-\$9.17   | 1.10   |
| \$9.18-\$9.58   | 1.15   |
| \$9.59-\$9.99   | 1.20   |
| \$10.00-\$10.39   | 1.25   |
| \$10.40-\$10.80   | 1.30   |
| \$10.81-\$11.21   | 1.35   |
| \$11.22-\$11.62   | 1.40   |
| \$11.63-\$12.03   | 1.45   |
| \$12.04-\$12.43   | 1.50   |
| \$12.44-\$12.84   | 1.55   |
| \$12.85-\$13.25   | 1.60   |
| \$13.26-\$13.66   | 1.65   |
| \$13.67-\$14.07   | 1.70   |
| \$14.08-\$14.47   | 1.75   |

TABLE II—MAXIMUM PRICES FOR SALES AT RETAIL—Continued

| Column 1<br>If the supplier's net ceiling price per dozen is: | Column 2<br>The retail ceiling price per garment is: |
|---|--|
| \$14.48-\$14.88   | \$1.80   |
| \$14.89-\$15.29   | 1.85   |
| \$15.30-\$15.70   | 1.90   |
| \$15.71-\$16.11   | 1.95   |
| \$16.12-\$16.62   | 2.00   |
| \$16.63-\$17.53   | 2.10   |
| \$17.54-\$18.35   | 2.20   |
| \$18.36-\$19.17   | 2.30   |
| \$19.18-\$19.98   | 2.40   |
| \$19.99-\$20.80   | 2.50   |
| \$20.81-\$21.61   | 2.60   |
| \$21.62-\$22.43   | 2.70   |
| \$22.44-\$23.25   | 2.80   |
| \$23.26-\$24.06   | 2.90   |
| \$24.07-\$24.88   | 3.00   |
| \$24.89-\$25.69   | 3.10   |
| \$25.70-\$26.51   | 3.20   |
| \$26.52-\$27.33   | 3.30   |
| \$27.34-\$28.14   | 3.40   |
| \$28.15-\$28.96   | 3.50   |
| \$28.97-\$29.77   | 3.60   |
| \$29.78-\$30.59   | 3.70   |
| \$30.60-\$31.41   | 3.80   |
| \$31.42-\$32.22   | 3.90   |
| \$32.23-\$33.03   | 4.00   |
| \$33.04-\$33.86   | 4.10   |
| \$33.87-\$34.67   | 4.20   |
| \$34.68-\$35.49   | 4.30   |
| \$35.50-\$36.31   | 4.40   |
| \$36.32-\$37.12   | 4.50   |
| \$37.13-\$37.94   | 4.60   |
| \$37.95-\$38.75   | 4.70   |
| \$38.76-\$39.57   | 4.80   |
| \$39.58-\$40.39   | 4.90   |
| \$40.40-\$41.20   | 5.00   |
| \$41.21-\$42.02   | 5.10   |
| \$42.03-\$42.83   | 5.20   |
| \$42.84-\$43.65   | 5.30   |
| \$43.66-\$44.46   | 5.40   |
| \$44.47-\$45.28   | 5.50   |
| \$45.29-\$46.10   | 5.60   |
| \$46.11-\$46.92   | 5.70   |
| \$46.93-\$47.74   | 5.80   |
| \$47.75-\$48.55   | 5.90   |
| \$48.56-\$49.37   | 6.00   |
| \$49.38-\$50.18   | 6.10   |
| \$50.19-\$51.00   | 6.20   |
| \$51.01-\$51.82   | 6.30   |
| \$51.83-\$52.63   | 6.40   |
| \$52.64-\$53.45   | 6.50   |
| \$53.46-\$54.26   | 6.60   |
| \$54.27-\$55.08   | 6.70   |
| \$55.09-\$55.90   | 6.80   |
| \$55.91-\$56.71   | 6.90   |

SEC. 5. Maximum prices for garments which have been bought or sold at a "special sale". This section provides a method for establishing ceiling prices for garments which previously have been, or are being sold, at a "special sale". A "special sale" is a sale outside the normal channel of distribution by a person who sells the garment in substantially the same form in which he purchased it.

(a) Types of special sales. The following types of sales are included among "special sales":

(1) Sales by a wholesaler to another wholesaler or to a manufacturer (as used in this section, the word "wholesaler" includes a manufacturer who has purchased completed garments from another manufacturer.)

(2) Sales by a retailer to any person other than an individual ultimate consumer or an industrial, commercial or institutional user.

(b) Ceiling prices—(1) First special sale. In the case of the first special sale of a garment, the ceiling price is the net

purchase price paid by the seller (not exceeding his supplier's ceiling price).

*For example:* A, a retailer, buys a dozen boys' shirts from a manufacturer at \$12.75 per dozen on terms of 8/10 EOM, which is the manufacturer's ceiling price. A now wishes to resell the shirts to B, another retailer.

A's ceiling price for the sale to B is \$11.73 per dozen, his net cost (\$12.75 less 8% = \$11.73).

(2) *Subsequent special sales.* (i) In the case of all subsequent sales (except sales at retail) of garments which have previously been sold at special sales, the ceiling price is the net purchase price paid by the person who made the first special sale.

*Example 1:* X, a retailer, buys a dozen girls' dresses from a manufacturer at \$14.75 per dozen, net. X then liquidates his store and resells the dresses to Y, a wholesaler, for \$13.00. Y now wishes to resell the dresses to Z, another wholesaler.

Y's ceiling price for these dresses is the net purchase price paid by X, the person who made the first special sale. This price is \$14.75 per dozen, net. Y therefore uses this price of \$14.75 net as his ceiling price for the sale to Z.

*Example 2:* If, in the above example Z now wishes to sell the dresses to R, a retailer, his ceiling price for the sale to R is also \$14.75 (the net purchase price paid by X, the person who made the first special sale).

(ii) In the case of a sale at retail of a garment which previously has been sold at a special sale, the ceiling price is figured under section 4, above. However, in no event may the retailer, in calculating his ceiling price under section 4, use a cost exceeding the net purchase price paid by the person who made the first special sale.

**NOTE:** The net purchase price paid by the first person who made a special sale must be shown on the invoice which the retailer receives from his supplier, as provided by (c) below.

*Example 1:* Suppose that R, the retailer, (mentioned in the examples above) wants to sell one of the dresses to an individual consumer. The price paid by R to his supplier Z, was \$14.75 per dozen.

R's ceiling price for the dress is figured by finding from Table II in section 4, the ceiling price which corresponds to a cost of \$14.75 per dozen. This price is \$1.80 per garment. (R could not legally have paid more than \$14.75 for these dresses since this was the amount listed on his purchase invoice: as the net purchase price paid for them by the person who made the first special sale. Therefore R may not use as his cost any price higher than \$14.75 per dozen, net.)

*Example 2:* If R had paid \$13.75 per dozen for the dresses, his ceiling price would be \$1.70 per dress, according to Table II.

(c) *Disclosure in special sales.* (1) The seller who makes the first special sale must attach to or mark on the bill or invoice which he gives pursuant to section 8 (b), a statement in substantially the following form and fill in the information appropriate to the particular sale:

The following garments have been sold at a special sale under section 5 of MPR 578: (Describe garments).

The net purchase price paid for these garments by the first special seller is ----- (per dozen or per garment as the case may be).

This amount is the ceiling price for any future sale of these garments except a sale at retail.

If you sell these garments at retail your ceiling price is found in Table II in section 4 of MPR 578. However, in no event may a retailer's cost exceed the net purchase price paid by the first special seller, as set forth above in this statement.

OPA requires that if you make a sale of these garments (except a sale at retail) you must attach to or mark on your invoice or bill a statement in substantially the same form as this one.

(2) Any seller who makes a sale (except a sale at retail) of garments which previously have been sold at a special sale must attach to or mark on the bill or invoice a statement in substantially the same form as set forth in (1) above.

**Sec. 6. Marking of garments—(a) What marking is required.** On and after March 5, 1945, no seller may sell, offer for sale or deliver any garment subject to this regulation unless it is marked with a label or ticket containing all of the following information:

(1) The letters "WPB-385" on each garment for which the fabric was obtained under WPB Order M-385 and the letters "WPB-328B" on each garment for which the fabric was obtained under WPB Order M-328B.

(2) The manufacturer's lot number or brand name for the garment. This must be a different name or number for each group of garments having a different manufacturer's ceiling price. "Style number" may be substituted for lot number if each group of garments having a different manufacturer's ceiling price carries a different style number.

(3) The OPA retail ceiling price for the garment.

(b) *Who must mark the garment.* The marking required by paragraph (a) must be placed on the garment by the manufacturer or manufacturing-retailer prior to delivery.

(1) *Garments sold directly to retailers.* If the manufacturer sells the garment directly to a retailer, he must:

(i) Calculate his own ceiling price for the garment,

(ii) Find his net ceiling price (after deducting all available discounts) in column 1 of Table II, (section 4), and

(iii) Find the retail ceiling price which appears in column 2 opposite the manufacturer's net ceiling price found in (ii), and

(iv) Mark the garment with the OPA retail ceiling price found in (iii).

*For example:* A manufacturer wishes to sell boys' undershorts directly to a retailer. He first calculates his ceiling price for these undershorts and finds that under section 2, his maximum price is \$2.50 per dozen, less 3/10 EOM. He deducts 3% from \$2.50 and finds his net ceiling price is \$2.42. Next he turns to Table II in section 4, and in column 1 of that table he finds his price of \$2.42. He finds in column 2 that the retail ceiling price which corresponds to his manufacturer's ceiling price is \$0.30 per undershort. He therefore marks \$0.30 as the retail ceiling price on the undershorts.

(2) *Garments sold to wholesalers.* If the manufacturer sells the garment to a wholesaler he must:

(i) Calculate his own ceiling price for the garments,

(ii) Find his net ceiling price (after deducting all available discounts) in column 1 of Table I (section 3),

(iii) Find the wholesale net ceiling price which appears in column 2 of Table I opposite the manufacturer's net ceiling price found in (ii),

(iv) Find in column 1 of Table II (section 4), the wholesaler's net ceiling price just found in (iii),

(v) Find the retail ceiling price which appears in column 2 of Table II opposite the wholesaler's net ceiling price found in (iv), and

(vi) Mark the garment with the retail ceiling price found in (v).

*For example:* The manufacturer in the above example wishes to sell some of these undershorts to a wholesaler. He finds that his ceiling price under section 2 for such a sale is \$2.50 per dozen less 10/10 EOM. Next he calculates his net ceiling price by deducting the 10% discount and finds that it is \$2.25 per dozen. Then he turns to Table I in section 3, and finds \$2.25 per dozen in column 1 of that table. The wholesaler's net ceiling price in column 2 opposite \$2.25 per dozen is \$2.75 per dozen net. Next he turns to Table II in section 4 and finds the wholesaler's net ceiling price of \$2.75 per dozen in column 1 of that table, and discovers that the retail ceiling price corresponding to \$2.75 per dozen is \$34 per undershort. He therefore marks \$34 as the retail ceiling price on each undershort.

(3) *Garments sold by manufacturing-retailers.* A manufacturing-retailer must mark garments which he sells or delivers to ultimate consumers with his ceiling price calculated under section 2.

(c) *Manner of marking.* The required marking must be attached to each garment by stitching, adhesive, pins or staples, or by some other method which attaches the ticket or label securely to the garment. The required markings may be in one or more parts, and may be accompanied by other information, but all portions must be clearly visible to the purchaser.

#### EXAMPLE OF MARKING

|  |
|--|
| <p>WPB-385<br/>Lot No. 903<br/>OPA Retail Ceiling—\$1.15</p> |
|--|

(d) *Calculation of cost of marking.* Under sections 2 (b) (3) and (4) manufacturers and manufacturing-retailers of garments in Groups III and IV may include in their direct cost, the cost of direct labor incurred in attaching the required labels. This cost should be calculated as follows:

(1) Add together the amounts paid for direct labor performed in attaching labels during the second week when such labor is performed on any garments covered by this regulation.

(2) Find the total number of dozens of garments covered by this regulation to which labels have been attached during that week.

(3) Divide the number of dozens of garments found in (2) into the total labor cost found in (1). The result is the direct labor cost per dozen of attaching labels.

In calculating his direct cost of garments under section 2 (b) (3) or (4) the manufacturer or manufacturing-retailer may use the amount found in (3) above as the direct labor cost of attaching labels to each dozen garments covered by this regulation. If the manufacturer or manufacturing-retailer changes his method of attaching labels he must recalculate his direct labor cost of attaching labels by using the steps found in (1), (2) and (3) above, for each change.

**SEC. 7. When taxes may be added.** If a statute or ordinance imposes a tax upon a particular sale or delivery (such as a sales tax, gross proceeds or gross receipts tax or compensating use tax) and permits such tax to be stated separately from the selling price, the seller may collect such tax in addition to the maximum price under this regulation, provided that he states the amount of the tax separately. However, this provision does not apply to any tax imposed on a prior sale or delivery of the same article.

**SEC. 8. Sales slips and invoices—(a) Sales slips.** Every person selling to ultimate consumers, who has customarily given to the ultimate consumer a sales slip, receipt or similar evidence of purchase shall continue to do so. Upon request from an ultimate consumer, such seller, regardless of previous custom, shall give the purchaser a receipt showing the date, name and address of the seller, the description of each garment sold and the price received for it.

(b) **Invoices.** Every seller shall, in connection with every sale of garments covered by this regulation to a person other than an ultimate consumer, deliver an invoice showing: (1) the date, (2) the name and address of the seller and purchaser, (3) the WPB Conservation Order pursuant to which the garment was produced, (4) the types of garments, (5) the fabric name and construction, in the detail indicated in the appendices of the fabric of which each type of garment is fabricated, (6) the lot number or brand name of each garment, (7) the quantity of each lot number or brand sold, (8) the ceiling price of the garment, (9) the price charged for each lot number or brand, and (10) all discounts, allowances and other price differentials.

The seller must preserve a duplicate copy of each invoice given by him pursuant to this paragraph.

**SEC. 9. Records.** All records required by this section must be preserved for inspection by the OPA for so long as the Emergency Price Control Act of 1942, as amended, remains in effect. Every manufacturer must keep a list of all lot numbers, brand names or style numbers of garments produced under this regulation. If the manufacturer uses these lot numbers, brand names or style numbers for garments produced from fabrics other than those obtained under WPB Orders M-385 and 328B, he must identify on this list by use of number, symbol or other means of identification the records which cover the garments produced from fabrics obtained under WPB Orders M-385 and M-328B. All entries on this list must be made at or before

the time the manufacturer begins producing the particular garment.

(a) **Records of manufacturers in Groups I and II.** Every manufacturer and manufacturing-retailer must keep, as to all garments in Groups I and II which he produced from materials obtained under WPB Orders M-385 and M-328B, the records required by sections 11 and 12 of the GMPR.

(b) **Cost records of manufacturers of garments in Group III.** Every manufacturer and manufacturing-retailer must keep, as to all garments in Group III which he produces from materials obtained under WPB Orders M-385 or M-328B, the records required in section 10 (c) and in Appendix C (section 21) of MPR 570.

(c) **Cost records of manufacturers of garments in Group IV.** Every manufacturer and manufacturing-retailer must keep, as to all garments in Group IV which he produces from materials obtained under WPB Orders M-385 or M-328B, the records required in section 17 (a), (b) and (c) and Appendix D (section 30) of RMPR 287.

(d) **Cost records of all wholesalers and retailers.** Every person who makes sales at wholesale or at retail must preserve for inspection by the OPA all bills and invoices received by him covering garments subject to this regulation.

(e) **Record of labor cost of labelling by manufacturers.** Every manufacturer and manufacturing-retailer must prepare and maintain for inspection by the OPA, a record showing (1) his direct labor cost for the attaching of labels required by section 6(d), during the second week that such labor operation is performed, and (2) the total number of garments to which labels are attached during that week.

**SEC. 10. Relation to other maximum price regulations—(a) Regulations superseded.** The coverage of this regulation is stated in section 1. Where this regulation applies, and except as provided in sections 2 and 9(a), (b) and (c), it supersedes the provisions of the following:

- (1) General Maximum Price Regulation.
- (2) Revised Maximum Price Regulation 287.
- (3) Revised Maximum Price Regulation 330.<sup>5</sup>
- (4) Maximum Price Regulation 332.
- (5) Maximum Price Regulation 570.

(b) **Contractors' services.** This regulation does not apply to charges for contractors' services. These are governed by Maximum Price Regulation 172 (Charges of Contractors in the Apparel Industry).<sup>6</sup>

(c) **Export sales.** This regulation does not apply to export sales or deliveries of garments listed in the appendices of this regulation. Such sales and deliveries are covered by the Second Revised Maximum Export Price Regulation.<sup>7</sup>

(d) **Import sales.** The provisions of this regulation do not apply to sales or deliveries made from points outside the

<sup>5</sup> 9 F.R. 11350; 10 F.R. 331.

<sup>6</sup> 7 F.R. 4882, 6684, 8351, 8948, 10864; 8 F.R. 8063.

<sup>7</sup> 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 5435, 5923, 7201.

48 states and the District of Columbia. (See the Maximum Import Price Regulation).<sup>8</sup> This regulation does, however, apply to domestic sales when the garments sold were originally imported.

**SEC. 11. What acts are prohibited.** On and after March 5, 1945, regardless of any contract or obligation no person shall:

(a) Sell or deliver any garment at a price higher than the ceiling price permitted by this regulation (sales and deliveries may, of course, be made at prices lower than ceiling prices); or

(b) Buy or receive, in the course of trade or business, any garment at a price higher than the ceiling price permitted by this regulation; or

(c) Sell, deliver, buy or receive any garment not marked as required under section 6, or detach or remove from any garment any label or ticket containing the marking required by section 6, except that this provision does not apply to ultimate consumers.

(d) Require a purchaser to buy or agree to buy any article, service, package or wrapper in connection with the sale or delivery of any garment covered by this regulation; or

(e) Do any other act which directly or indirectly increases above the ceiling price the consideration paid by the purchaser for any garment covered by this regulation. Any practice which is a device to secure the effect of a higher than ceiling price is as much a violation as an outright sale above the ceiling price. This applies to cross-stream or upstream sales, transportation arrangements, premiums, discounts, special privileges, tying-agreements, trade understandings and all similar practices.

(f) Offer, attempt or agree to do any of the acts prohibited by this regulation.

**SEC. 12. Definitions.** Unless the context otherwise requires, or unless specifically provided herein, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

**SEC. 13. Enforcement and licensing.—(a) Enforcement.** Any person who violates any provisions of this regulation is subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

(b) **Licensing.** The provisions of Licensing Order No. 1,<sup>9</sup> licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

**SEC. 14. Amendment.** Any person seeking an amendment, which must have general applicability, may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,<sup>10</sup> issued by the Office of Price Administration.

<sup>8</sup> 8 F.R. 11681, 12237; 9 F.R. 2350, 7504, 8062.

<sup>9</sup> 8 F.R. 13240.

