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# FEDERAL REGISTER

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**Rules, Regulations, Orders**

**TITLE 16—COMPETITIVE PRACTICES**

**FEDERAL TRADE COMMISSION**

[Docket No. 3207]

**IN THE MATTER OF MERCOS SALES COMPANY**

SEC. 3.99 (b). *Using or selling lottery devices—In merchandising.*—Supplying, etc., to others, in connection with sale of bedspreads, tablecloths, silverware, hosiery, etc., pushcards or other lottery devices to enable recipients to dispose thereby of such merchandise, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b.) [Cease and desist order, Merco Sales Company, Docket 3207, August 12, 1938.]

SEC. 3.99 (b). *Using or selling lottery devices—In merchandising.*—Mailing, etc., to agents, etc., or to members of the public, in connection with sale of bedspreads, tablecloths, silverware, hosiery, etc., pushcards or other lottery devices so prepared or printed as to enable persons to sell, etc., such merchandise by the use thereof, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b.) [Cease and desist order, Merco Sales Company, Docket 3207, August 12, 1938.]

SEC. 3.99 (b). *Using or selling lottery devices—In merchandising.*—Selling or otherwise disposing of bedspreads, tablecloths, silverware, hosiery, etc., by use of pushcards or other lottery devices, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b.) [Cease and desist order, Merco Sales Company, Docket 3207, August 12, 1938.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of August, A. D. 1938.

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

**IN THE MATTER OF JOHN C. MERRITT, INDIVIDUALLY AND TRADING AS MERCOS SALES COMPANY**

**ORDER TO CEASE AND DESIST**

This proceeding having been heard<sup>1</sup> by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of respondent admitting all the material allegations of the complaint to be true and waiving the taking of further evidence and all other intervening procedure, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That the respondent, John C. Merritt, individually and trading as Merco Sales Company, or under any other name, his agents, representatives and employees, in connection with the offering for sale, sale and distribution of bedspreads, bed sheets, tablecloths and napkins, silverware, men's shirts, ladies' lingerie and hosiery, and other articles of merchandise in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

(1) Supplying to or placing in the hands of others pushcards or other lottery devices for the purpose of enabling such persons to dispose of or sell such articles of merchandise by the use thereof.

(2) Mailing, shipping or transporting to his agents or to distributors or to members of the public pushcards or other lottery devices so prepared or printed as to enable said persons to sell or distribute such articles of merchandise by the use thereof.

(3) Selling or otherwise disposing of such articles of merchandise by the use of pushcards or any other lottery devices.

*It is further ordered,* That said respondent shall, within sixty (60) days from the date of the service of this order

<sup>1</sup> 3 F. R. 1020 DI.

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upon him, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied therewith.

By the Commission.

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

[F. R. Doc. 38-2490; Filed, August 23, 1938; 3:22 p. m.]

**TITLE 19—CUSTOMS DUTIES**

**BUREAU OF CUSTOMS**

**IMPORTATION OF BOBWHITE QUAIL FROM MEXICO**

**REVOCATION OF REGULATIONS OF NOVEMBER 21, 1927**

Effective September 1, 1938, the joint regulations of the Secretary of the



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Treasury and the Secretary of Agriculture, dated November 21, 1927, entitled "Regulations Governing Importation of Bobwhite Quail from Mexico" ((1932) T. D. 45437; S. R. A.-B. S. 69) and all amendments thereof are hereby revoked, but the importation into the United States of such quail from Mexico will continue to be subject to the requirement of a special permit from the Secretary of Agriculture as prescribed by Section 241 of the Act of March 4, 1909, entitled "An Act To codify, revise, and amend the penal laws of the United States" (35 Stat. 1088; U. S. C., title 18, sec. 391). Applications for such permits must be made to the Secretary of Agriculture, Washington, D. C.

Bobwhite quail from Mexico will not be admitted at any port of entry unless the importer produces to the Collector of Customs, in addition to the permit mentioned in the preceding paragraph, a permit from the Department of Forestry, Game, and Fish of Mexico authorizing export of the quail, nor will they be admitted at any time of the year other than during the export season prescribed by the laws or regulations of Mexico.

Notice is hereby given that upon discovery of any quail disease in any consignment of quail from Mexico such consignment will be refused entry and further admission of quail from Mexico may be suspended pending investigation and further order.

[SEAL] WAYNE C. TAYLOR,  
*Acting Secretary of the Treasury.*

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

AUGUST 19, 1938.

[F. R. Doc. 38-2493; Filed, August 24, 1938; 12:47 p. m.]

[T. D. 49690]

MARKING—EXCEPTIONS

ARTICLES EXEMPT FROM MARKING TO INDICATE THE COUNTRY OF ORIGIN BY REASON OF HAVING BEEN IMPORTED IN SUBSTANTIAL QUANTITIES DURING THE FIVE-YEAR PERIOD PRIOR TO JANUARY 1, 1937, WITHOUT BEING REQUIRED TO BE MARKED

AUGUST 22, 1938.

*To Collectors of Customs and Others Concerned:*

Section 304 (a) (3) (J) of the Tariff Act of 1930, as amended by section 3 of the Customs Administrative Act of 1938 (Public, No. 721, 75th Congress), provides that the Secretary of the Treasury may by regulations authorize the exception of any imported article from the requirement of section 304 that it be marked to indicate the country of its origin if—

(J) Such article is of a class or kind with respect to which the Secretary of the Treasury has given notice by publication in the weekly Treasury Decisions within two years after July 1, 1937, that articles of such class or kind were imported in substantial quantities during the five-year period immediately preceding January 1, 1937, and were not required during such period to be marked to indicate their origin: PROVIDED, That this subdivision (J) shall not apply after September 1, 1938, to sawed lumber and timbers, telephone, trolley, electric-light, and telegraph poles of wood, and bundles of shingles; but the President is authorized to suspend the effectiveness of this proviso if he finds such