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









APPENDIX B Continued  
Garments produced under WPB Order M-328B, Supplement VIII (Schedule A), issued October 31, 1944—Continued

| Commodity                       | Size                | Material                      | Overriding ceiling price (per dozen) |
|---------------------------------|---------------------|-------------------------------|--------------------------------------|
| <b>Group III—Continued</b>      |                     |                               |                                      |
| Pajamas: 1-piece                | 2 to 8              | Print cloth, 64 x 56, plissed | \$8.50                               |
| Nightgowns                      | 1 to 3              | Outing flannels               | 4.50                                 |
| Nightgowns                      | 2 to 8              | Outing flannels               | 7.50                                 |
| Nightgowns                      | 8 to 16             | Outing flannels               | 10.50                                |
| Slips: Toddlers                 | 1 to 3              | Lawn, 76 x 72                 | 3.75                                 |
| Slips: Girls' gertrude type     | 2 to 14             | Carded broadcloth, 80 x 60    | 6.75                                 |
| Slips: Girls' shoulder strap    | 10 to 16            | Lawn, 76 x 72                 | 9.75                                 |
| Panties: Girls'                 | 2 to 12             | Carded broadcloth, 100 x 60   | 3.75                                 |
| <b>Group IV</b>                 |                     |                               |                                      |
| Creepers, rompers, crawlers     | 6 months to 2 years | Carded poplin, 100 x 44       | 8.50                                 |
| Dresses: Infants'               | 0 to 1 year         | Carded broadcloth, 100 x 60   | 9.75                                 |
| Dresses: Toddlers'              | 1 to 3              | Lawn, 90 x 100                | 10.50                                |
| Dresses: Children's             | 3 to 6x             | Carded broadcloth, 100 x 60   | 10.50                                |
| Blouses: Girls'                 | 1 to 6              | Carded broadcloth, 100 x 60   | 8.50                                 |
| Blouses: Girls'                 | 7 to 14             | Carded broadcloth, 80 x 60    | 9.75                                 |
| Playsuits: overalls, coversalls | 1 to 4              | Carded broadcloth, 100 x 60   | 9.00                                 |
| Playsuits: overalls, coversalls | 2 to 6x             | Print cloth, 64 x 56, plissed | 10.50                                |
| Dresses: Girls'                 | 7 to 14             | Print cloth, 64 x 56, plissed | 15.75                                |

APPENDIX C  
Garments produced under WPB Order M-385, Supplement II (Schedule I) as Amended, issued February 9, 1945

| Commodity          | Size      | Material   | Overriding ceiling price (per dozen) |
|--------------------|-----------|--|--------------------------------------|
| <b>Group I</b>     |           |  |                                      |
| Undershorts: Men's | 28 to 44  | Print cloth, 62 to 65, any pick, all widths and weights, plain and fancy | \$4.00                               |
| Undershorts: Men's | 46 and up | Print cloth, 62 to 65, any pick, all widths and weights, plain and fancy | 4.75                                 |
| Undershorts: Men's | 46 and up | Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy     | 5.50                                 |
| Undershorts: Men's | 46 and up | Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy     | 6.25                                 |

APPENDIX A Continued  
Garments produced under WPB Order M-385, Supplement II (Schedule I) issued July 27, 1944—Con.

| Commodity                       | Size    | Material  | Overriding ceiling price (per dozen) |
|---------------------------------|---------|---|--------------------------------------|
| <b>Group IV—Continued</b>       |         |   |                                      |
| Playsuits, overalls, coversalls | 1 to 4  | Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy | \$12.00                              |
| Playsuits, overalls, coversalls | 2 to 6x | Print cloth, 64 x 56, plissed   | 10.50                                |
|                                 |         | Print cloth, 64 x 56, plissed   | 12.00                                |
|                                 |         | Print cloth, 64 x 56, plissed   | 13.50                                |

APPENDIX B  
Garments produced under WPB Order M-328B, Supplement VIII (Schedule A), issued October 31, 1944

| Commodity                                   | Size         | Material                      | Overriding ceiling price (per dozen) |
|---|--------------|-------------------------------|--------------------------------------|
| <b>Group I</b>                              |              |                               |                                      |
| Wash Suits: Boys', Toddlers'                | 1 to 4       | Carded poplin, 100 x 44       | \$10.50                              |
| Wash Suits: Boys'                           | 2 to 6x      | Print cloth, 68 x 64          | 10.50                                |
| Pants: Boys' (short)                        | 4 to 10      | Print cloth, 68 x 64          | 12.00                                |
| Pants: Boys' (long or knickers)             | 4 to 18      | Print cloth, 68 x 64          | 16.50                                |
| Undershorts: Boys'                          | 6 to 16      | Print cloth, 64 x 56, plissed | 3.25                                 |
| Nightgowns                                  | Infants'     | Print cloth, 64 x 56, plissed | 4.50                                 |
| Kimonos                                     | Infants'     | Print cloth, 64 x 56, plissed | 4.50                                 |
| Gettrudes                                   | Infants'     | Print cloth, 64 x 56, plissed | 4.50                                 |
| <b>Group II</b>                             |              |                               |                                      |
| Shirts: Boys' neckband type                 | 11 to 14 1/2 | Carded broadcloth, 100 x 60   | 10.50                                |
| Shirts and Blouses: Boys'                   | 3 to 10      | Print cloth, 68 x 64          | 8.50                                 |
| <b>Group III</b>                            |              |                               |                                      |
| Pajamas: 2-piece button on                  | 1 to 4       | Print cloth, 64 x 56, plissed | 10.50                                |
| Pajamas: 2-piece button on with extra pants | 1 to 4       | Print cloth, 64 x 56, plissed | 10.50                                |
| Pajamas: 1-piece without feet               | 2 to 8       | Print cloth, 64 x 56, plissed | 8.50                                 |
| Pajamas: 2-piece jacket type                | to 8         | Print cloth, 64 x 56, plissed | 10.50                                |
| Pajamas: 2-piece jacket type                | 8 to 16      | Print cloth, 64 x 56, plissed | 12.00                                |



APPENDIX C—Continued  
 Garments produced under WPB Order M-383, Supplement II (Schedule I) as Amended, issued February 9, 1945—Continued

| Commodity                                       | Size            | Material  | Overriding ceiling price (per dozen) |
|---|-----------------|---|--------------------------------------|
| <b>Group III—Continued</b>                      |                 |   |                                      |
| Nightgowns...                                   | 1 to 3          | 76/72 lawns<br>Outing flannel, 3.75 yards per pound and lighter.<br>Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish.<br>Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish.<br>96/100 lawns, all weights.<br>Soft-filled sheeting, 3.25 yards per pound and lighter<br>Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy.<br>Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.<br>72/56 lawns, all weights<br>Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, and fancy.<br>Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy.<br>96/100 lawns, all weights.<br>76/72 lawns   | \$5.25                               |
| Slips: Girls', girl-runder-type                 | 2 to 14         | 96/100 lawns, all weights.<br>Soft-filled sheeting, 3.25 yards per pound and lighter<br>Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy.<br>Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.<br>72/56 lawns, all weights<br>Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, and fancy.<br>Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy.<br>96/100 lawns, all weights.<br>76/72 lawns   | 6.00                                 |
| Slips: Girls', shoulder strap                   | 10 to 16        | Carded broadcloth, 80 sley and less, any pick, plain, slub, and fancy.<br>Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.<br>96/100 lawns, all weights.<br>88/80 lawns   | 4.50                                 |
| Panties: Girls'                                 | 2 to 12         | Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy.<br>72/56 lawns, all weights.<br>Print cloths, sley of 66 to 78, any pick, all widths and weights, plisse crepe finish.<br>Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.<br>76/72 lawns.<br>Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.<br>96/100 lawns, all weights.<br>Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish.<br>88/80 lawns, all weights.   | 3.00                                 |
| Pajamas: Button on, two piece.                  | 1 to 4          | Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish.<br>Outing flannel—3.75 yards per pound and lighter<br>Soft-filled sheeting, 3.25 yards per pound and lighter<br>Outing flannel—3.75 yards per pound and lighter<br>Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish.<br>Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.<br>76/72 lawns.<br>Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.<br>96/100 lawns, all weights.<br>Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish.<br>88/80 lawns, all weights.  | 10.50                                |
| Pajamas: Button on, two piece with feet.        | 1 to 4          | Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish.<br>Outing flannel—3.75 yards per pound and lighter<br>Soft-filled sheeting, 3.25 yards per pound and lighter<br>Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish.   | 10.50                                |
| Pajamas: Two piece, button on with extra pants. | 1 to 4          | Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish.<br>Outing flannel, 3.75 yards per pound and lighter.<br>Soft-filled sheeting, 3.25 yards per pound and lighter.<br>Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish.<br>Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.<br>76/72 lawns.<br>Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.<br>96/100 lawns, all weights.<br>Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish.<br>88/80 lawns, all weights.  | 12.00                                |
| Pajamas: One piece without feet.                | 2 to 8          | Outing flannel, 3.75 yards per pound and lighter.<br>Soft-filled sheeting, 3.25 yards per pound and lighter.<br>Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish.<br>Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.<br>76/72 lawns.<br>Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.<br>96/100 lawns, all weights.<br>Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish.<br>88/80 lawns, all weights.  | 10.50                                |
| Slips: Women's                                  | 38-44           | Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy.<br>Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish.<br>Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy.<br>Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.<br>76/72 lawns.<br>Carded broadcloth, more than 80 but not more than 100 sley, any pick, all widths weights.<br>Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy.<br>Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.<br>96/100 lawns, all weights.<br>Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish.<br>76/72 lawns.<br>Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.   | 6.75                                 |
| Slips: Women's                                  | to and up       | Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy.<br>Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.<br>96/100 lawns, all weights.<br>Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish.<br>88/80 lawns, all weights.<br>Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy.<br>96/100 lawns, all weights.<br>76/72 lawns  | 8.50                                 |
| Slips: Women's—Con                              | 46 and up       | Print cloth, sley of 66 to 78, any pick, all widths and weights, plain and fancy.<br>Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub, and fancy.<br>Outing flannel—3.75 yards per pound and lighter.<br>Soft-filled sheetings, lighter than 3.25 yard<br>76/72 lawns.<br>Outing flannel—3.75 yards per pound and lighter.<br>96/100 lawns, all weights.<br>Soft-filled sheetings, lighter than 3.25 yard.<br>76/72 lawns  | \$9.75                               |
| Pajamas: Women's                                | 32-40           | Print cloths, sley of 66 to 78, any pick, all widths and weights, plisse crepe finish.<br>Outing flannel—3.75 yards per pound and lighter<br>Soft-filled sheetings, lighter than 3.25 yard.<br>76/72 lawns, all weights.<br>Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish.<br>96/100 lawns, all weights.<br>Soft-filled sheetings, lighter than 3.25 yard.<br>76/72 lawns   | 16.50                                |
| Nightgowns: Women's                             | 32-40           | Outing flannel—3.75 yards per pound and lighter.<br>96/100 lawns, all weights.<br>Soft-filled sheetings, lighter than 3.25 yard.<br>76/72 lawns   | 18.75                                |
| Nightgowns: Women's                             | 42 and up       | Outing flannel—3.75 yards per pound and lighter.<br>96/100 lawns, all weights.<br>Soft-filled sheetings, lighter than 3.25 yard.<br>76/72 lawns   | 16.50                                |
| Nightgowns                                      | 2 to 8          | Outing flannel—3.75 yards per pound and lighter.<br>96/100 lawns, all weights.<br>Soft-filled sheetings, lighter than 3.25 yard.<br>Print cloth, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish.<br>88/80 lawns, all weights.<br>Print cloth, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish.<br>Soft-filled sheetings, lighter than 3.25 yard.<br>Outing flannel, 3.75 yards per pound and lighter<br>76/72 lawns.<br>Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish.<br>96/100 lawns, all weights.<br>Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish.<br>Soft-filled sheeting, 3.25 yards per pound and lighter.<br>Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.<br>72/56 lawns, all weights.<br>Carded broadcloth, more than 80, but not more than 100 sley, any pick, plain, slub, and fancy.<br>96/100 lawns, all weights.<br>88/80 lawns, all weights.<br>76/72 lawns.   | 6.50                                 |
| Nightgowns                                      | 8 to 16         | Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish.<br>96/100 lawns, all weights.<br>Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish.<br>Soft-filled sheeting, 3.25 yards per pound and lighter.<br>Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.<br>72/56 lawns, all weights.<br>Carded broadcloth, more than 80, but not more than 100 sley, any pick, plain, slub, and fancy.<br>96/100 lawns, all weights.<br>88/80 lawns, all weights.<br>76/72 lawns.  | 8.50                                 |
| Slips: Toddlers                                 | 1 to 3          | Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish.<br>96/100 lawns, all weights.<br>Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish.<br>Soft-filled sheeting, 3.25 yards per pound and lighter.<br>Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.<br>72/56 lawns, all weights.<br>Carded broadcloth, more than 80, but not more than 100 sley, any pick, plain, slub, and fancy.<br>96/100 lawns, all weights.<br>88/80 lawns, all weights.<br>76/72 lawns.  | 10.50                                |
| Dresses: Misses' and Women's                    | 12-14           | Cotton and spun rayon mixtures containing less than 25% by weight of rayon, and weighing less than 3.00 square yards per pound.<br>Carded kingham, average yarn heavier than 35's.<br>Cotton and spun rayon mixtures containing less than 25% by weight of rayon and weighing less than 3.00 square yards per pound.<br>Carded kingham, average yarn heavier than 35's.<br>Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy.<br>Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.<br>Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish.<br>Print cloths, sley of 66 to 78, any pick all widths and weights, plain and fancy.<br>Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish.<br>Carded poplins, plain and slub (all counts) print cloth, warp yarns.<br>Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.<br>Carded chambray, lighter than 3.90 yard is per pound.<br>Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.<br>76/72 lawns, all weights.<br>72/56 lawns, all weights. | 24.00                                |
| Dresses: Women's                                | 46 and up       | Cotton and spun rayon mixtures containing less than 25% by weight of rayon, and weighing less than 3.00 square yards per pound.<br>Carded kingham, average yarn heavier than 35's.<br>Cotton and spun rayon mixtures containing less than 25% by weight of rayon and weighing less than 3.00 square yards per pound.<br>Carded kingham, average yarn heavier than 35's.<br>Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy.<br>Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.<br>Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish.<br>Print cloths, sley of 66 to 78, any pick all widths and weights, plain and fancy.<br>Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish.<br>Carded poplins, plain and slub (all counts) print cloth, warp yarns.<br>Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.<br>Carded chambray, lighter than 3.90 yard is per pound.<br>Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.<br>76/72 lawns, all weights.<br>72/56 lawns, all weights. | 27.00                                |
| Creepers, rompers                               | 6 mos. to 2 yrs | Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish.<br>Soft-filled sheeting, 3.25 yards per pound and lighter.<br>Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy.<br>Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.<br>76/72 lawns.<br>Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.<br>96/100 lawns, all weights.<br>88/80 lawns, all weights.<br>76/72 lawns.   | 8.50                                 |
| Dresses: Infants                                | 0 to 1 year     | Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish.<br>Soft-filled sheeting, 3.25 yards per pound and lighter.<br>Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy.<br>Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.<br>76/72 lawns.<br>Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.<br>96/100 lawns, all weights.<br>88/80 lawns, all weights.<br>76/72 lawns.   | 10.50                                |



APPENDIX D

Garments produced under WPB Order M-965, Supplement III (Schedule II), issued February 9, 1945

(a) Garments covered by this appendix.

| Commodity                                    | Size             | Over-riding ceiling price (per dozen) |
|--|------------------|---------------------------------------|
| <i>Group I</i>                               |                  |                                       |
| Shorts: Men's                                |                  | \$8.50                                |
| Nightgowns: Infants'                         |                  | 10.50                                 |
| Kimonos: Infants'                            |                  | 10.50                                 |
| Gertrudes: Infants'                          |                  | 10.50                                 |
| Wash Suits: Boys', toddlers'                 | 1-4              | 18.00                                 |
| Wash Suits: Boys' juvenile                   | 2-6x             | 18.00                                 |
| Pants: Boys', short                          | 4-10             | 18.00                                 |
| Pants: Boys', long                           | 4-12             | 24.00                                 |
| Shorts: Boys'                                | 6-16             | 6.00                                  |
| Handkerchiefs: Men's                         |                  | 2.25                                  |
| Handkerchiefs: Ladies'                       |                  | 1.75                                  |
| <i>Group II</i>                              |                  |                                       |
| Shirts: Men's sport, short sleeve only       |                  | 21.00                                 |
| Shirts: Men's, dress only                    |                  | 24.00                                 |
| Shirts: Boys', dress only, neck size         | 11-14½           | 18.00                                 |
| Shirts: Boys', sport, long sleeve, neck size | 11-14½           | 18.00                                 |
| Shirts: Boys', sport, short sleeve only      | 11-14½           | 16.50                                 |
| <i>Group III</i>                             |                  |                                       |
| Nightgowns: Misses' and women's              |                  | 22.50                                 |
| Pajamas: Children's                          | 1 to 4           | 18.00                                 |
| Pajamas: Children's                          | 2 to 8           | 18.00                                 |
| Pajamas: Children's                          | 8 to 16          | 18.00                                 |
| Nightgowns: Children's                       | 1 to 3           | 12.00                                 |
| Nightgowns: Children's                       | 2 to 8           | 12.00                                 |
| Nightgowns: Children's                       | 8 to 16          | 18.00                                 |
| Slips: Toddlers'                             | 1 to 3           | 10.50                                 |
| Slips: Girls', gertrude type                 | 2 to 14          | 12.00                                 |
| Slips: Girls'                                | 10 to 16         | 15.75                                 |
| Panties: Girls'                              | 2 to 12          | 6.00                                  |
| <i>Group IV</i>                              |                  |                                       |
| Dresses: Teens and juniors                   |                  | 36.00                                 |
| Dresses: Misses' and women's                 |                  | 45.00                                 |
| Blouses: Misses and women's                  |                  | 18.00                                 |
| Creepers and rompers                         | 6 mos. to 2 yrs. | 15.75                                 |
| Dresses: Infants'                            |                  | 18.00                                 |
| Dresses: Toddlers'                           | 1 to 3           | 18.00                                 |
| Dresses: Children's                          | 3 to 6x          | 18.00                                 |
| Dresses: Girls'                              | 7 to 14          | 22.50                                 |
| Blouses: Girls'                              | 1 to 6           | 15.70                                 |
| Blouses: Girls'                              | 7 to 14          | 18.00                                 |
| Overalls and coveralls                       | 1 to 4           | 18.00                                 |
| Overalls and coveralls                       | 2 to 6x          | 18.00                                 |
| Children's sun suits                         |                  | 12.00                                 |
| Overalls, Crawler type                       | 6 mos. to 2 yrs. | 15.75                                 |

(b) Fabrics used in garments covered by this appendix.

Lawns and organdy, combed and part combed lawns, other than 96 x 100, 88 x 80, 76 x 72, and 72 x 56 construction.

Lawns and organdy, all carded.

Combed twills, all types including Army and Navy construction.

Combed poplin.

Combed broadcloth, over 136 sley.

Oxfords.

Shirting jacquard, gray-dobby, colored yarn (combed).

Gabardines, combed.

Fiques (combed and fine carded).

Pongees.

Voiles.

Combed and carded cotton-yarn fabrics, chiefly cotton, except cotton and spun rayons containing less than 25% by weight of rayon, and weighing less than 3.00 square yards per pound.

Medium sheeting (Class C).

Window shade quality Print Cloth.

Plain print cloth, 80 sley and higher, all widths and weights, any pick, plain or fancy.

Colored yarn suitings, all cotton; cotton and rayon including checks and plaids.

Carded four-leaf twill fabrics, all types, including herringbones and Army and Navy construction.

Carded poplins (sheeting yarns).  
Pajama checks.  
Carded gabardines.  
Sateens, combed and part combed.  
Tracing cloth.  
Seersucker, woven stripe.  
Fancy handkerchief fabrics (for handkerchiefs only).

APPENDIX E—ADJUSTMENT OF MARGINS

Under section 2 (b) (4) maximum margins are provided for manufacturers of garments in Group IV who sell at discounts of 8% or more. Manufacturers who sell at discounts lower than 8% must use a lower maximum margin to arrive at the same net ceiling price. The following table sets forth the adjusted margins which must be used with lower discount terms.

In column 1 are listed selling terms from net to 8% discount; in columns 2, 3, 4, 5 and 6 are listed the percentage margins which may be used by manufacturers who offer these terms. To find his maximum margin when he uses terms other than 8% or higher discount, a manufacturer must first find in section 2 (b) (4) the maximum margin for the particular garment at 8% discount. Next he finds which column (2, 3, 4, 5 or 6) has that maximum margin as its first figure (that is, the top figure in the column). He runs down that column until he finds the margin which corresponds to the terms at which he proposes to sell, as listed in column 1.

For example, a manufacturer of toddlers' dresses wishes to sell at a 3% discount. He finds that the maximum margin listed for toddlers' dresses in section 2 (b) (4) is 34% if 8% terms are offered. He will then find column 4 has 34% as the first figure. He runs down column 4 and finds that his margin for sales at a 3% discount is 30.4%.

TABLE OF MARGIN ADJUSTMENTS

| (1)<br>Terms | (2)<br>Mar-<br>gins | (3)<br>Mar-<br>gins | (4)<br>Mar-<br>gins | (5)<br>Mar-<br>gins | (6)<br>Mar-<br>gins |
|--------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Percent      | Percent             | Percent             | Percent             | Percent             | Percent             |
| 8            | 32                  | 32.5                | 34                  | 35                  | 37                  |
| 7            | 31.3                | 31.8                | 33.3                | 34.3                | 36.8                |
| 6            | 30.5                | 31.0                | 32.6                | 33.6                | 35.6                |
| 5            | 29.8                | 30.3                | 31.8                | 32.9                | 34.9                |
| 4            | 29.0                | 29.6                | 31.1                | 32.2                | 34.3                |
| 3            | 28.3                | 28.8                | 30.4                | 31.5                | 33.6                |
| 2            | 27.6                | 28.1                | 29.7                | 30.8                | 32.9                |
| 1            | 26.8                | 27.4                | 29.0                | 30.1                | 32.2                |
| Net          | 26.1                | 26.6                | 28.3                | 29.3                | 31.5                |

Effective date. This regulation shall become effective March 5, 1945.

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

Issued this 27th day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-3207; Filed, Feb. 27, 1945; 4:28 p. m.]

PART 1358—TOBACCOS

[MPR 500, Amdt. 5]

BURLEY TOBACCO (TYPE NO. 31) OF THE 1943 AND 1944 CROPS

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

<sup>1</sup> 8 F.R. 16524; <sup>9</sup> F.R. 8146, 14494; <sup>10</sup> F.R. 860.

Maximum Price Regulation No. 500 is amended in the following respect:

1. Section 2 (d) is amended by adding the following paragraph:

The provisions of the preceding paragraph shall not apply to tobacco which was purchased on the warehouse floor and mixed with other tobacco on or before January 20, 1945. Before the resale on a warehouse floor of tobacco purchased and mixed with other tobacco before January 20, 1945, the seller shall certify to the warehouseman in writing that the tobacco was purchased on the warehouse floor by him before January 20, 1945 and the warehouseman shall announce immediately before the resale that the tobacco was purchased on the warehouse floor before January 20, 1945 in addition to the announcement required by section 2 (b).

This amendment shall become effective February 27, 1945.

Issued this 27th day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-3209; Filed, Feb. 27, 1945; 4:27 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 355, Amdt. 23]

RETAIL CEILING PRICES FOR BEEF, VEAL, LAMB AND MUTTON CUTS AND ALL VARIETY MEATS AND EDIBLE BY-PRODUCTS

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

Maximum Price Regulation No. 355 is amended in the following respects:

1. Paragraph (f) of section 2 is amended to read as follows:

(f) Effective March 5, 1945, this regulation requires that the year 1944 be used as the basis for figuring your "annual gross sales" instead of the year 1943. If you find that as a result of that change your store is in a group different from the one it was in before, you must, on and after March 29, 1945, use the ceiling prices fixed for the group in which you are now classified.

2. Paragraph (a) of section 13 is amended by changing the figures "1943" appearing in both the first and third sentences to read "1944".

3. The first sentence of paragraph (b) of section 13 is amended to read as follows:

(b) If you were in business during only part of the year 1944, you must divide your total sales from the time you began operation up to March 5, 1945, by the number of weeks you were in business.

4. Section 15 is amended to read as follows:

SEC. 15. How to find your annual gross sales if you are a new retailer. If you open a retail store after January 1,

<sup>1</sup> 9 F.R. 5504, 8794, 10585, 12128, 13636. <sup>10</sup> F.R. 846, 2017.



1945, which is not a chain store, you must consider yourself a "Group 1 and 2" retailer and figure your ceiling prices accordingly. But after you have been in operation for three months you must determine again what group your store is in. To do this, take your gross sales for the 3-month period and multiply by 4. If you own four or more stores which have been in operation for this 3-month period, you must take your gross sales for each of these stores for the 3-month period and multiply by 4. Use the result as your "annual gross sales" in order to find in what group your store or stores belong. If you then find that your store or stores no longer fall in "Group 1 and 2", but in "Group 3 and 4", you must take the ceiling prices for "Group 3 and 4" stores for the applicable zone or zones.

5. Paragraphs (b) and (c) of section 18 are amended to read as follows:

(b) Your application must be filed in duplicate with your nearest District OPA office on a form which you may get from that office. You may combine on one form the applications of more than one of your stores. If your application is finally approved OPA will tell you when to begin using the ceiling prices for "Group 1 and 2" stores, and from such time on you shall post a sign in your store designating it as a "Group 1 and 2" store.

(c) If you met the requirements of paragraph (a) hereof, and filed an application under this section or section 16 of MPR 336 prior to June 24, 1944, and have not received notice that your application has been denied, your application is deemed to have been granted, you need not file another application, you may continue to use the ceiling prices for "Group 1 and 2" stores, and you must keep a "Group 1 and 2" sign posted. If your application has been denied, however, you are not eligible for adjustment under this section.

This amendment shall become effective March 5, 1945.

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

Issued this 27th day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-3210; Filed, Feb. 27, 1945;  
4:28 p. m.]

PART 1388—DEFENSE-RENTAL AREAS  
[Housing, Amdt. 48]

HOUSING

The Rent Regulation for Housing is amended in the following respects:

1. Section 1 (b) (2) is amended to read as follows:

(2) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to

whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

2. The second paragraph of section 4 (e) is amended to read as follows:

If the landlord fails to file a proper registration statement within the time specified (except where a registration statement was filed prior to October 1, 1943), the rent received for any rental period commencing on or after the date of the first renting or October 1, 1943, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under section 5 (c) (1). Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order. If the Administrator finds that the landlord was not at fault in failing to file a proper registration statement within the time specified, the order under section 5 (c) (1) may relieve the landlord of the duty to refund. Where a proper registration statement was filed before March 1, 1945, the landlord shall have the duty to refund only if the order under section 5 (c) (1) is issued in a proceeding commenced by the Administrator before September 1, 1945. Where a proper registration statement is filed on or after March 1, 1945, the landlord shall have the duty to refund only if the order under section 5 (c) (1) is issued in a proceeding commenced by the Administrator within three months after the date of filing of such registration statement. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to file the registration statement required by section 7.

3. The second paragraph of section 4 (j) is amended to read as follows:

Within 30 days after the accommodations are first rented fully furnished, the landlord shall register the accommodations as provided in section 7. If the landlord fails to file a proper registration statement within the time specified, the rent received from the time of such first renting shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under section 5 (c) (1). Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order. If the Administrator finds that the landlord was not at fault in failing to file a proper registration statement within the time specified, the order under section 5 (c) (1) may relieve the landlord of the duty to refund. Where a proper registration statement was filed before March 1, 1945, the landlord shall have the duty to refund only if the order under section 5 (c) (1) is issued in a proceeding commenced by the Administrator before September 1, 1945. Where a proper registration statement is filed on or after March 1, 1945, the landlord shall have the duty to refund only if the order under section 5 (c) (1) is issued in a proceeding commenced by the Administrator within three months after the date

of filing of such registration statement. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to file the registration statement required by section 7.

4. Section 5 (a) (12) (v) is amended to read as follows:

(v) "Current year" means the most recent calendar or fiscal year used by the landlord or the twelve calendar months immediately prior to the filing of the petition for adjustment: *Provided*, That it shall begin on or after the maximum rent date: *And provided, further*, That it shall be the twelve calendar months immediately prior to the filing of the petition where the most recent calendar or fiscal year would begin prior to the effective date of regulation.

5. Section 5 (b) (3) is amended to read as follows:

(3) *Adjustment in maximum rent for decreases.* The order on any petition under this paragraph (b) may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph (b) may be decreased in accordance with the provisions of section 5 (c) (3).

If the landlord fails to file the petition or report required by this paragraph (b) within the time specified, or decreases the services, furniture, furnishings, or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or the effective date of regulation (or December 1, 1942 where the effective date of regulation is prior to that date), whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, or equipment. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order. If the Administrator finds that the landlord was not at fault in failing to comply with this paragraph (b), the order may relieve the landlord of the duty to refund. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph (b).

6. Section 6 (a) (1) is amended to read as follows:

(1) *Tenant's refusal to renew lease.* The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year, for a rent not in excess of the maximum rent, but otherwise on the same terms and conditions as the previous lease or agreement, except insofar as such terms and conditions are inconsistent with this regulation; or

7. The third paragraph of section 6 (b) (2) (i) is amended to read as follows:

<sup>19</sup> F.R. 11335, 11541, 11610, 11797, 12414, 12866, 12967, 14060, 14357, 15060, 14987, 15155; 10 F.R. 48, 160, 330, 1452.

Any payments of principal made from funds borrowed for the purpose of making such payments shall be excluded in determining whether twenty per cent of the purchase price has been paid, unless the Administrator finds that the inclusion of such payments is consistent with the purposes of this paragraph (b) (2) and would not be likely to result in the circumvention or evasion thereof.

This amendment shall become effective March 1, 1945.

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

Issued this 28th day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-3263; Filed, Feb. 28, 1945; 11:50 a. m.]

PART 1388—DEFENSE RENTAL AREAS

[Housing,<sup>1</sup> Amdt. 49]

HOUSING

Schedule A of the Rent Regulation for Housing is amended in the following respects:

1. Item 192 is revoked to add the counties in the Alamogordo Defense-Rental Area to the Roswell Defense-Rental Area and to the Carlsbad Defense-Rental Area.

2. Item 206 is revoked to add the county of St. Lawrence in the St. Lawrence County Defense-Rental Area to the Watertown Defense-Rental Area.

3. Items 197, 212, 299 and 369 are amended and 10b, 97a, 97b, 98a, 115a, 115b, 121a, 123b, 125a, 157a, 168a, 175a 193b, 221c, 221d, 223a, 309a, 333a and 356b are added to read as follows:

| Defense-rental area     | State          | County or counties in defense-rental area under rent regulation for housing   | Maximum rent date | Effective date of regulation | Date by which registration statement to be filed (inclusive) |
|-------------------------|----------------|---|-------------------|------------------------------|--|
| (10b) Tuscaloosa        | Alabama        | Tuscaloosa  | Nov. 1, 1943      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (97a) Mt. Vernon, Ind.  | Indiana        | Posey   | Oct. 1, 1943      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (97b) Princeton, Ind.   | Indiana        | Gibson  | Jan. 1, 1944      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (98a) Valparaiso        | Indiana        | Porter  | July 1, 1943      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (115a) Concordia        | Kansas         | Cloud   | Oct. 1, 1943      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (115b) Council Grove    | Kansas         | Morris  | July 1, 1943      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (121a) Stafford County  | Kansas         | Stafford  | Jan. 1, 1944      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (123b) Bowling Green    | Kentucky       | Warren  | Mar. 1, 1944      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (125a) Mayfield         | Kentucky       | Graves  | May 1, 1943       | Mar. 1, 1945                 | Apr. 15, 1945  |
| (157a) Traverse City    | Michigan       | Grand Traverse  | Jan. 1, 1944      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (168a) Vicksburg, Miss. | Mississippi    | Warren  | Dec. 1, 1943      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (175a) Billings         | Montana        | Yellowstone   | July 1, 1944      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (193b) Carlsbad         | New Mexico     | Eddy  | Mar. 1, 1942      | Oct. 1, 1942                 | Nov. 15, 1942  |
|                         |                | Lea   | Mar. 1, 1942      | Nov. 1, 1942                 | Dec. 15, 1942  |
|                         |                | Chaves  | Mar. 1, 1942      | Oct. 1, 1942                 | Nov. 15, 1942  |
|                         |                | Otero   | Mar. 1, 1942      | Dec. 1, 1942                 | Jan. 15, 1943  |
| (197) Roswell           | New Mexico     | Jefferson, and St. Lawrence   | Apr. 1, 1941      | July 1, 1942                 | Aug. 15, 1942  |
| (212) Watertown         | New York       | Washington  | Jan. 1, 1944      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (221c) Plymouth         | North Carolina | Wake  | Mar. 1, 1944      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (221d) Raleigh          | North Carolina | Wake  | Mar. 1, 1944      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (223a) Winston-Salem    | North Carolina | Forsyth   | Mar. 1, 1944      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (299) Amarillo          | Texas          | Potter, and Randall   | Mar. 1, 1942      | Aug. 1, 1942                 | Sept. 15, 1942   |
| (309a) Dalhart          | Texas          | Dallam, Hansford, Hartley, Moore, and Sherman   | Mar. 1, 1942      | Sept. 1, 1942                | Oct. 16, 1942  |
| (333a) Mineola          | Texas          | Wood County and that portion of the City of Winnsboro in Franklin County  | Oct. 1, 1943      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (364b) Logan            | West Virginia  | Logan   | Oct. 1, 1943      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (369) Cheyenne          | Wyoming        | That part of Laramie County, consisting of Townships 13 and 14 in Ranges 66 and 67 west of the 6th Principal Meridian including the City of Cheyenne. | Mar. 1, 1942      | Oct. 1, 1942                 | Nov. 15, 1942  |

This amendment shall become effective March 1, 1945.

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

Issued this 28th day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-3264; Filed, Feb. 28, 1945; 11:47 a. m.]

<sup>1</sup> 9 F.R. 11335, 11541, 11610, 11797, 12414, 12866, 12967, 14060, 14357, 15060, 14987, 15155; 10 F.R. 48, 160, 330, 1102, 1452.

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Atlantic County Area,<sup>2</sup> Amdt. 10]

HOUSING IN ATLANTIC COUNTY AREA

The Rent Regulation for Housing in the Atlantic County Defense-Rental Area is amended in the following respects:

1. Section 1 (b) (2) is amended to read as follows:

(2) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to

<sup>2</sup> 9 F.R. 6819, 8054, 10189, 10634, 11349, 12415, 14987; 10 F.R. 330, 1446, 1911, 1973.

whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

2. The second paragraph of section 4 (e) is amended to read as follows:

If the landlord fails to file a proper registration statement within the time specified, the rent received for any rental period commencing on or after the date of the first renting shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under section 5 (c) (1). Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order. If the Administrator finds that the landlord was not at fault in failing to file a proper registration statement within the time specified, the order under section 5 (c) (1) may relieve the landlord of the duty to refund. Where a proper registration statement was filed before March 1, 1945, the landlord shall have the duty to refund only if the order under section 5 (c) (1) is issued in a proceeding commenced by the Administrator before September 1, 1945. Where a proper registration statement is filed on or after March 1, 1945, the landlord shall have the duty to refund only if the order under section 5 (c) (1) is issued in a proceeding commenced by the Administrator within three months after the date of filing of such registration statement. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to file the registration statement required by section 7.

3. The second paragraph of section 4 (i) is amended to read as follows:

Within 30 days after the accommodations are first rented fully furnished, the landlord shall register the accommodations as provided in section 7. If the landlord fails to file a proper registration statement within the time specified, the rent received from the time of such first renting shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under section 5 (c) (1). Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order. If the Administrator finds that the landlord was not at fault in failing to file a proper registration statement within the time specified, the order under section 5 (c) (1) may relieve the landlord of the duty to refund. Where a proper registration statement was filed before March 1, 1945, the landlord shall have the duty to refund only if the order under section 5 (c) (1) is issued in a proceeding commenced by the Administrator before September 1, 1945. Where a proper registration statement is filed on or after March 1, 1945, the landlord shall have the duty to refund only if the order under section 5 (c) (1) is issued in a proceeding commenced by the Administrator within three months after the date of filing of such registration statement. The foregoing provisions and any refund thereunder do not affect any civil or

criminal liability provided by the Act for failure to file the registration statement required by section 7.

4. Section 5 (a) (12) (v) is amended to read as follows:

(v) "Current year" means the most recent calendar or fiscal year used by the landlord or the twelve calendar months immediately prior to the filing of the petition for adjustment: *Provided*, That it shall begin on or after the maximum rent date: *And provided further*, That it shall be the twelve calendar months immediately prior to the filing of the petition where the most recent calendar or fiscal year would begin prior to the effective date of regulation.

5. Section 5 (b) (3) is amended to read as follows:

(3) *Adjustment in maximum rent for decreases*. The order on any petition under this paragraph (b) may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph (b) may be decreased in accordance with the provisions of section 5 (c) (3).

If the landlord fails to file the petition or report required by this paragraph (b) within the time specified, or decreases the services, furniture, furnishings, or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or the effective date of regulation, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, or equipment. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order. If the Administrator finds that the landlord was not at fault in failing to comply with this paragraph (b), the order may relieve the landlord of the duty to refund. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph (b).

6. Section 6 (a) (1) is amended to read as follows:

(1) *Tenant's refusal to renew lease*. The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year, for a rent not in excess of the maximum rent, but otherwise on the same terms and conditions as the previous lease or agreement, except insofar as such terms and conditions are inconsistent with this regulation; or

7. The third paragraph of section 6 (b) (2) (i) is amended to read as follows:

Any payments of principal made from funds borrowed for the purpose of making such payments shall be excluded in determining whether twenty per cent of the purchase price has been paid, unless

the Administrator finds that the inclusion of such payments is consistent with the purposes of this paragraph (b) (2) and would not be likely to result in the circumvention or evasion thereof.

8. The effective date provision of amendment 2 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area is amended to read as follows:

Amendment 2 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area shall become effective March 1, 1945.

This amendment shall become effective March 1, 1945.

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

Issued this 28th day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-3260; Filed, Feb. 23, 1945;  
11:51 a. m.]

#### PART 1388—DEFENSE RENTAL AREAS

[Housing, Miami Area, Amdt. 15]

##### HOUSING IN MIAMI AREA

The Rent Regulation for Housing in the Miami Defense-Rental Area is amended in the following respects:

1. Section 1 (b) (2) is amended to read as follows:

(2) *Service employees*. Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

2. The second paragraph of section 4 (b) is amended to read as follows:

If the landlord fails to file a proper registration statement within the time specified, the rent received for any rental period commencing on or after the date of the first renting or November 1, 1943, whichever is the later, shall be received subject to refund to the tenant in any amount in excess of the maximum rent which may later be fixed by an order under section 5 (c) (1). Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order. If the Administrator finds that the landlord was not at fault in failing to file a proper registration statement within the time specified, the order under section 5 (c) (1) may relieve the landlord of the duty to refund. Where a proper registration statement was filed before March 1, 1945, the landlord shall have the duty to refund only if the order under section 5 (c) (1) is issued in a proceeding commenced by the Administrator before September 1, 1945. Where a proper registration statement is filed on or after March 1, 1945, the landlord shall have the duty to refund

only if the order under section 5 (c) (1) is issued in a proceeding commenced by the Administrator within three months after the date of filing of such registration statement. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to file the registration statement required by section 7.

3. The second paragraph of section 4 (f) is amended to read as follows:

Within 30 days after the accommodations are first rented fully furnished, the landlord shall register the accommodations as provided in section 7. If the landlord fails to file a proper registration statement within the time specified, the rent received from the time of such first renting shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under section 5 (c) (1). Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order. If the Administrator finds that the landlord was not at fault in failing to file a proper registration statement within the time specified, the order under section 5 (c) (1) may relieve the landlord of the duty to refund. Where a proper registration statement was filed before March 1, 1945, the landlord shall have the duty to refund only if the order under section 5 (c) (1) is issued in a proceeding commenced by the Administrator before September 1, 1945. Where a proper registration statement is filed on or after March 1, 1945, the landlord shall have the duty to refund only if the order under section 5 (c) (1) is issued in a proceeding commenced by the Administrator within three months after the date of filing of such registration statement. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to file the registration statement required by section 7.

4. Section 5 (a) (12) (v) is amended to read as follows:

(v) "Current year" means the most recent calendar or fiscal year used by the landlord or the twelve calendar months immediately prior to the filing of the petition for adjustment: *Provided*, That it shall begin on or after the maximum rent date: *And provided, further*, That it shall be the twelve calendar months immediately prior to the filing of the petition where the most recent calendar or fiscal year would begin prior to the effective date of regulation.

5. Section 5 (b) (3) is amended to read as follows:

(3) *Adjustment in maximum rent for decreases*. The order on any petition under this paragraph (b) may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph (b) may be decreased in accordance with the provisions of section 5 (c) (4).

If the landlord fails to file the petition or report required by this paragraph (b) within the time specified, or decreases

the services, furniture, furnishings, or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or November 1, 1943, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, or equipment. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order. If the Administrator finds that the landlord was not at fault in failing to comply with this paragraph (b), the order may relieve the landlord of the duty to refund. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph (b).

6. Section 6 (a) (1) is amended to read as follows:

(1) *Tenant's refusal to renew lease.* The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year, for a rent not in excess of the maximum rent, but otherwise on the same terms and conditions as the previous lease or agreement, except insofar as such terms and conditions are inconsistent with this regulation; or

7. The third paragraph of section 6 (b) (2) (i) is amended to read as follows:

Any payments of principal made from funds borrowed for the purpose of making such payments shall be excluded in determining whether twenty per cent of the purchase price has been paid, unless the Administrator finds that the inclusion of such payments is consistent with the purposes of this paragraph (b) (2) and would not be likely to result in the circumvention or evasion thereof.

This amendment will become effective March 1, 1945.

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

Issued this 28th day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-3261; Filed, Feb. 28, 1945; 11:50 a. m.]

PART 1388—DEFENSE-RENTAL AREAS  
[Housing, New York City Area,<sup>1</sup> Amdt. 18]  
HOUSING IN NEW YORK CITY AREA

The Rent Regulation for Housing in the New York City Defense-Rental Area is amended in the following respects:

1. Section 1 (b) (2) is amended to read as follows:

<sup>1</sup> 9 F.R. 14987; 10 F.R. 331, 1452, 1974.

(2) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

2. The second paragraph of section 4 (e) is amended to read as follows:

If the landlord fails to file a proper registration statement within the time specified (except where a registration statement was filed prior to October 1, 1943), the rent received for any rental period commencing on or after the date of the first renting or October 1, 1943, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under section 5 (c) (1). Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order. If the Administrator finds that the landlord was not at fault in failing to file a proper registration statement within the time specified, the order under section 5 (c) (1) may relieve the landlord of the duty to refund. Where a proper registration statement was filed before March 1, 1945, the landlord shall have the duty to refund only if the order under section 5 (c) (1) is issued in a proceeding commenced by the Administrator before September 1, 1945. Where a proper registration statement is filed on or after March 1, 1945, the landlord shall have the duty to refund only if the order under section 5 (c) (1) is issued in a proceeding commenced by the Administrator within three months after the date of filing of such registration statement. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to file the registration statement required by Section 7.

3. Section 5 (a) (12) (v) is amended to read as follows:

(v) "Current year" means that the most recent calendar or fiscal year used by the landlord or the twelve calendar months immediately prior to the filing of the petition for adjustment: *Provided*, That it shall begin on or after the maximum rent date: *And provided, further*, That it shall be the twelve calendar months immediately prior to the filing of the petition where the most recent calendar or fiscal year would begin prior to the effective date of regulation.

4. Section 5 (b) (3) is amended to read as follows:

(3) *Adjustment in maximum rent for decreases.* The order on any petition under this paragraph (b) may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph (b) may be decreased in accordance with the provisions of section 5 (c) (3).

If the landlord fails to file the petition or report required by this paragraph (b) within the time specified, or decreases the services, furniture, furnishings, or equipment without an order authorizing such decrease where such order is re-

quired, the rent received by the landlord for any rental period commencing on or after such decrease or the effective date of regulation (or December 1, 1942 where the effective date of regulation is prior to that date), whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, or equipment. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order. If the Administrator finds that the landlord was not at fault in failing to comply with this paragraph (b), the order may relieve the landlord of the duty to refund. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph (b).

6. Section 6 (a) (1) is amended to read as follows:

(1) *Tenant's refusal to renew lease.* The tenant, who had a written lease or any other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year, for a rent not in excess of the maximum rent, but otherwise on the same terms and conditions as the previous lease or agreement, except insofar as such terms and conditions are inconsistent with this regulation; or

6. The third paragraph of section 6 (b) (2) (i) is amended to read as follows:

Any payments of principal made from funds borrowed for the purpose of making such payments, shall be excluded in determining whether twenty per cent of the purchase price has been paid, unless the Administrator finds that the inclusion of such payments is consistent with the purposes of this paragraph (b) (2) and would not be likely to result in the circumvention or evasion thereof.

This amendment shall become effective March 1, 1945.

NOTE: All reporting and record-breaking requirements of this amendment have been approved in accordance with the requirements of the Federal Reports Act of 1942.

Issued this 28th day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-3262; Filed, Feb. 28, 1945; 11:52 a. m.]

PART 1388—DEFENSE RENTAL AREAS  
[Hotels and Rooming Houses,<sup>1</sup> Amdt. 44]  
HOTELS AND ROOMING HOUSES

The Rent Regulation for Hotels and Rooming Houses is amended in the following respects:

1. Section 1 (b) (2) is amended to read as follows:

<sup>1</sup> 9 F.R. 11322, 11540, 11610, 11787, 12414, 12866, 12967, 14059, 14357, 14238, 15059, 15156; 10 F.R. 47, 160, 655, 330, 1102, 1452.

(2) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

2. Section 5 (a) (9) (v) is amended to read as follows:

(v) "Current year" means the most recent calendar or fiscal year used by the landlord or the twelve calendar months immediately prior to the filing of the petition for adjustment: *Provided*, That it shall begin on or after the maximum rent date: *And provided further*, That it shall be the twelve calendar months immediately prior to the filing of the petition where the most recent calendar or fiscal year would begin prior to the effective date of regulation.

3. Section 6 (a) (1) is amended to read as follows:

(1) *Tenant's refusal to renew lease.* The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year, for a rent not in excess of the maximum rent, but otherwise on the same terms and conditions as the previous lease or agreement, except insofar as such terms and conditions are inconsistent with this regulation; or

4. The first sentence of section 7 (b) is amended to read as follows:

(b) *Posting maximum rents.* Within 45 days after the effective date of regulation (or, on or before May 31, 1943 as to rooms within the Cincinnati Defense-Rental Area), or within 5 days after a maximum rent is established under paragraph (b), (c) or (g) of section 4, whichever is the later, every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent.

This amendment shall become effective March 1, 1945.

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

Issued this 28th day of February 1945.

CHESTER BOWLES,  
*Administrator.*

[F. R. Doc. 45-3258; Filed, Feb. 28, 1945; 11:51 a. m.]

**PART 1388—DEFENSE RENTAL AREAS**

[Hotels and Rooming Houses,<sup>1</sup> Amdt. 45]

**HOTELS AND ROOMING HOUSES**

Schedule A of the Rent Regulation for Hotels and Rooming Houses is amended in the following respects:

<sup>1</sup> 9 F.R. 11322, 11540, 11610, 11787, 12414, 12866, 12967, 14059, 14357, 14238, 15059, 16156; 10 F.R. 47, 160, 655, 330, 1102, 1452.

1. Item 192 is revoked to add the counties in the Alamogordo Defense-Rental Area to the Roswell Defense-Rental Area and to the Carlsbad Defense-Rental Area.

2. Item 206 is revoked to add the county of St. Lawrence in the St. Lawrence

County Defense-Rental Area to the Watertown Defense-Rental Area.

3. Items 197, 212, 299, and 369 are amended and 10b, 97a, 97b, 98a, 115a, 115b, 121a, 123b, 125a, 157a, 168a, 175a, 193b, 221c, 221d, 223a, 309a, 333a and 356b are added to read as follows:

| Defense-rental area                | State               | County or counties in defense-rental area under rent regulation for hotels and rooming houses  | Maximum rent date | Effective date of regulation | Date by which registration statement to be filed (inclusive) |
|------------------------------------|---------------------|--|-------------------|------------------------------|--|
| (10b) Tuscaloosa.....              | Alabama.....        | Tuscaloosa.....  | Nov. 1, 1943      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (97a) Mt. Vernon, Ind.....         | Indiana.....        | Posey.....   | Oct. 1, 1943      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (97b) Princeton, Ind.....          | Indiana.....        | Gibson.....  | Jan. 1, 1944      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (98a) Valparaiso.....              | Indiana.....        | Porter.....  | July 1, 1943      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (115a) Concordia.....              | Kansas.....         | Cloud.....   | Oct. 1, 1943      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (115b) Council Grove.....          | Kansas.....         | Morris.....  | July 1, 1943      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (121a) Stafford County.....        | Kansas.....         | Stafford.....  | Jan. 1, 1944      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (123b) Bowling Green.....          | Kentucky.....       | Warren.....  | Mar. 1, 1944      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (125a) Mayfield.....               | Kentucky.....       | Graves.....  | May 1, 1943       | Mar. 1, 1945                 | Apr. 15, 1945  |
| (157a) Traverse City.....          | Michigan.....       | Grand Traverse.....  | Jan. 1, 1944      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (168a) Vicksburg, Mississippi..... | Mississippi.....    | Warren.....  | Dec. 1, 1943      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (175a) Billings.....               | Montana.....        | Yellowstone.....   | Jul. 1, 1944      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (193b) Carlsbad.....               | New Mexico.....     | Eddy.....  | Mar. 1, 1942      | Oct. 1, 1942                 | Nov. 15, 1942  |
| (197) Roswell.....                 | New Mexico.....     | Lea.....   | Mar. 1, 1942      | Nov. 1, 1942                 | Dec. 15, 1942  |
| (212) Watertown.....               | New York.....       | Chaves.....  | Mar. 1, 1942      | Oct. 1, 1942                 | Nov. 15, 1942  |
| (221c) Plymouth.....               | North Carolina..... | Otero.....   | Mar. 1, 1942      | Dec. 1, 1942                 | Jan. 15, 1943  |
| (221d) Raleigh.....                | North Carolina..... | Jefferson, and St. Lawrence.....   | Apr. 1, 1941      | Jul. 1, 1942                 | Aug. 15, 1942  |
| (223a) Winston-Salem.....          | North Carolina..... | Washington.....  | Jan. 1, 1944      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (299) Amarillo.....                | Texas.....          | Wake.....  | Mar. 1, 1944      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (309a) Dalhart.....                | Texas.....          | Forsyth.....   | Mar. 1, 1944      | Mar. 1, 1945                 | Apr. 15, 1945  |
| (333a) Mineola.....                | Texas.....          | Potter, and Randall.....   | Mar. 1, 1942      | Aug. 1, 1942                 | Sept. 15, 1942   |
| (356b) Logan.....                  | West Virginia.....  | Dallam, Hansford, Hartley, Moore, and Sherman.....   | Mar. 1, 1942      | Sept. 1, 1942                | Oct. 16, 1942  |
| (369) Cheyenne.....                | Wyoming.....        | Wood County and that portion of the City of Winnsboro in Franklin County.....  | Oct. 1, 1943      | Mar. 1, 1945                 | Apr. 15, 1945  |
|                                    |                     | Logan.....   | Oct. 1, 1943      | Mar. 1, 1945                 | Apr. 15, 1945  |
|                                    |                     | That part of Laramie County, consisting of Townships 13 and 14 in Ranges 66 and 67 west of the 6th Principal Meridian, including the City of Cheyenne..... | Mar. 1, 1942      | Oct. 1, 1942                 | Nov. 15, 1942  |

This amendment shall become effective March 1, 1945.

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

Issued this 28th day of February 1945.

CHESTER BOWLES,  
*Administrator.*

[F. R. Doc. 45-3259; Filed, Feb. 28, 1945; 11:48 a. m.]

**PART 1388—DEFENSE-RENTAL AREAS**

[Hotels and Rooming Houses, Miami Area,<sup>1</sup> Amdt. 12]

**HOTELS AND ROOMING HOUSES IN MIAMI AREA**

The Rent Regulation for Hotels and Rooming Houses in the Miami Defense-Rental Area is amended in the following respects:

1. Section 1 (b) (2) is amended to read as follows:

(2) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

<sup>1</sup> 10 F.R. 318.

2. Section 5 (a) (9) (v) is amended to read as follows:

(v) "Current year" means the most recent calendar or fiscal year used by the landlord or the twelve calendar months immediately prior to the filing of the petition for adjustment: *Provided*, That it shall begin on or after September 1, 1943: *And provided further*, That it shall be the twelve calendar months immediately prior to the filing of the petition where the most recent calendar or fiscal year would begin prior to November 1, 1943.

3. Section 6 (a) (1) is amended to read as follows:

(1) *Tenant's refusal to renew lease.* The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year, for a rent not in excess of the maximum rent, but otherwise on the same terms and conditions as the previous lease or agreement, except insofar as such terms and conditions are inconsistent with this regulation; or

4. The first sentence of section 7 (b) is amended to read as follows:

(b) *Posting maximum rents.* On or before December 15, 1943, or within 5 days after a maximum rent is established under paragraph (b), (c), or (g) of sec-

tion 4, whichever is the later, every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent.

This amendment shall become effective March 1, 1945.

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

Issued this 28th day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-3256; Filed, Feb. 28, 1945; 11:52 a. m.]

PART 1388—DEFENSE RENTAL AREAS

[Hotels and Rooming Houses, N. Y. C. Area, Amdt. 18]

HOTELS AND ROOMING HOUSES IN NEW YORK CITY AREA

The Rent Regulation for Hotels and Rooming Houses in the New York City Defense-Rental Area is amended in the following respects:

1. Section 1 (b) (2) is amended to read as follows:

(2) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

2. Section 5 (a) (9) (v) is amended to read as follows:

(v) "Current year" means the most recent calendar or fiscal year used by the landlord or the twelve calendar months immediately prior to the filing of the petition for adjustment: *Provided*, That it shall begin on or after March 1, 1943: *And provided, further*, That it shall be the twelve calendar months immediately prior to the filing of the petition where the most recent calendar or fiscal year would begin prior to November 1, 1943.

3. Section 6 (a) (1) is amended to read as follows:

(1) *Tenant's refusal to renew lease.* The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year, for a rent not in excess of the maximum rent, but otherwise on the same terms and conditions as the previous lease or agreement, except insofar as such terms and conditions are inconsistent with this regulation; or

4. The first sentence of section 7 (b) is amended to read as follows:

(b) *Posting maximum rents.* On or before November 30, 1943, or within 5 days after a maximum rent is established under paragraph (b), (c) or (g)

of section 4, whichever is the later, every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent.

This amendment shall become effective March 1, 1945.

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

Issued this 28th day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-3257; Filed, Feb. 28, 1945; 11:51 a. m.]

PART 1388—DEFENSE RENTAL AREAS

[Designation and Rent Declaration 23, Amdt. 4]

DESIGNATION OF AREAS AND RENT DECLARATIONS RELATING TO SUCH AREAS

Section 1388.1101 of Designation and Rent Declaration 23 is amended in the following respects:

|                            |                     |  |
|----------------------------|---------------------|--|
| (10) Indiana.....          | Indiana.....        | That portion of the State of Indiana not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the counties of Gibson, Monroe, Porter, Posey, and Wayne.   |
| (12) Kansas.....           | Kansas.....         | That portion of the State of Kansas not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the counties of Barton, Cloud, Ellis, Finney, Ford, Gray, Morris, Russell, Pratt, Reno, and Stafford.  |
| (13) Kentucky.....         | Kentucky.....       | That portion of the State of Kentucky not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the counties of Ballard, Boyle, Clark, Daviess, Fayette, Graves, and Warren.   |
| (15) Michigan.....         | Michigan.....       | That portion of the State of Michigan not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the counties of Grand Traverse, Hillsdale, and Shiawassee.   |
| (20) Mississippi.....      | Mississippi.....    | That portion of the State of Mississippi not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the counties of Jones, Lamar, and Warren.   |
| (22) Montana.....          | Montana.....        | That portion of the State of Montana not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the county of Yellowstone.  |
| (29) North Carolina.....   | North Carolina..... | That portion of the State of North Carolina not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the counties of Alamance, Buncombe, Chowan, Edgecombe, Forsyth, Moore, Nash, Pender, Perquimans, Wake, and Washington.   |
| (38) Texas.....            | Texas.....          | That portion of the State of Texas not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the counties of Bee, Brazos, Brewster, Collin, Denton, Gregg, Kerr, Smith, Uvalde, Val Verde, Webb, Wood, and that portion of the City of Willsboro in Franklin County and Justices' Precincts 1, 6, and 7 in the county of Caldwell. |
| (43) West Virginia.....    | West Virginia.....  | That portion of the State of West Virginia not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the counties of Berkeley, and Logan, and the Magisterial District of Poetalico in the county of Putnam.   |
| (141) Mt. Vernon, Ind..... | Indiana.....        | County of Posey.   |
| (142) Princeton, Ind.....  | Indiana.....        | County of Gibson.  |
| (143) Valparaiso.....      | Indiana.....        | County of Porter.  |
| (144) Concordia.....       | Kansas.....         | County of Cloud.   |
| (145) Council Grove.....   | Kansas.....         | County of Morris.  |
| (146) Stafford County..... | Kansas.....         | County of Stafford.  |
| (147) Bowling Green.....   | Kentucky.....       | County of Warren.  |
| (148) Mayfield.....        | Kentucky.....       | County of Graves.  |
| (149) Traverse City.....   | Michigan.....       | County of Grand Traverse.  |
| (150) Vicksburg, Miss..... | Mississippi.....    | County of Warren.  |
| (151) Billings.....        | Montana.....        | County of Yellowstone.   |
| (152) Plymouth.....        | North Carolina..... | County of Washington.  |
| (153) Raleigh.....         | North Carolina..... | County of Wake.  |
| (154) Winston-Salem.....   | North Carolina..... | County of Forsyth.   |
| (155) Mineola.....         | Texas.....          | County of Wood and that portion of the City of Willsboro in Franklin County.   |
| (156) Logan.....           | West Virginia.....  | County of Logan.   |

This amendment shall become effective March 1, 1945.

Issued this 28th day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-3267; Filed, Feb. 28, 1945; 11:49 a. m.]

\* 7 F.R. 2193, 4179, 6215; 8 F.R. 16208.

\* 9 F.R. 5823, 5915, 7329, 7431, 9265, 9513, 11540, 11793, 12866, 14061, 15059, 15156.

1. Item 17 is revoked to add the county of St. Lawrence, New York, in the St. Lawrence County Defense-Rental Area to the Watertown Defense-Rental Area.

2. Item 18 is amended to read as follows:

(18) Watertown, New York, Counties of Jefferson and St. Lawrence.

This amendment shall become effective March 1, 1945.

Issued this 28th day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-3265; Filed, Feb. 28, 1945; 11:48 a. m.]

PART 1388—DEFENSE RENTAL AREAS

[Designation and Rent Declaration 31, Amdt. 29]

DESIGNATION OF AREAS AND RENT DECLARATIONS RELATING TO SUCH AREAS

In-§ 1388.1341 of Designation and Rent Declaration 31, items 10, 12, 13, 18, 20, 22, 29, 38, and 43 are amended and items 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, and 156 are added to read as follows:

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 25,<sup>1</sup> Amdt. 30]

DESIGNATION OF AREAS AND RENT DECLARATIONS RELATING TO SUCH AREAS

In § 1388.1201 of Designation and Rent Declaration 25, items 133, 207, 258 and 271 are amended to read as follows:

|                     |                 |   |
|---------------------|-----------------|---|
| (133) Roswell.....  | New Mexico..... | Counties of Chaves and Otero.   |
| (207) Amarillo..... | Texas.....      | Counties of Potter and Randall.   |
| (258) Cheyenne..... | Wyoming.....    | That part of Laramie County consisting of Townships 13 and 14 in Ranges 66 and 67 west of the 6th Principal Meridian, including the City of Cheyenne. |
| (271) Dalhart.....  | Texas.....      | Counties of Dallam, Hansford, Hartley, Moore, and Sherman.  |

This amendment shall become effective March 1, 1945.

Issued this 28th day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-3266; Filed, Feb. 28, 1945; 11:49 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter I—Procurement Division,  
Department of the Treasury

PART 4—SUPPLIES TO BE PROCURED BY THE  
PROCUREMENT DIVISION

PAPER AND PAPERBOARD

Paragraph (k) of § 4.1 *Exclusive procurement by Procurement Division; commodities* (9 F.R. 14129) is hereby further amended to read as follows:

(k) *Paper and paperboard.* (1) Paper and paperboard, except for the following:

(i) Needs of the War Department, the Navy Department, the U. S. Maritime Commission and the War Shipping Administration;

(ii) Distinctive paper for United States securities;

(iii) Requirements for use within Alaska or the Canal Zone or outside the continental United States;

(iv) Quarterly requirements of less than 100 reams or 500 pounds;

(v) Items obtained from the Government Printing Office as listed in its bulletins entitled "Standard Forms and Miscellaneous Supplies Catalog" and "Blank Paper and Envelopes";

(vi) Items obtained from surplus property inventories of Federal disposal agencies;

(vii) Items required for scientific, laboratory or research work.

(2) "Paper and paperboard" mean all types of paper and paperboard listed in the Standard Commodity Classification, Volume I, May 1943, as items 14 5000 to 14 5319, 14 5330 to 14 5459, 14 5490 to 14 5524, 14 5529 to 14 5531, 14 5539 to 14 5540, 14 5560 to 14 5599, 14 5800 to 14 7900 and 14 7990.

(Sec. 1, E.O. 6166, June 10, 1933, sec. 2, Director's Order 73, approved by President June 10, 1939 (41 CFR 1.2, 3.2), Proc. Div. Circ. Letter B-19, February 15, 1945)

Dated: February 26, 1945.

[SEAL] CLIFTON E. MACK,  
Director of Procurement.

[F. R. Doc. 45-3203; Filed, Feb. 27, 1945; 3:51 p. m.]

<sup>1</sup>9 F.R. 5820, 11540, 11798, 12865, 19967, 14060.

TITLE 42—PUBLIC HEALTH

Chapter I—United States Public Health  
Service, Federal Security Agency

PART 11—FOREIGN QUARANTINE

INSPECTION OF VESSELS OR AIRCRAFT

Sections 11.12 and 11.21 are hereby repealed, §§ 11.24, 11.26 and 11.61 are hereby amended to read as set forth below, and § 11.11 is reissued as set forth below:

BILL OF HEALTH

§ 11.11 *Bill of health not required.* Effective February 15, 1945, no vessel or aircraft at any foreign port or place clearing or departing for any port or place in a State or possession of the United States shall be required to obtain a bill of health, and no vessel or aircraft shall be required to present a bill of health to the collector of customs or to the quarantine officer at port of entry into the United States or its possessions.

INSPECTION OF INBOUND VESSELS

§ 11.24 *Time of inspection; no communication after inspection.* When an inspection is required, it should be made by daylight, as late as practicable before sailing. The vessel should be inspected before the passengers go aboard, the passengers just before embarkation, and the crew on deck, and no communication should be had with the vessel after such inspection except by permission of the inspecting officer.

§ 11.26 *Disinfection of vessels.* Any portions of the vessel liable to have been infected by any communicable disease should be disinfected.

INSPECTION UPON ENTRY

§ 11.61 *Quarantine; United States-Canada reciprocal pratique.* (a) Every vessel subject to quarantine inspection, entering a port of the United States, its possessions or dependencies, shall be considered in quarantine until given free pratique. Such vessel shall fly a yellow flag at the foremast head and shall observe all the other requirements of vessels actually quarantined.

(b) Effective January 1, 1930, vessels from foreign ports (other than those on or near the northern frontiers of the United States) which enter the international waters of the Straits of Juan de Fuca, Haro, Georgia, Rosario, and the Puget Sound, their tributaries and connected waters on the west coast, or the international waters of the St. Lawrence River and the Great Lakes and their tributaries and connected waters on the east coast, which are destined for both United States and Canadian ports located thereon only will be required to

undergo one quarantine inspection to be performed by the quarantine officers of the respective Government having jurisdiction over the first port of arrival: *Provided*, That quarantinable disease has not occurred on board since granting the original pratique and was not prevalent in such local ports visited.

Vessels which make a United States port their first port of arrival will undergo the prescribed quarantine inspection and treatment by the quarantine officer in that port, and when cleared from quarantine such vessels will be issued pratique in duplicate, the original copy of which will be required to be delivered to the collector of customs for entry of vessel and the duplicate copy will be retained on the vessel for presentation upon secondary arrival at the first Canadian port.

Vessels which have first entered a Canadian port and have received pratique in duplicate following prescribed inspection and treatment by the Canadian quarantine officer of that port, will be permitted to enter secondarily the first United States port of call without the formality of quarantine reinspection; *Provided*, Such vessel presents and delivers to the collector of customs the duplicate copy of the original Canadian pratique duly approved by the United States quarantine officer of that port; *And provided further*, That since receiving such original pratique quarantinable disease has not occurred on board the vessel and was not prevalent in the local ports visited.

Vessels upon which quarantinable disease has occurred since original pratique was granted, or which have visited local ports in which quarantinable disease prevails, shall be required to report to the United States quarantine station for appropriate treatment and shall present and deliver to the collector of customs of the port a supplementary pratique granted by the quarantine officer of the port in addition to the other required papers, prior to being accorded entry.

Vessels which have been granted pratique and permitted entry in accordance herewith are not thereby exempted from the application of the provisions of Article 28 of the International Sanitary Convention of Paris, 1926, respecting deratization requirements; those requiring deratization under the provisions of the convention or the Quarantine Laws and Regulations of the United States administered by the Public Health Service will be subjected to the prescribed measures as a condition of being granted permission to enter. Vessels so granted conditional entry will be required to satisfy these requirements before being granted clearance.

(Sec. 366, 367 and 602, 58 Stat. 682, 705, 706; 42 U.S.C. 269, 270)

Dated: February 15, 1945.

THOMAS PARRAN,  
Surgeon General.

Approved: February 27, 1945.

WATSON B. MILLER,  
Acting Federal Security  
Administrator.

[F. R. Doc. 45-3250; Filed, Feb. 28, 1945; 11:43 a. m.]

## TITLE 46—SHIPPING

## Chapter I—Coast Guard: Inspection and Navigation

## Subchapter K—Seamen

## PART 138—RULES AND REGULATIONS FOR ISSUANCE OF CERTIFICATES AND CONTINUOUS DISCHARGE BOOKS

## MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in me by R.S. 4551, as amended (46 U.S.C. 643), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), paragraph (i), as amended (9 F.R. 1826), of § 138.9 of the rules and regulations for issuance of certificates and continuous discharge books (46 CFR, 138.9), is further amended as follows:

The third subparagraph (unnumbered) is amended by striking out the words "the Great Lakes."

A new subparagraph (unnumbered) is inserted after the third subparagraph (unnumbered) reading as follows:

When a vessel is employed exclusively in trade on the Great Lakes, the master shall submit Form 735 (T) at the commencement of the season, or when the vessel is put into service, listing the names, as well as other information required by the form, with the exception of date and place of discharge, of each member of the crew. Thereafter at the end of each calendar month, the master shall submit a supplementary report on Form 735 (T) listing the names, as well as other information required by the form, or (1) each seaman whose employment was terminated during the month and who was not reengaged on the vessel's next trip, and (2) each seaman engaged during the month who was not also employed on the vessel in the same capacity on her last trip preceding the engagement. At the close of the season, or when the vessel is withdrawn from service, the master shall submit a final report on Form 735 (T) listing the names, as well as other information required by the form, of each seaman who has not been previously reported as discharged.

Dated: February 27, 1945.

L. T. CHALKER,  
Rear Admiral U. S. C. G.,  
Acting Commandant.

[F. R. Doc. 45-3220; Filed, Feb. 28, 1945;  
10:38 a. m.]

## Appendix A—Waiver of Navigation and Vessel Inspection Laws

## VESSELS ON GREAT LAKES

## CERTIFICATES AND CONTINUOUS DISCHARGE BOOKS

The Acting Secretary of the Navy having by order dated October 1, 1942 (7 F.R. 7979) waived compliance with the navigation and vessel inspection laws administered by the United States Coast Guard, in the case of any vessel engaged in business connected with the conduct of the war, to the extent and in the manner that the Commandant, United States Coast Guard, shall find to be necessary in the conduct of the war;

Now therefore, I find it to be necessary in the conduct of the war that there be waived compliance with the provisions of subsection (1) of section 4551 of the Revised Statutes, as amended (46 U. S. C. 643 (1)), and with paragraphs (i) and (j) of § 138.9 of the rules and regulations for issuance of certificates and continuous discharge books (46 CFR 138.9 (i) and (j)), as amended, in the case of vessels employed exclusively upon the Great Lakes and engaged in business connected with the conduct of the war, to the extent necessary to relieve masters from the requirement of filing any particular report on Form 735 (T), on condition that that particular report, together with the required record of entry in continuous discharge book (Form 718-E) or white copy of certificate of discharge (Form 718-A, Revised) for each seaman reported discharged, is filed by the owner of the vessel.

Dated: February 27, 1945.

L. T. CHALKER,  
Rear Admiral, U. S. C. G.,  
Acting Commandant.

[F. R. Doc. 45-3221; Filed, Feb. 28, 1945;  
10:38 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

## Chapter I—Interstate Commerce Commission

[SO. 288]

## PART 95—CAR SERVICE

## PACKING AND LOADING SHELL EGGS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of February, A. D. 1945.

It appearing, that shell eggs are being tendered to common carriers by railroad in unsuitable containers and not safely loaded for transportation in refrigerator cars; that the acceptance by common carriers by railroad of such eggs results in damage to the commodity which in turn contaminates and damages the interior of the cars and unduly delays unloading and prompt reuse of such cars; the Commission is of opinion that an emergency requiring immediate action exists in every section of the United States. It is ordered, that:

(a) *Restrictions on furnishing and transporting refrigerator cars.* No common carrier by railroad subject to the Interstate Commerce Act shall:

(1) Furnish or supply a refrigerator car for loading with shell eggs classified as Eggs, noibn, Item 14555 Consolidated Freight Classification No. 16, unless and until the consignor, shipper, owner of the eggs, or the respective agent, indorses on the car order surrendered to the carrier, bill of lading and other shipping papers:

(i) That such shell eggs are packed in new, standard wooden or fibreboard egg cases as described in Package No. 512 or 893 of Consolidated Freight Classification No. 16, complete with full covers and with the covers of all wooden cases properly nailed, or

(ii) That such shell eggs are packed in used, standard wooden egg cases, in sound condition, with full covers and with the covers of all wooden cases properly nailed, and

(iii) That such shell eggs are packed in the cases with new or used fillers and flats of good weight and sound condition, with one filler and at least one flat for each layer of eggs, and where necessary to take up slack space two flats back to back at top of each compartment, and

(iv) That each fibreboard case is securely closed, with each exposed lengthwise seam at top of any case so constructed completely covered with a sealing strip not less than three inches wide firmly adhered to the fibreboard.

(2) Transport or move a refrigerator car loaded with shell eggs packed in cases in accordance with subparagraph (a) (1) hereof, unless and until such cases are loaded and stowed as follows:

(i) Cases shall be loaded lengthwise with cases covering the full floor area, and shall be loaded not less than five (5) full tiers high, and shall be properly braced to prevent shifting of load. When wooden cases and fibreboard cases are loaded in the same car, there shall be no mixing of wooden cases and fibreboard cases in any lengthwise row in any tier and furthermore no wooden cases shall be loaded on top of any fibreboard cases.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign commerce as well as interstate commerce.

(c) *Tariff provisions suspended.* (1) Except as provided in subparagraph (2) hereof the operation of all tariff rules and regulations insofar as they conflict with the provisions of this order is hereby suspended.

(2) Insofar as it applies to new containers only, Rule 49, Experimental or Test Shipments, of Consolidated Freight Classification No. 16, supplements thereto or successive issues thereof, is not subject to this order.

(d) *Announcement of suspension.* Each railroad affected by this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein affected by this order.

(e) *Special permits.* The provisions of this order shall be subject to any special permits issued to meet exceptional circumstances by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C.

(f) *Effective date.* This order shall become effective at 7:00 a. m. March 15, 1945.

(g) *Expiration date.* This order shall expire at 7:00 a. m. December 31, 1945, unless otherwise modified, changed, suspended, or annulled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

It is further ordered, that a copy of this order and direction shall be served upon all State railroad regulatory bodies and the Association of American Rail-



roads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. B. BARTEL,  
Secretary.

[F. R. Doc. 45-3248; Filed, Feb. 28, 1945;  
11:21 a. m.]

PART 120—ANNUAL, SPECIAL, OR PERIODICAL REPORTS

SUPPLEMENT TO FORMS FOR LARGE AND MEDIUM STEAM ROADS; WAIVER OF PROVISIONS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 20th day of February 1945.

The matter of waiving the provisions of the order of December 18, 1941, and amendments thereof, relating to the filing of consolidated statistical statements by steam railway companies which have annual railway operating revenues of \$10,000,000 or more, being under consideration.

And it appearing, that due to a shortage of experienced personnel necessary for the preparation of such consolidated statistical statements on account of war conditions, request has been received from the Accounting Division, Association of American Railroads, that the filing of such statements be waived for the year ended December 31, 1944:

It is ordered, That the requirements of the order of December 18, 1941 (§ 120.11a Supplement to form prescribed for large and medium steam roads), and amendments thereof, relating to the filing of consolidated statistical statements are hereby waived for the year ended December 31, 1944.

And it is further ordered, That said order of December 18, 1941, and amendments thereof, shall in all other respects remain in full force and effect. (24 Stat. 386; 34 Stat. 593; 35 Stat. 649; 36 Stat. 556; 41 Stat. 493; 54 Stat. 916; 49 U.S.C. 20 (1)-(8))

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 45-3229; Filed, Feb. 28, 1945;  
11:21 a. m.]

Chapter II—Office of Defense Transportation

[General Order ODT 47, Amdt. 1]

PART 500—CONSERVATION OF RAIL EQUIPMENT

PASSENGER TRAIN OPERATIONS RESTRICTED

Pursuant to Title III of the Second War Powers Act, 1942, and Executive No. 43—9

Order 8989, as amended, § 500.52 of General Order ODT 47 (10 F.R. 525) is hereby amended to read as follows:

§ 500.52 *Loading requirements on passenger trains.* On and after March 1, 1945, no rail carrier, unless authorized by the Office of Defense Transportation, shall operate a passenger train schedule on which the occupancy of seats and space thereon did not average 35 per cent during the base period prescribed by this section. The base period shall be the calendar month of November, 1944, unless a rail carrier during such month did not record the occupancy of a particular passenger train in which event the base period for such carrier with respect to such train shall be either the calendar month of December, 1944, the calendar month of January, 1945, or the calendar month of February, 1945. The provisions of this section shall not apply to mixed trains.

This Amendment 1 shall become effective February 27, 1945.

(E.O. 8989, 6 F.R. 6725 and 8 F.R. 14183)

Issued at Washington D. C., this 27th day of February 1945.

J. M. JOHNSON,  
Director,

Office of Defense Transportation.

[F. R. Doc. 45-3249; Filed, Feb. 28, 1945;  
11:41 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Geological Survey.

[Power Site Classification 355<sup>1</sup>]

TRIBUTARIES OF YAMPA RIVER, COLO.

CLASSIFICATION AS POWER SITE

JANUARY 24, 1945.

The SECRETARY OF THE INTERIOR.

SIR: In order to correct an erroneous land description in Power Site Classification No. 355, approved October 31, 1944, it is amended by eliminating the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 9 N., R. 85 W.,  
sec. 11, N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$

and adding the following described lands:

T. 9 N., R. 85 W.,  
sec. 11, SW $\frac{1}{4}$ .

W. E. WRATHER,  
Director.

Approved: February 15, 1945.

OSCAR L. CHAPMAN,  
Assistant Secretary.

[F. R. Doc. 45-3206; Filed, Feb. 27, 1945;  
4:15 p. m.]

<sup>1</sup>9 F.R. 13504.

FEDERAL TRADE COMMISSION.

[Docket No. 5284]

PARROTT & CO., AND SUPERIOR FISHERIES, INC.

NOTICE OF HEARING

*Complaint.* The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, have violated and are violating the provisions of subsection (c) of section 2 of the Clayton Act (U.S.C. Title 15, sec. 13), as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent Parrott & Company is a corporation organized and existing under the laws of the State of California, with its principal office and place of business located at 320 California Street, San Francisco, California. This respondent also maintains branch offices in Seattle and Spokane, Washington; Portland, Oregon; and in Los Angeles, California.

PAR. 2. Respondent Superior Fisheries, Inc., is a corporation organized and existing under the laws of the State of California, all of the capital stock of which is owned by respondent Parrott & Company, with its principal office and place of business located at 1709 West 8th Street, Los Angeles, California. This respondent also maintains a branch office at 320 California Street, San Francisco, California.

PAR. 3. Respondents, since June 19, 1936, have been and are now engaged in the business of buying, selling, and distributing canned fish, canned fruits, and canned vegetables, and other commodities (all of which are hereinafter designated as "food products") for their own account for resale.

The respondents, since June 19, 1936, in the course and conduct of their said business, have sold and distributed a substantial portion of their food products, directly to buyers, and through brokers to buyers, some such buyers are located in states other than the state in which the respondents are located, and as a result of said sales and the respondents' instructions, such food products are shipped and transported across state lines to such buyers so located.

PAR. 4. All food products, sold by respondents, bear a label upon which appears a brand, trade-mark or trade name. Such labels are attached to such food products to identify them as the products of the persons owning the brands so that repeat sales may be centered upon such brand.

A brand, trade-mark, or trade name may be defined as a symbol of business good will. Good will is an attitude in people which causes them to continue to patronize a certain place or person or to purchase a definite commodity. Upon the brand used depends to whom the good will created by the product accrues. Thus, when respondents sell goods which bear their own brand, the

good will accrues to them; whereas, when they sell goods bearing the brand of another, the good will accrues not to the respondents, but to the person who owns the brand. That such is the purpose and effect of the use of brands is well known in the industry.

The respondents' food products are sold and distributed under two distinct brand classifications, namely, (1) sellers' brands and (2) distributors' brands.

A seller's brand may be defined as a brand, owned and controlled by the original seller, and as referred to herein designates brands owned and utilized by respondents in the promotion and sale of its products, which brand identifies the particular products for which respondents assume the responsibility all the way through the channels of distribution to the consumer, and whatever good will is established thereby accrues to respondents. Among the brands so used by respondents are: Bountiful, Fairplay, Natur Sweet, Redwood, Valley Belt, Lodi, Valera, Somoa, Canal, Coral, Dixie Prize and Dixie Lee.

Distributors' brands may be defined as brands owned and controlled by other than the original sellers and as referred to herein designate brands utilized by distributors other than the original sellers which identify the food products with the particular seller and permit such distributors to promote the sale of those food products independently of respondents; and distributors rather than respondents assume the responsibility all the way through the channels of distribution to the consumer, and whatever good will is established accrues to the distributors and not to the respondents. Distributors and not respondents determine the sales and price policies with reference to such food products.

PAR. 5. Respondents sell and distribute food products by two separate and distinct methods.

*First:* The first method is by selling to buyers through brokers of food products.

A broker of food products may be defined as a sales agent who negotiates the sale of food products for and on account of the seller as principal and whose compensation is a commission or brokerage fee paid by the seller. A broker of food products does not buy food products from his principal and sell such products for his own account.

Such brokers act as respondents' sales agents, soliciting and obtaining orders for respondents' food products at respondents' prices and on respondents' terms. Such brokers transmit such purchase orders to respondents who thereafter invoice and ship the food products to the customers. The respondents pay such brokers for their service in negotiating and making such sales for respondents' account, commissions or brokerage fees, which are customarily based on a percentage of the invoice sales prices of the food product sold.

The food products so sold by brokers always bear the brand or label of the respondents, or of the buyers to whom respondents sell. Therefore, none of the good will established by the products accrues to the brokers. Such brokers are not traders for profit and do not take

title to or have any financial interest in the product sold, and neither make a profit nor suffer a loss on the transaction.

*Second:* The second method is by the sale of food products by the respondents direct to buyers. All such buyers referred to herein are "direct buyers." In transactions between respondents and such buyers, respondents do not use brokers.

There are in fact two separate and distinct classifications of direct buyers. One class is known as "buying brokers" (who designate themselves as brokers but who are not in fact brokers). The other class of direct buyers consists, among others, of chain stores, large wholesalers and members of buying groups.

The food products sold by respondents to such direct buyers principally bear brands or labels owned by such buyers, and as to such food products, all the good will established by the products accrues to such direct buyers.

Respondents also sell to other direct buyers (some of whom also incorrectly designate themselves as "brokers") who purchase respondents' food products exclusively under respondents' brands or labels in their own respective names and for their own accounts for resale.

Respondents pay such buyers of their food products, directly or indirectly (regardless of whether such food products are purchased under respondents' labels or distributors' labels), commissions or brokerage fees, or allowances or discounts in lieu thereof on such purchases.

Such direct buyers transmit their own purchase orders for food products directly to the respondents. The respondents thereafter invoice and ship such food products directly to such buyers from whom respondents collect the purchase price of the merchandise. The respondents, among their several methods of sales, pay such buyers commissions or brokerage fees on such purchases by deducting or allowing from the invoice price of the food product purchased an amount which is equal or approximately equal to the commissions or brokerage fees paid by the respondents to their brokers (as illustrated in method one), or by selling to such buyers at a net price which reflects brokerage.

Contrary to the manner in which brokers operate (as described in method one above) such buyers are traders for profit purchasing and reselling such food products in their own names and for their own accounts, taking title to the food products and assuming all risk incident to ownership.

Such resales are not made at the prices, and on the terms dictated by respondents, but at the prices and on the terms determined by the buyer who makes a profit or suffers a loss thereon; as the case may be.

Said direct buyers shop the market, and purchase food products from several sellers, including respondents, and purchase where they are able to secure the most favorable prices and terms, including the payment of commissions and brokerage fees.

Said buyers pay the price of the food products purchased from respondents, as

a condition precedent to delivery of such food products by the carrier to them. If the food products shipped by respondents to the buyers are lost or damaged in transit, such buyers file claim with the carrier and collect damages from the carrier for their own accounts.

Such buyers, upon receipt of such food products from respondents, warehouse them in their own warehouses or in public warehouses and insure the products at their own expense and in their own names and for their own accounts against contingent loss or damage. Subsequently, said buyers pledge warehouse receipts and insurance contracts covering these products they have purchased as security for loans from banks.

PAR. 6. The respondents, since June 19, 1936, in connection with the interstate sale of their food products by the second method set forth in paragraph 5, have paid or granted and are now paying or granting, directly and indirectly, commissions, brokerage, or other compensation, or discounts in lieu thereof, to buyers of their food products, and such acts and practices as set forth above are in violation of subsection (c) of section 2 of the Clayton Act as amended.

Wherefore, the premises considered, the Federal Trade Commission on this 20th day of February, A. D., 1945, issues its complaint against said respondents.

*Notice.* Notice is hereby given you, Parrott & Company, a corporation, and Superior Fisheries, Inc., a corporation, respondents herein, that the 30th day of March, A. D., 1945, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 20th day of February, A. D. 1945.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 45-3222; Filed, Feb. 28, 1945;  
10:59 a. m.]

[File 21-384]

#### RAZOR AND RAZOR BLADE INDUSTRY

##### NOTICE OF HEARING

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 27th day of February, A. D. 1945.

In the matter of Proposed Trade Practice Rules for the Razor and Razor Blade Industry.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations, or other parties or groups affected by or having an interest in the proposed trade practice rules for the Razor and Razor Blade Industry to present to the Commission their views concerning said rules, including such pertinent information, suggestions or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon application to the Commission. Such views, information, suggestions or objections may be submitted by letter, memorandum, brief or other communication, to be filed with the Commission not later than March 22, 1945. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., March 22, 1945, in Room 532, Federal Trade Commission Building, Constitution Avenue at Sixth Street NW., Washington, D. C., to any such persons, partnerships, corporations, associations, or other parties, or groups desiring to appear and be heard. Upon due consideration of all matters presented, in writing or orally, the Commission will proceed to final action on the proposed rules.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 45-3223; Filed, Feb. 28, 1945;  
10:59 a. m.]

[Docket No. 5285]

#### SOUTH COAST FISHERIES, INC.

##### NOTICE OF HEARING

**Complaint.** The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of subsection (c) of section 2 of the Clayton Act (U.S.C. Title 15, sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

**PARAGRAPH 1.** Respondent South Coast Fisheries, Inc., is a corporation organized and existing under the laws of the state of California, with its principal office and place of business located at 820 Ways Street, Terminal Island, California.

**PAR. 2.** Respondent, since June 19, 1936, has been and is now engaged in the business of buying, packing, selling and distributing canned tuna, canned mackerel, canned sardines, and other sea-food products (all of which are hereinafter referred to as food products) for its own account for resale.

The respondent, since June 19, 1936, in the course and conduct of its said business, has sold and distributed a substantial portion of its food products, directly to buyers, and through brokers to buyers, some such buyers are located in states other than the state in which the respondent is located, and as a result of said sales and the respondent's instructions, such food products are shipped and transported across state lines to such buyers so located.

**PAR. 3.** All food products sold by respondent bear a label upon which appears a brand, trade-mark, or trade name. Such labels are attached to such food products to identify them as the products of the person owing the brands so that repeat sales may be centered upon such brand.

A brand, trade-mark, or trade name may be defined as a symbol of business good will. Good will is an attitude in people which causes them to continue to patronize a certain place or person or to purchase a definite commodity. Upon the brand used depends to whom the good will created by the product accrues. Thus, when respondent sells goods which bear its own brand, the good will accrues to them; whereas, when they sell goods bearing the brand of another, the good will accrues not to the respondent, but to the person who owns the brand. That such is the purpose and effect of the use of brands is well known in the industry.

The respondent's food products are sold and distributed under two distinct brand classifications, namely (1) sellers' brands and (2) distributors' brands.

A seller's brand may be defined as a brand, owned and controlled by the original seller, and as referred to herein designates brands owned and utilized by respondent in the promotion and sale of its products, which brand identifies the particular products for which re-

spondent assumes the responsibility all the way through the channels of distribution to the consumer, and whatever good will is established thereby accrues to respondent. Among the brands so used by respondent are: Avalon and Top Form.

Distributors' brands may be defined as brands owned and controlled by other than the original sellers and as referred to herein designate brands utilized by distributors other than the original sellers which identify the food products with the particular seller and permit such distributors to promote the sale of those food products independently of respondent; and distributors rather than respondent assume the responsibility all the way through the channels of distribution to the consumer, and whatever good will is established accrues to the distributors and not to the respondent. Distributors and not respondent determine the sales and price policies with reference to such food products.

**PAR. 4.** Respondent sells and distributes food products by two separate and distinct methods.

**First:** The first method is by selling to buyers through brokers of food products.

A broker of food products may be defined as a sales agent who negotiates the sale of food products for and on account of the seller as principal and whose compensation is a commission or brokerage fee paid by the seller. A broker of food products does not buy food products from his principal and sell such products for his own account.

Such brokers act as the respondent's sales agents, soliciting and obtaining orders for respondent's food products at respondent's prices and on respondent's terms. Such brokers transmit such purchase orders to the respondent who thereafter invoices and ships the food products to the customers. The respondent pays such brokers for their service in negotiating and making such sales for the respondent's account, commissions or brokerage fees, which are customarily based on a percentage of the invoice sales prices of the food product sold.

The food products so sold by brokers always bear the brand or label of the respondent, or of the buyers to whom the respondent sells. Therefore, none of the good will established by the products accrues to the brokers. Such brokers are not traders for profit and do not take title to or have any financial interest in the product sold, and neither make a profit nor suffer a loss on the transaction.

**Second:** The second method is by the sale of food products by the respondent direct to buyers. All such buyers referred to herein are "direct buyers." In transactions between respondent and such buyers, the respondent does not use brokers.

There are in fact two separate and distinct classifications of direct buyers. One class is known as "buying brokers" (who designate themselves as brokers but who are not in fact brokers). The other class of direct buyers consists, among others, of chain stores, large wholesalers and members of buying groups.

The food products sold by the respondent to such direct buyers principally bear brands or labels owned by such buyers, and as to such food products, all the good will established by the respondent accrues to such direct buyers.

The respondent also sells to other direct buyers (some of whom also incorrectly designate themselves as "brokers") who purchase the respondent's food products exclusively under respondent's brands or labels in their own respective names and for their own accounts for resale.

The respondent pays such buyers of its food products, directly or indirectly (regardless of whether such food products are purchased under respondent's labels or distributors' labels), commissions or brokerage fees, or allowances or discounts in lieu thereof on such purchases.

Such direct buyers transmit their own purchase orders for food products directly to the respondent. The respondent thereafter invoices and ships such food products directly to such buyers from whom the respondent collects the purchase price of the merchandise. The respondent, among its several methods of sales, pay such buyers commissions or brokerage fees on such purchases by deducting or allowing from the invoice price of the food products purchased an amount which is equal or approximately equal to the commissions or brokerage fees paid by the respondent to its brokers (as illustrated in method one), or by selling to such buyers at a net price which reflects brokerage.

Contrary to the manner in which brokers operate (as described in method one above) such buyers are traders for profit purchasing and reselling such food products in their own names and for their own accounts, taking title to the food products and assuming all risk incident to ownership.

Such resales are not made at the prices, and on the terms dictated by respondent, but at the prices and on the terms determined by the buyer who makes a profit or suffers a loss thereon, as the case may be.

Said direct buyers shop the market, and purchase food products from several sellers, including respondent, and purchase where they are able to secure the most favorable prices and terms, including the payment of commissions and brokerage fees.

Said buyers pay the price of the food products purchased from respondent, as a condition precedent to delivery of such food products by the carrier to them. If the food products shipped by the respondent to the buyers are lost or damaged in transit, such buyers file claim with the carrier and collect damages from the carrier for their own accounts.

Such buyers, upon receipt of such food products from the respondent, warehouse them in their own warehouses or in public warehouses and insure the products at their own expense and in their own names and for their own accounts, against contingent loss or damage. Subsequently, said buyers pledge warehouse receipts and insurance contracts covering these products they have purchased as security for loans from banks.

PAR. 5. The respondent, since June 19, 1936, in connection with the interstate sale of its food products by the same method set forth in paragraph 4, have paid or granted and are now paying or granting, directly or indirectly, commissions, brokerage, or other compensation, or discounts in lieu thereof, to buyers of their food products, and such acts and practices as set forth above are in violation of subsection (c) of section 2 of the Clayton Act as amended.

Wherefore, the premises considered, the Federal Trade Commission on this 21st day of February, A. D., 1945, issues its complaint against said respondent.

Notice. Notice is hereby given you, South Coast Fisheries, Inc., a corporation, respondent herein, that the 30th day of March, A. D., 1945, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 21st day of February, A. D., 1945.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 45-3224; Filed, Feb. 28, 1945;  
10:59 a. m.]

## INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 890]

### RECONSIGNMENT OF ONIONS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, February 24, 1945, by Robert Berner Company of car PFE 45213, onions, now on the Wood Street Terminal (C&NW) to Balsano Fruit & Produce Company, St. Louis, Missouri (I. C.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of February 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-3230; Filed, Feb. 28, 1945;  
11:21 a. m.]

### APPOINTMENT OF PERMIT AGENTS WITH RESPECT TO COTTON

Pursuant to the authority vested in me by paragraph (d) of Service Order No. 249, the following permit agent is hereby appointed, effective March 1, 1945, to issue permits pursuant to paragraph (c) of said order.

7. H. P. Merritt—Ft. Smith, Arkansas

Effective the same date the appointment of H. C. Baker is revoked.

A copy of this notice has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of these appointments shall be given to the

general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 26th day of February 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-3231; Filed, Feb. 28, 1945;  
11:21 a. m.]

[S. O. 282, Special Permit 29]

**REICING OF LETTUCE AT CHICAGO, ILL.**

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing February 23, 1945, one time only, at Chicago, Illinois, with 3,000 lbs. ice for SFRD 19193, lettuce, now on Chicago Produce Terminal, as ordered by Shapiro Brothers.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of February 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-3232; Filed, Feb. 28, 1945;  
11:21 a. m.]

[S. O. 282, Special Permit 30]

**REICING OF SPINACH AND PEAS AT CROXTON YARDS, N. J.**

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, February 23, 1945, as ordered by Centër Brothers, with 2,000 lbs. ice for each car listed below, all located at Croxton yards on the Erie Railroad.

URT 4704 spinach  
PFE 97319 spinach  
PFE 61398 peas

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American

Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of February 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-3233; Filed, Feb. 28, 1945;  
11:21 a. m.]

[S. O. 282, Special Permit 32]

**REICING OF CARROTS AT NEWARK, N. J.**

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing one time only, February 23, 1945, as ordered by Joe. Dunholtz & Son, with 2,000 lbs. ice FGE 38221, carrots, now at Lawrence St. Yard of C. & N. J. Railroad, Newark, N. J.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of February 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-3234; Filed, Feb. 28, 1945;  
11:22 a. m.]

[S. O. 282, Special Permit 33]

**REICING OF CABBAGE AT WAVERLY, N. J.**

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Waverly, N. J., February 23 or 24, 1945, with not to exceed 2,000 pounds of retop ice per car, cars URT 35599, ART 71441, NRC 14007, cabbage, on the Pennsylvania Railroad, as requested by Atlantic Commission Company.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of February 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-3235; Filed, Feb. 28, 1945;  
11:22 a. m.]

[S. O. 282, Special Permit 34]

**REICING CABBAGE AT NEWARK, N. J.**

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Newark, N. J., February 23 or 24, 1945, with not to exceed 2,000 pounds of retop ice, car WFE 61472, cabbage, now on the Pennsylvania Railroad at Hunter Street, as requested by Jos. Benholtz and Son.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of February 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-3236; Filed, Feb. 28, 1945;  
11:22 a. m.]

[S. O. 282, Special Permit 35]

**REICING OF SHALLOTS AT NEW YORK, N. Y.**

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at New York, N. Y., February 23 or 24, 1945, with not to exceed 2,000 pounds of retop ice, car FDEX 9269, shallots, on the Baltimore & Ohio Railroad

at 26th St. Yard, as requested by Carbone Brothers & Company, Inc.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of February 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-3237; Filed, Feb. 28, 1945;  
11:22 a. m.]

[S. O. 282, Special Permit 36]

#### REICING OF CABBAGE AT DETROIT, MICH.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282, insofar as it applies to the retop icing, one time only, at Detroit, Michigan, February 23 or 24, 1945, with not to exceed 4,000 pounds of retop ice, car URT 81671, cabbage, on the Union Belt of Detroit, as requested by Nathan Gilbert and Sons.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of February 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-3238; Filed, Feb. 28, 1945;  
11:22 a. m.]

[S. O. 282, Special Permit 37]

#### REICING OF CABBAGE AT BALTIMORE, MD.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the re-

top icing, one time only, at Baltimore, Maryland, February 24, 1945, with not to exceed 2,000 pounds of retop ice, car ART 21133, cabbage, on the Pennsylvania Produce Terminal (P. R. R.), as requested by the De Marco Company.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of February 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-3239; Filed, Feb. 28, 1945;  
11:22 a. m.]

[S. O. 282, Special Permit 38]

#### REICING OF CARS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Chicago, Illinois, February 24 or 25, 1945, cars PFE 15124, 73637, 94810, 76416, 73904, 74563, 92652, MDT 17945, ART 15940, 24234, SFRD 35296, 24834, FGE 15874, 21174, NRC 14021, with not to exceed 2,000 pounds of retop ice, and PFE 63055, with not to exceed 3,000 pounds of retop ice, all cars now on the Chicago Produce Terminal, as requested by the Schuman Company.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of February 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-3240; Filed, Feb. 28, 1945;  
11:22 a. m.]

[S. O. 282, Special Permit 39]

#### REICING OF LETTUCE AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of

February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Chicago, Illinois, February 24, 1945, with not to exceed 3,000 pounds of retop ice, car PFE 38893, lettuce, on the Chicago Produce Terminal, as requested by J. Fine Co.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of February 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-3241; Filed, Feb. 28, 1945;  
11:22 a. m.]

[S. O. 282, Special Permit 40]

#### REICING OF CARROTS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing as ordered by Schuman Co., with 2,000 pounds ice each for SFRD 38107 and MDT 146483, carrots, on Chicago Produce Terminal. The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of February 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-3242; Filed, Feb. 28, 1945;  
11:23 a. m.]

[S. O. 282, Special Permit 41]

#### REICING OF VEGETABLES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering

paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing as ordered by La Mantia Brothers with 2,000 lbs. ice for SFRD 19761, vegetables on Wabash Railroad at Chicago, Illinois.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of February 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-3243; Filed, Feb. 28, 1945; 11:23 a. m.]

[S. O. 282, Special Permit 42]

REICING OF PEAS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing as ordered by S. H. Becker for 3,000 lbs. ice PFE 28096, peas, on Chicago Produce Terminal.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of February 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-3244; Filed, Feb. 28, 1945; 11:23 a. m.]

[S. O. 282, Special Permit 43]

REICING OF ESCAROLE AND CABBAGE AT JERSEY CITY, N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Jersey City, New Jersey, February 24, 1945, with not to exceed 2,000 pounds of retop ice per car, cars PFE 36452, escarole, FGE 32009 and GARX 67974, cabbage, on the Pennsylvania Railroad at the Ball Grounds and Harsimus Cove, as requested by Leef Schniebold Co.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of February 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-3245; Filed, Feb. 28, 1945; 11:23 a. m.]

[S. O. 282, Special Permit 44]

REICING OF BEETS AND PEAS AT JERSEY CITY, N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, with not to exceed 2,000 pounds of retop ice, February 24, 1945, cars FGE 35345, beets, at 37th St. New York, N. Y., and PFE 97140, peas at Harsimus Cove, Jersey City, N. J., both on the Pennsylvania Railroad, as requested by Seuter Brothers.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of February 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-3246; Filed, Feb. 28, 1945; 11:23 a. m.]

[S. O. 282, Special Permit 45]

REICING OF CABBAGE AT JERSEY CITY, N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Jersey City, N. J., February 24, 1945, with not to exceed 2,000 pounds of retop ice, car SFRD 31425, cabbage, on the Pennsylvania Railroad, at the Ball Grounds, as requested by Geo. Fish.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of February 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-3247; Filed, Feb. 28, 1945; 11:23 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT B-4, Amdt. 1]

SAN FRANCISCO, CALIF., AND SALT LAKE CITY, UTAH

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon further consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers, filed at this Office by Pacific Greyhound Lines, San Francisco, California, and Burlington Transportation Company, Chicago, Illinois, *It is hereby ordered*, That:

Special Order ODT B-4 be, and it hereby is, amended by adding a paragraph numbered 4 at the end thereof, reading as follows:

4. The provisions of this order shall be subject to any Special Permit issued by the Division Director, Passenger Operations Division, Highway Transport Department, Office of Defense Transportation, to meet specific needs or special circumstances.

Issued at Washington, D. C., this 28th day of February, 1945.

J. W. JOHNSON,  
Director,  
Office of Defense Transportation.  
[F. R. Doc. 45-3213; Filed, Feb. 27, 1945;  
4:48 p. m.]

[Special Order ODT B-9, Amdt. 5]  
CHICAGO, ILL., AND NEW YORK, N. Y.  
COORDINATED OPERATIONS OF CERTAIN  
CARRIERS

Upon further consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers and amendments thereof, filed with the Office of Defense Transportation by All American Bus Lines, Inc., Chicago, Illinois, and Northern Trails, Inc., Chicago, Illinois, pursuant to § 501.49 of General Order ODT 11, as amended (7 F.R. 4389 and 11009; 8 F.R. 12028), *It is hereby ordered*, That:

1. Special Order ODT B-9, as amended (7 F.R. 5926; 8 F.R. 1160 and 11000; 9 F.R. 5092 and 10310), be, and it hereby is, amended by deleting the word and figures March 1, 1945, where they appear in paragraph 3 thereof and substituting therefor the word and figures June 1, 1945.

This amendment shall become effective on March 7, 1945.

Issued at Washington, D. C., this 28th day of February 1945.

J. M. JOHNSON,  
Director,  
Office of Defense Transportation.

[F. R. Doc. 45-3214; Filed, Feb. 27, 1945;  
4:48 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[RMPR 506, Order 73]  
BUCKEYE GLOVE CO., ET AL.  
APPROVAL OF MAXIMUM PRICES

Order No. 73 under section 4 (b) of Revised Maximum Price Regulation 506. Maximum prices for staple work gloves. Granting maximum prices to the Buckeye Glove Company and other sellers. Docket No. N60627-506-88-7.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered*:

(a) On and after February 28, 1945, the Buckeye Glove Company, Toledo, Ohio, may sell and deliver to any purchaser, and such purchaser may buy from it, the staple work glove numbers enumerated in the following table at or below the prices set forth in Column A of this table. Wholesalers who purchase these numbers from the Buckeye Glove Company may make "regular sales" at wholesale of such gloves, at or below the prices set forth in Column B of the table. Ceiling prices for "special sales" at wholesale shall be determined in accordance with section 3 (b) of Revised Maximum Price Regulation 506.

| Style No. | Description  | Column A<br>Manufacturer's prices    |                                       | Column B<br>Whole<br>sellers' prices<br>(per<br>dozen) |
|-----------|--|--------------------------------------|---------------------------------------|--|
|           |  | Group I<br>ceiling<br>(per<br>dozen) | Group II<br>ceiling<br>(per<br>dozen) |  |
| 505       | Men's clute cut split leather palm, part leather thumb (less than 3/4 leather thumb) leather finger tips, 5 ounce or heavier flannel palm lining, 6-ounce flannel back, knit wrist.                    | \$3.45                               | \$3.75                                | \$4.10   |
| 4889      | Men's gunn cut split leather palm, full leather thumb, leather finger tips, leather pull, leather knuckle strap, 6-ounce or heavier flannel palm lining, 8-ounce flannel back, 4" waterproof gauntlet. | 6.45                                 | 7.00                                  | 7.70   |
| 3880      | Men's clute cut 18-ounce quilted double thickness canton flannel palm, 8-ounce single thickness white flannel back, 4 1/2" double (2-ply thickness) gauntlet.  | 2.87 1/2                             | 3.15                                  | 3.42 1/2   |
| 10        | Men's extra large 10 1/2 white cotton jersey 6" knit wrist "Army seconds" made to U. S. Quartermaster Corps tentative specifications P. Q. D.-41D Stock #73G.  | 1.65                                 | 1.80                                  | 1.975  |
|           | Men's clute cut 6-ounce flannel gloves with antiflash gauntlet, "Navy seconds" made to Bureau of Ships AD interim specification No. 37-G-25.   | 1.875                                | 1.725                                 | 1.875  |

(b) The maximum prices authorized in paragraph (a) are subject to the following:

(1) The instructions for manufacturers and wholesalers which preface the tables in Appendix A of RMPR 506, including those relating to the pricing of seconds;

(2) The provisions in section 4 (a) of RMPR 506 with respect to a manufacturers' "wholesale percentage", and the quota of deliveries which must be made at Group I prices;

(3) For style numbers 74G and 10, the provisions of Supplementary Order 96—Maximum prices of certain goods rejected or not delivered under a war procurement contract;

(4) The marking and informational requirements of section 6 of RMPR 506. In addition to these requirements, the Buckeye Glove Company, on all deliveries of the style numbers listed in paragraph (a), made pursuant to this order, on and after February 28, 1945, must place the letter "S" following the lot number or brand name stated on the label, ticket, or other device used to mark the gloves.

(c) The definitions in RMPR 506 shall apply to this order.

(d) The Buckeye Glove Company must furnish each of its customers, who, on or after February 28, 1945, purchases the style numbers listed in paragraph (a) for purposes of resale, a notice in the form set forth below. The Buckeye

Glove Company must also notify each such customer (other than a seller at retail) that he is required in turn to transmit to his customers a copy of the notice set forth below. The notice may be attached to the invoice or may be stamped or printed on the invoice.

This notice is sent to you as required by Order No. 73 under section 4 (b) of Revised Maximum Price Regulation 506 issued by the Office of Price Administration. It lists ceiling prices fixed by OPA for the work glove numbers enumerated in the table below, manufactured by the Buckeye Glove Company.

OPA has ruled that the Buckeye Glove Company may sell these numbers at or below the prices listed in Column A below, subject to the provisions of section 4 (a) of RMPR 506 with respect to the quota of deliveries which must be made at Group I prices, and, in the case of style numbers 74G-S and 10-S, subject to the provisions of S. O. 96—Maximum prices of certain goods rejected or not delivered under a war procurement contract. Wholesalers in turn are authorized to make regular sales at wholesale of these numbers at or below the prices listed in Column B. Retailers will determine their ceiling prices on these numbers in accordance with section 2 of RMPR 506.

| Style No. | Column A<br>Manufacturers' prices |                     | Column B<br>Wholesalers' prices |
|-----------|-----------------------------------|---------------------|---------------------------------|
|           | Group I<br>ceiling                | Group II<br>ceiling |                                 |
|           | <i>Per dozen</i>                  | <i>Per dozen</i>    |                                 |
| 505-S     | \$3.45                            | \$3.75              | \$4.10                          |
| 4889-S    | 6.45                              | 7.00                | 7.70                            |
| 3880-S    | 2.87 1/2                          | 3.15                | 3.42 1/2                        |
| 74G-S     | 1.65                              | 1.80                | 1.975                           |
| 10-S      | 1.875                             | 1.725               | 1.875                           |

You will note that the letter "S" follows the manufacturers' lot number or brand name. This letter indicates that these gloves have been specifically priced by OPA under section 4 (b).

(e) This Order No. 73 under Revised Maximum Price Regulation 506 may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 28, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-3191; Filed, Feb. 27, 1945;  
11:45 a. m.]

[MPR 136, Order 414]  
MOJONNIER BROS. CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 414 under Maximum Price Regulation 136, as amended. Machines and parts, and machinery services. Mojonnier Bros. Co., Docket No. 6083-136.25a-162.

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1390.25a of



Maximum Price Regulation 136, as amended, *It is ordered:*

(a) The maximum prices for sales of the following machines and for supplying of the following services by Mojonner Bros. Co., Chicago, Illinois, shall be determined by multiplying by 102 per cent the present duly established maximum prices for those machines and services subject to all allowances, discounts, extra charges and terms of delivery established for the same class of purchasers on October 1, 1941.

Compact coolers, junior coolers, ammonia controls, miscellaneous controls, vacuum fillers, storage tanks, vacuum pans, conveyors, testers, cut traps and repair and service charges.

(b) Maximum prices for sales by resellers of the machines listed in paragraph (a) of this order shall be determined as follows: The reseller shall add to the maximum net price he had in effect to a purchaser of the same class just prior to this order, the dollar-and-cents amount by which his net invoiced cost has been increased by this order.

(c) Between August 1 and August 15, 1945, Mojonner Bros. Co. shall file with the Office of Price Administration, Washington, D. C., a detailed profit and loss statement for the first six months of 1945.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 1, 1945.

Issued this 28th day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-3273; Filed, Feb. 28, 1945;  
11:55 a. m.]

[MPR 188, Amdt. 24 to Order A-2]

#### STORE FIXTURES AND OFFICE FURNITURE

##### ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

That Order No. A-2 issued under § 1499.159b of Maximum Price Regulation No. 188 is amended in the following respect:

1. Paragraph (a) (7) is amended to read as follows:

(7) *Store fixtures and office furniture.* (i) This adjustment provision permits the granting of relief to manufacturers of store fixtures and office furniture who have customarily sold on long term contracts and who are unable to continue production of these store fixtures and office furniture under their existing maximum prices, whenever the loss of such manufacturers' production would result in higher prices to their customers. An adjustment may be granted if it appears:

(a) That the manufacturer's established maximum prices for sales of store fixtures or office furniture to a particular customer are below his total costs to

make and sell and are lower than the highest price at which the manufacturer entered into a contract during or prior to March 1942, to sell such store fixtures or office furniture to that purchaser.

(b) That the loss of the manufacturer's output of such store fixtures or office furniture would result in higher prices to the purchaser for the same or comparable items.

(ii) Application for adjustment under this provision must be made in accordance with the provisions of Revised Procedural Regulation No. 1.

(iii) Any adjustment granted will not exceed the highest contract price for these items in effect during March 1942 to each purchaser and in no instance will maximum prices be increased to a level in excess of the general level of prices prevailing for other store fixtures or office furniture.

This amendment shall become effective on the 3d day of March 1945.

Issued this 28th day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-3279; Filed, Feb. 28, 1945;  
11:52 a. m.]

#### Regional and District Office Orders.

[Region II Order G-54 Under RMPR 122,  
Amdt. 2]

##### COKE IN NEW YORK REGION

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1) and Rule 4 under § 1340.254 of Revised Maximum Price Regulation No. 122, Order No. G-54 is amended in the following respects:

1. Paragraph (g) is amended by changing the period at the end of the last sentence to a semicolon and adding the following proviso:

*Provided, That solid fuel dealers in the Boroughs of Manhattan, Bronx, Brooklyn, and Queens in the City of New York may, subject to the following conditions and limitations, commingle coke with coke, or coke with anthracite, and sell and invoice the resultant mixture as indicated:*

I. *Where solid fuels are transported to the dealer's yard by barge, such dealer shall do the following.* (1) He may commingle different kinds and sizes of coke in the barge.

(2) Prior to receipt in his yard of the first barge load of mixed coke, he shall set aside an empty storage space to hold the mixture. Subsequent barge loads of mixed coke may be added to the mixture in the same storage space. If put through different storage space, such other storage space must first be emptied before it holds the mixture. Once a storage space set aside for mixed coke has been emptied of such fuels, it shall be considered a different storage space.

(3) Each barge load of coke so commingled must be priced as a separate mixture, the maximum price of which shall be determined by adding to the weighted average alongside costs of coke in the barge (i. e., the per net ton cost of coke to dealer f. o. b. supplier's shipping point plus actual transportation cost from supplier's shipping point

to the dealer's yard, dock, or other terminal facility), the following margins: (1) In Manhattan and Bronx, on delivered sales, a margin not to exceed the per net ton margin applicable to the dealer's customary coke sales (as described in paragraph (b)) in units of one ton, taking into account terms of sale and delivery (i. e. discounts and service charges) in Brooklyn and Queens, on delivered sales, a margin not to exceed the per net ton margin applicable to the dealer's customary coke sales, or, where deliveries are in units of one ton or less, that margin plus 25¢ per net ton; where the dealer has no margin on customary coke sales, he shall apply to the New York Regional Office of the Office of Price Administration for an appropriate margin; (ii) on yard sales, \$1.25 per net ton (for cash or credit sales). Where yard sales are to other dealers for resale, the invoice, sales slip or receipt given to such other dealers shall carry the notation: "Reseller's markup on coke limited by Regional OPA coke Order No. G-54, paragraph (g), as amended." Where successive barge loads of mixed coke are put through the same storage space, the dealer shall revise his billings as soon as the tonnage equivalent to the tonnage of one barge load has passed through the storage space and been loaded on the trucks for delivery. The dealer shall not bill at the applicable maximum price for any mixture, tonnage in excess of that included in the mixture.

(4) If a storage space has been set aside for coke or a coke mixture, such coke or coke mixture may be sold commingled with a particular size of anthracite: *Provided, That the anthracite and the coke or coke mixture are weighed separately when loaded into the truck, and that the invoice separately states the tonnage and price for the quantity of anthracite in the combination, and separately states the tonnage and price for the coke or coke mixture in the combination. The anthracite must be priced in accordance with existing pricing rules applicable to that fuel for yard sales and delivered sales.*

II. *Where solid fuels are transported to the dealer's yard in railroad cars, such dealer shall do the following:*

(1) During the first week following the effective date of this order, in which the dealer receives coke in railroad cars, (i) he may determine his maximum price separately for each carload received, and bill accordingly, or, (ii) if more than one carload is received in one day, and put through a separate storage space set aside for coke, he may determine his maximum price for coke sold and delivered that day by adding to the weighted average of the alongside costs of the coke received in his yard that day, the following margins: (a) in Manhattan and Bronx, on delivered sales, a margin not to exceed the per net ton margin applicable to the dealer's customary coke sales (as described in paragraph (b)) in units of one ton, taking into account terms of sale and delivery (i. e., discounts and service charges); in Brooklyn and Queens, on delivered sales, a margin not to exceed the per net ton margin applicable to the dealer's customary coke sales, or, where deliveries are in units of one ton or less, that margin plus 25¢ per net ton. Where the dealer has no margin on customary coke sales, he shall apply to the New York Regional Office of the Office of Price Administration for an appropriate margin; (b) on yard sales, \$1.25 per net ton (for cash or credit sales). Where yard sales are to other dealers for resale, the invoice, sales slip or receipt given to such other dealers shall carry the notation: "Reseller's markup on coke limited by Regional OPA coke Order No. G-54, paragraph (g), as amended." If the day's sales of coke do not equal the day's receipts, the balance unsold that day may be sold in the succeeding day or days at that weighted average price, or that balance may be thrown in with a succeeding day's

receipts, and sold at a new weighted average price determined as above. In calculating this new weighted average, the balance carried over shall be carried over at the previously determined weighted average price. Dealers may continue to price on an individual carload or daily basis, as set out above, for the duration of this order.

(2) At the end of the first week, if the dealer elects not to continue to price on an individual carload or daily basis, he shall price as follows: He shall calculate a weighted average price on the basis of that entire week's receipts. That weighted average price shall be his maximum price for coke received by rail and sold and delivered during the next week. Each week thereafter, the dealer's maximum price for coke received in railroad cars shall likewise be determined by taking the weighted average price for his previous week's receipts.

III. *Resellers of dealers who price under I and II above.* Any dealer purchasing mixed coke at the yard from another dealer who has determined his yard maximum price under the foregoing subparagraphs I and II, may determine his own maximum delivered price for such coke by adding his margin on customary coke sales (as described in paragraph (b)), taking into account terms of sale and delivery: *Provided*, That his maximum delivered price shall in no event exceed the maximum delivered price of his seller for the same mixed coke. If mixed coke or coke is sold as part of a mixture including coke and anthracite, the invoice shall separately state the tonnage and price for the quantity of anthracite in the combination, and separately state the tonnage and price for the coke or coke mixture in the combination. The anthracite must be priced in accordance with existing pricing rules applicable to that fuel for yard sales and delivered sales.

IV. *Special cases.* Dealers whose yard facilities are such that it is impossible for them to handle coke within the rules of this paragraph (g), or who have the practice of central pricing for multiple yards, may apply to the New York Regional Office of the Office of Price Administration for an exception to those rules. The application shall be in writing and set forth the following:

(1) Detailed reasons why he cannot physically handle coke within the limits of paragraph (g) or of his central pricing practice.

(2) A proposed method of handling and pricing in lieu of that permitted which must be consistent with the pricing limitations of this paragraph (g).

V. *Records*—(1) *Dealers receiving mixed coke by barge.* Every dealer who receives mixed coke by barge and sells it subject to this paragraph shall preserve, keep and make available for examination by the Office of Price Administration, distinct, readily verifiable, complete, and accurate records for mixed coke, including the following: the date of loading mixed coke in each barge containing such mixture, the total quantity of coke mixed in each barge, a description, by size and kind, of each different coke, indicating for each the quantity, cost of coke f. o. b. supplier's shipping point, cost of transportation, supplier's name, the supplier's shipping point. The records shall also show the price determined for each barge load of mixed coke, the name and address, if known, of every purchaser at the different prices established for different barge loads, and the quantity purchased by each, as well as the total quantity of mixed coke sold at a given price.

(2) *Dealers receiving coke in railroad cars.* Every dealer who receives coke in railroad cars and sells it subject to this paragraph shall preserve, keep, and make available for examination by the Office of Price Administration a record of every carload received, showing for each the date received, kind, size, quantity, cost of coke f. o. b. supplier's shipping point, cost of transportation, supplier's name, and supplier's shipping point.

Where, during the first week of operations under this paragraph (g), the selling price has been separately determined for each carload, the records shall show the selling price determined for each carload, the names and addresses, if known, of every purchaser at the different prices established for different carloads, the quantity purchased by each, as well as the total quantity sold at a given price. Dealers continuing to price on this basis after the first week shall continue to maintain such records.

Where, during the first week of operations under this paragraph (g), the selling price has been determined on the basis of the weighted average of the day's receipts, the records shall show the selling price determined each day for designated carloads received, the name and address, if known, of every purchaser at a daily price, the date of sale, quantity sold to each, as well as the total quantity sold each day. Dealers continuing to price on this basis after the first week shall continue to maintain such records.

Commencing with the end of the first week of operations under this paragraph (g), and continuing at the end of each succeeding week, dealers pricing on the weekly weighted average basis, rather than on an individual carload or daily basis, shall maintain records showing the weighted average selling price based on the week receipts, to be in effect for the next week, the names and addresses, if known, of every purchaser at the weekly price, the date of sale, quantity sold to each, as well as the total quantity sold each week.

(3) *Resellers.* Resellers purchasing from dealers who price coke under this paragraph (g) shall preserve, keep, and make available for examination by the Office of Price Administration complete and accurate records including the following: name of each dealer supplying coke priced under paragraph (g), a record of every purchase from each supplier and the price charged, and a record of every resale corresponding to the purchases, showing the name and address of the buyer, if known, the per net ton price charged each, and the quantity sold to each.

(4) *Records of price determinations and redeterminations.* Dealers receiving mixed coke by barge or railroad cars, shall preserve, keep, and make available for examination by the Office of Price Administration records showing their calculations for each price determination or redetermination of mixed coke under this paragraph (g).

(5) To the extent that the foregoing record-keeping requirements are inconsistent with paragraph (h), they supersede paragraph (h), and only to that extent.

VI. *Invoices, sales slips, and receipts.* Apart from the requirements of paragraph (i) of this order, where a dealer sells mixed coke, or a mixture of coke and anthracite, subject to this paragraph (g), the invoice, sales slip, or receipt shall designate a coke mixture as "mixed coke". Any anthracite in the mixture must always be separately stated by size, quantity, and price.

VII. *Reports.* Every dealer making sales of coke subject to this paragraph (g) shall, at the end of each week of operations under this paragraph, file with the New York Regional Office of the Office of Price Administration the following:

(1) A statement of each price determination or redetermination for mixed coke, made during that week.

(2) Where the price determination or redetermination is for a fixed period under this paragraph (g), specify the period.

This Amendment No. 2 to Order No. G-54 shall become effective February 1, 1945, and, unless earlier revoked or modified, shall expire on midnight, March 31, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of January 1945.

DANIEL P. WOOLLEY,  
Regional Administrator.

[F. R. Doc. 45-3199; Filed, Feb. 27, 1945; 1:48 p. m.]

[Region II Order G-54 Under RMPR 122, Corr. to Amdt. 2]

#### COKE IN NEW YORK REGION

1. Paragraph (g) is amended by designating the text beginning with the proviso as subparagraph (1).

2. There shall be added to the rule indicated by the designation "II" an additional subparagraph designated (3), to read as follows:

(3) If a storage space has been set aside for coke or a coke mixture, such coke or coke mixture may be sold commingled with a particular size of anthracite, *Provided*, That the anthracite and the coke or coke mixture are weighed separately when loaded into the truck, and that the invoice separately states the tonnage and price for the quantity of anthracite in the combination, and separately states the tonnage and price for the coke or coke mixture in the combination. The anthracite must be priced in accordance with existing pricing rules applicable to that fuel for yard sales and delivered sales.

3. The following statement shall be added immediately after the statement of the effective date of Amendment No. 2:

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

This correction shall become effective February 1, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 79th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 3d day of February 1945.

DANIEL P. WOOLLEY,  
Regional Administrator.

[F. R. Doc. 45-3198; Filed, Feb. 27, 1945; 1:47 p. m.]

[Region II Order G-60 Under RMPR 122]

#### SOLID FUELS IN NEW YORK CITY

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, it is ordered:

(a) *What this order covers.* Notwithstanding the provisions of Revised Maximum Price Regulation No. 122 or of any orders issued thereunder, solid fuel dealers in the Boroughs of Manhattan, Bronx, Brooklyn, and Queens in the City of New York, may, subject to the conditions and limitations hereinafter specified, commingle barley-sized anthracite with bituminous coal, and sell and invoice the resultant mixture as indicated.

(b) *To whom this order applies.* This order applies only to solid fuel dealers in Manhattan, Bronx, Brooklyn and Queens who receive barley-sized anthracite and bituminous coal commingled in barge, and make delivered sales of such mixture directly to consumers.

(c) *What this order does.* Barley-sized anthracite may be commingled in barge and sold as a mixture of these fuels, *Provided, That:*

(1) Prior to receipt in his yard of the first barge load of a mixture, the dealer shall set aside an empty storage space to hold the mixture. Subsequent barge loads of a mixture may be added in the same storage space. If put through different storage space, such other storage space must first be emptied before it holds a mixture. Once a storage space set aside for mixed barley-sized anthracite and bituminous coal has been emptied of such fuels, it shall be considered a different storage space.

(2) Each barge load of fuels so commingled must be priced as a separate mixture, the maximum price of which shall be the weighted average of the maximum prices of each component part. The maximum price for each component part shall be determined as follows:

(i) The maximum delivered price for barley-sized anthracite in the mixture shall be the price specified in Revised Order G-3, as amended, for delivered sales of that fuel.

(ii) The maximum delivered price for each kind and size of bituminous coal in the mixture shall be the dealer's maximum delivered price for such fuel determined under the applicable pricing rule contained in § 1340.254 of Revised Maximum Price Regulation No. 122.

(3) Where successive barge loads of mixed barley-sized anthracite and bituminous coal are put through the same storage space, the dealer shall revise his billings as soon as the tonnage equivalent to the tonnage of one barge load has passed through the storage space and been loaded on trucks for delivery. The dealer shall not bill at the applicable maximum price for any mixture, tonnage in excess of that included in the mixture.

(d) *Special cases.* Dealers selling solid fuels subject to this order, who have the practice of uniform pricing for multiple yards, may apply to the New York Regional Office of the Office of Price Administration for leave to establish uniform prices for designated yards. The application shall be in writing and specify:

(1) The nature and extent of his practice of uniform pricing, and the yards involved.

(2) A proposed method of uniform pricing which must be consistent with the pricing limitations of this order.

(e) *Records.* (1) Every dealer who receives mixed barley-sized anthracite and bituminous coal by barge and sells the mixture subject to this order shall preserve, keep and make available for examination by the Office of Price Administration, distinct, readily verifiable, complete, and accurate records for each mixture including the following: The date of loading a mixture in each barge, the total quantity of barley-sized anthracite

and bituminous coal in each barge load, a description, by size, kind, and origin, of the bituminous coal in each barge load, indicating for each the quantity, cost of coal f. o. b. supplier's shipping point, cost of transportation, supplier's name, the supplier's shipping point. The records shall also show the price determined for each barge load of the mixture, the name and address, if known, of every purchaser at the different prices established for different barge loads, and the quantity purchased by each, as well as the total quantity of a mixture sold at a given price.

(2) *Records of price determinations and redeterminations.* Dealers receiving a mixture of barley-sized anthracite and bituminous coal by barge, shall preserve, keep, and make available for examination by the Office of Price Administration records showing their calculations for each price determination or redetermination under this order.

(f) *Invoices, sales slips, and receipts.* Where a dealer sells a mixture of barley-sized anthracite and bituminous coal under this order, the invoice, sales slip, or receipt shall designate the mixture as "mixed barley anthracite and bituminous."

(g) *Reports.* Every dealer making sales of mixed barley-sized anthracite and bituminous coal subject to this order, shall, at the end of each week of operations under this order, file with the New York Regional Office of the Office of Price Administration, a statement of each price determination or redetermination for each barge load of such mixed fuels sold during that week.

This Order No. G-60 shall become effective February 12, 1945, and, unless earlier revoked or modified, shall expire on midnight, March 31, 1945.

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

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of February 1945.

DANIEL P. WOOLLEY,  
Regional Administrator.

[F. R. Doc. 45-3200; Filed, Feb. 27, 1945;  
1:48 p. m.]

[Region V Order G-7 Under RMPR 122,  
Amdt. 2]

#### SOLID FUELS IN SPRINGFIELD, MO.

Pursuant to the Emergency Price Control Act of 1942, as amended, and the authority vested in the Regional Administrator of Region V by § 1340.260 of Revised Maximum Price Regulation No. 122 and for the reasons set forth in the opinion issued simultaneously herewith, *It is ordered, That* Order No. G-7 under Revised Maximum Price Regulation No. 122, maximum prices for solid fuels sold in the City of Springfield, Missouri, be, and the same is, hereby amended, as follows:

1. Section (c) *Price schedule*, sub-section (II) *Low volatile coal from District 14 (Arkansas and Oklahoma)* is amended and changed to read, as follows:

II. *Low volatile coal from District 14 (Arkansas and Oklahoma)*—(A) *Production Groups 2 and 3.* The following maximum prices are for specified sizes of low volatile coal produced at mines in the Denning-Coal Hill and Altus fields of Franklin and Johnson Counties, mines in the Philpott field of Johnson and Franklin Counties, and mines in the Paris basin located in Franklin and Logan Counties, except that of the Jewel Coal Company, Mine Index No. 55, all in the State of Arkansas:

(1) Lump, machine cut (bottom size 2½" or larger)----- \$12.10  
(2) Household Stoker, washed (top size 1½", bottom size ¾")----- 7.70

The following maximum price is for the specified size of bituminous coal produced by the Jewel Coal Company, Mine Index No. 55:

(3) Lump, machine cut (bottom size 2½" or larger)----- \$11.35

(B) *Production Group 5.* The following maximum price is for the specified size of low volatile coal produced at mines in the Panama, Bokoshe, Milton, Poteau, Wister, and Howe-Heavener fields, of LeFlore County, Oklahoma; the McCurtin field of Haskell County and all mines in Sequoyah County, Oklahoma; mines in the Bates field in Scott County, Arkansas; mines in the Charleston field of Franklin County, Arkansas; mines in Sebastian County, Arkansas:

(1) Lump, machine cut (bottom size 2½" or larger)----- \$11.20

2. Section (d) *Service charges*, paragraph (1) is amended to read, as follows:

(1) Below and as a part of this paragraph (d) is a schedule that sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales under preceding paragraph (c). These charges may be made only if the buyer requests such services of the dealer and only when the dealer renders the services.

a. Subparagraph (iii) of paragraph (1) is amended and changed to read, as follows:

(iii) The prices set forth in the foregoing schedule are for untreated coal. The dealer may charge an amount not to exceed 10¢ per ton in addition to the scheduled prices when the coal is thoroughly and adequately treated, chemically or with oil to allay dust or prevent freezing. (See also section (j) (1) of this amendment).

b. Subparagraph (iv) of paragraph (1) is amended and changed to read, as follows:

(iv) A storage service charge not to exceed 80¢ per ton may be charged by the dealer and added to the per net ton cash price when a buyer who has purchased solid fuel leaves and stores it in the dealer's yard: *Provided, That* no charge for storage may be made unless the dealer receives a written statement

(which the dealer shall preserve for not less than two years) from the customer, requesting such storage, the coal which is the subject of the charge is ear-marked as that customer's coal and is stored separate and apart from all other coal owned by the dealer or by other customers of the dealer prior to the beginning of the usual heating season, and the customer pays for all of the coal so stored upon its being placed in storage (except that when the same kind of coal is properly stored for the account of two or more customers, these customers' coal may be mingled in one pile with a proper record kept of the respective amounts belonging to each customer).

3. Section (j) *Records and reports*, is redesignated and amended to read, as follows:

(j) *Sales slips and receipts; records.* (1) Every person selling solid fuels subject to this Order shall, either at the time of, or within thirty days after the date of a sale or delivery of solid fuels governed by this order, give to his purchaser an invoice, sales slip or receipt, and shall keep an exact copy thereof for so long as Revised Maximum Price Regulation No. 122 is in effect or for so long as the Emergency Price Control Act of 1942, as amended, shall permit, whichever period is longer, showing the following information: the name and address of the seller and the purchaser; the kind, size and quantity of the solid fuels sold, the date of the sale or delivery and the price charged. In addition, he shall separately state on each such invoice, sales slip or receipt, the amount, if any, of the required discounts, authorized service charges and taxes which must be deducted from or which may be added to the established maximum prices: *Provided*, That a dealer who is authorized to make a special service charge for chemical or oil treatment of coal need not separately state the amount of such service charge if he clearly indicates on the invoice that such coal is so treated. This section shall not apply to sales of solid fuel in less than quarter ton lots unless the purchaser requests such sales.

4. Section (k) is redesignated and amended to read, as follows:

(k) *Posting of maximum prices.* (1) Each dealer subject to this order shall post all of the maximum prices set by it for all types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order in his establishment and make it available for examination by any person during business hours.

5. Paragraph (2) of section (k) is hereby revoked.

This order shall become effective this 12th day of February, 1945.

(56 Stat. 23, 765; 57 Stat. 568; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued at Dallas, Texas, this 12th day of February 1945.

W. A. ORTH,  
Regional Administrator.

[F. R. Doc. 45-3194; Filed, Feb. 27, 1945; 1:46 p. m.]

[Region VI Order G-51 Under MPR 329]

#### FLUID MILK IN PRAIRIE DU CHIEN, WIS.

For the reasons set forth in the accompanying opinion and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 (a) of Maximum Price Regulation No. 329, it is hereby ordered:

(a) *Maximum producer prices.* The maximum price which distributors in Prairie du Chien, Wisconsin, may pay to producers for milk sold for human consumption in fluid form shall be 79¢ per pound butterfat in whole milk.

(b) *Applicability of producer prices.* Paragraph (a) of this order shall apply to all purchases of milk from producers for resale for human consumption in fluid form by distributors whose bottling plants are located within Prairie du Chien, Wisconsin, or who sell within that city 50% or more of the milk sold by them.

(c) *Addition of transportation charges.*

(1) The maximum price established in paragraph (a) is the maximum price for milk f. o. b. purchaser's plant. Where the transportation charge or any part thereof is paid by the purchaser, the total amount paid for transportation plus the amount received by the producer shall not be in excess of the maximum price set forth in paragraph (a).

(2) Where the purchaser hauls the milk to his plant in a conveyance owned, leased or operated by him, he shall deduct from the maximum price set forth in paragraph (a) of this order the cost of such transportation. The "cost of such transportation" shall be the maximum price which may be charged by milk haulers or other transportation companies for the hauling of milk to the purchaser's plant.

(d) *Relation of this order to Office of Price Administration regulations.* Except as modified by this order, the provisions of the Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in business or trade practices in effect during that month.

(e) *Definitions.* Unless the context otherwise requires, the definitions set forth in Maximum Price Regulation No. 329, and the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(f) *Revocability.* This order may be revoked, amended or corrected at any time.

This order has been approved by the Midwest Field Representative, Dairy & Poultry Branch, Office of Distribution of the War Food Administration.

This order shall be effective the 15th day of February 1945.

Issued this 13th day of February 1945.

RAE E. WALTERS,  
Regional Administrator.

[F. R. Doc. 45-3197; Filed, Feb. 27, 1945; 1:47 p. m.]

[Region VII Order G-8 Under Supp. Order 94]

#### CERTAIN WAR SURPLUS COMMODITIES IN DENVER REGION

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabili-

zation Act of 1942, as amended, and sections 11 and 13 of Supplementary Order 94, as amended, and for the reasons set forth in the accompanying opinion this Order No. G-3 is issued.

(a) *What this order does.* This Order No. G-3 establishes the maximum prices at the retail level for all sales to ultimate consumers or users of the war surplus commodities hereinafter described, when sold in Region VII.

(b) *Geographical applicability.* This Order No. G-3 shall apply only to retail sales made in this Region VII, which includes the States of New Mexico, Colorado, Wyoming, Montana, and Utah, and that part of the State of Idaho lying south of the southern boundary of Idaho County, the County of Malheur in the State of Oregon, and all that part of the Counties of Coconino and Mohave in the State of Arizona lying north of the Colorado River.

(c) *Maximum retail prices.* On and after the effective date hereof, the maximum prices for which the surplus war commodities hereinafter described may be sold at retail, f. o. b. the seller's place of business, shall be as follows:

|   | <i>Each (cents)</i> |
|---|---------------------|
| (1) Pots, tea or coffee, individual, white enamel ware, 10-ounce capacity .....   | 70                  |
| (2) Saucers, fruit, plain white vitrified chinaware, with insignia of United States Medical Department stamped thereon .....  | 17                  |
| (3) Plates, soup, plain white chinaware, 9-inch rim outside, slightly used .....  | 18                  |
| (4) Plates, bread and butter, medium weight, 6½-inch outside diameter, white chinaware, having insignia of United States Medical Department stamped thereon, new .....    | 12                  |
| (5) Dishes, individual butter, medium weight, white chinaware, having insignia of United States Medical Department stamped thereon, new .....                             | 5                   |
| (6) Saucers, plain white vitrified chinaware, 5¾ inches, having insignia of United States Medical Department stamped thereon, new .....                                   | 12                  |
| (7) Saucers, fruit, plain white vitrified chinaware, diameter 5¼ inches, height 1½ inches, having insignia of United States Medical Department stamped thereon, new ..... | 13                  |
| (8) Plates, dessert, 7¼ inches, chinaware, having insignia of United States Medical Department stamped thereon, new .....   | 18                  |

(d) *Definitions*—(1) "War Surplus commodity" means a commodity of the sort described which was formerly owned by the United States Government as a part of its military supplies, then sold by the Treasury Department, Procurement Division, Office of Surplus Property, either new or slightly used, and which when sold under this Order No. G-3 remains in the same new or slightly used condition it was in at the time it was sold by such government agency.

(2) "Sale at retail" means a sale by any person to any ultimate consumer or user.

(3) Except insofar as the same may be inconsistent with or contradictory of any of the terms and provisions of this Order No. G-3, the definitions set forth in section 17 of Supplementary Order 94 are by reference incorporated herein and made a part hereof.

(e) *Exempt sales.* The commodities covered by this Order No. G-3 are hereby

expressly exempted from price control when sold by the Treasury Department, Procurement Division, Office of Surplus Property, or by any other seller at any level other than the retail level; that is to say, when sold to any person other than an ultimate consumer or user of said commodity.

(f) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(g) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

(h) *Effective date.* This Order No. G-3 shall become effective on the 8th day of February 1945.

Issued this 12th day of February 1945.

**RICHARD Y. BATTERTON,**  
Regional Administrator.

[F. R. Doc. 45-3196; Filed, Feb. 27, 1945; 1:47 p. m.]

[Region VII Order G-26 Under RMPR 122, Amdt. 29]

**SOLID FUELS IN DENVER REGION**

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 29 is issued.

(1) Paragraph (q), *Appendices establishing specific maximum prices for certain trade areas in Region VII*, is hereby amended by adding thereto Appendix XXXIX, to read as follows:

**APPENDIX XXXIX—LEWISTOWN TRADE AREA**

(1) *To what sales this Appendix XXXIX applies.* This Appendix XXXIX applies only to sales made by dealers in the Lewistown Trade Area of the State of Montana, which means all that area contained within the municipality of Lewistown and a distance of three miles beyond the corporate limits thereof at all points.

(2) *Relation to other orders.* This Order No. G-26 and this Appendix XXXIX thereto supersedes Letter Order No. 7-122-259 (a) (1)-1, 2, and 3 issued jointly to Farmers Elevator Company, Monarch Lumber Company, and Montana Lumber and Hardware Company under date of November 10, 1944, and that letter order is revoked as of the effective date hereof.

(3) *Specific maximum prices.* If you are a dealer and sell in the Lewistown Trade Area of the State of Montana either delivered from your yard or delivered by truck direct from the mine, any one or more of the kinds and sizes of coal named in this Appendix XXXIX, your maximum prices therefor are those set forth in Parts 1 and 2 of the following:

TABLE OF MAXIMUM PRICES

| Kind, size, and letter designation   | Part 1              |             | Part 2              |                 |
|--|---------------------|-------------|---------------------|-----------------|
|  | Delivered from yard |             | Delivered from mine |                 |
|  | Per ton             | Per 1/2-ton | Load lots           | Split-load lots |
| <b>BITUMINOUS COAL PRODUCED IN DISTRICT 22</b>   |                     |             |                     |                 |
| <i>Subdistrict 1, Roundup, and subdistrict 9, Bull Mountain</i>  |                     |             |                     |                 |
| (A) Sizes 1-6: Single screened lump coals, bottom size larger than 1 1/2". Double screened coals, top size larger than 2" and bottom size 1 1/4" and larger. | \$7.95              | \$4.10      | \$7.75              | \$8.00          |
| (B) Sizes 7 and 8: Double screened nut coals, bottom size larger than 1 1/2" and top size not exceeding 2".  | 6.90                | 3.60        | -----               | -----           |
| (C) Size 9: Double screened pea coals, bottom size 1 1/2" and top size not exceeding 1 1/4".   | 6.05                | -----       | 6.00                | -----           |
| (D) Size 10: Slack larger than 1" x 0" but not exceeding 1 1/4" x 0".  | 4.95                | -----       | 4.50                | -----           |
| <i>Subdistrict 4, Lewistown</i>  |                     |             |                     |                 |
| (E) Sizes 1-6: Single screened lump coals, bottom size larger than 1 1/2". Double screened coals, top size larger than 2" and bottom size 1 1/4" and larger. | -----               | -----       | 6.00                | 6.50            |
| (F) Size 9: Double screened pea coals, bottom size 1 1/2" and top size not exceeding 1 1/4".   | -----               | -----       | 4.00                | -----           |

(4) *Letter designation.* For record-keeping purposes, the letter designation hereinabove set forth may be used to show the kind of solid fuel sold.

(5) *Special service charges.* If, in connection with the sale and delivery of coal made by you in the Lewistown Trade Area, you, at the request of the purchaser, perform any one or more of the special services set forth below, the maximum prices which you may charge for such services are as follows:

|                                     | Per ton | Per 1/2-ton |
|-------------------------------------|---------|-------------|
| "Wheel-in"-----                     | \$0.75  | \$0.50      |
| "Pull-back" or "Trimming"-. . . . . | 0.25    | 0.15        |
| Carrying up or down stairs. . . . . | 1.00    | 0.60        |
| Oil or chemical treatment. . . . .  | 0.25    | 0.15        |

2. *Effective date.* This Amendment No. 29 shall become effective on February 15, 1945.

Issued this 12th day of February 1945.

**RICHARD Y. BATTERTON,**  
Regional Administrator.

[F. R. Doc. 45-3195; Filed, Feb. 27, 1945; 1:46 p. m.]

[Spokane Order G-73 Under 18 (c) Amdt. 2]

**CERTAIN FIREWOOD IN LATAH COUNTY, IDAHO**

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Spokane District Office of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation and Order of Delegation No. 34 under General Order No. 32, *It is hereby ordered*, That Order No. G-73 under § 1499.18 (c), as

amended, be amended as set forth below:

A new paragraph, designated as paragraph (c-1) is hereby inserted following paragraph (c) to read as follows:

(c-1) The maximum price charged by the Moscow Commission Company for fir and tamarack cordwood purchased at wholesale from C. W. Edgar of Troy, Idaho, and delivered to the consumer's premises in the City of Moscow (and an area within four miles of the city limits thereof) shall be \$15.00 per cord.

This amendment shall become effective upon issuance.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued: February 8, 1945.

**DAVE S. COHN,**  
District Director.

[F. R. Doc. 45-3193; Filed, Feb. 27, 1945; 1:46 p. m.]

**SECURITIES AND EXCHANGE COMMISSION.**

[File No. 812-371]

**ADAMS EXPRESS CO., ET AL.**

**NOTICE OF AND ORDER FOR HEARING**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of February, A. D. 1945.

In the matter of the Adams Express Company, American International Corporation, Chess Lambertson; File No. 812-371.

The Adams Express Company and American International Corporation, New York, New York, have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of said act a transaction in which the respective applicants propose to buy from Chess Lambertson, a director of Joy Manufacturing Company, 17,500 shares and 7,500 shares respectively of common stock of Joy Manufacturing Company at \$22 net per share. The purchasers in the proposed transaction are registered investment companies. The seller is an affiliated person of an affiliated person of the applicants.

*It is ordered*, Pursuant to section 40 (a) of the said act that a hearing on the aforementioned application be held on March 13, 1945, at 10:00 a. m., Eastern War Time, in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia 3, Pennsylvania; and

*It is furthered ordered*, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial exam-

iners under the Commission's rules of practice.

Notice of such hearing is hereby given to The Adams Express Company, American International Corporation and Chess Lamberton and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 45-3217, Filed, Feb. 28, 1945;  
9:15 a. m.]

WAR PRODUCTION BOARD.

[C-272]

HERBERT L. BATCHELDER  
CONSENT ORDER

Herbert L. Batchelder of Charlton Road East Brookfield, Massachusetts, began

construction in November 1944 on premises at 305 Oxford Street, Auburn, Massachusetts, without authorization from the War Production Board. The work consisted of the construction of a one-story frame store building at an approximate cost of \$5500, of which \$1200 has been expended in the construction of this building and it is at this time incomplete. An application for this work was filed in September 1944, but was denied. In spite of this denial, construction was begun and was stopped when warned by the Manager of the Regional Compliance Department of the War Production Board on December 11, 1944.

Herbert L. Batchelder admits the construction as aforesaid in violation of Conservation Order L-41 and does not care to contest the issue of wilfulness. Wherefore upon the agreement and consent of Herbert L. Batchelder, the Regional Compliance Chief, the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Herbert L. Batchelder, his successors or assigns, nor any other person, shall do any construction on the premises located at 305 Oxford Street, Auburn, Massachusetts, including putting up or altering the structure unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Herbert L. Batchelder, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as same may be inconsistent with the provisions hereof.

(c) This order shall take effect on the date of issuance.

Issued this 27th day of February 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-3205; Filed, Feb. 27, 1945;  
4:15 p. m.]

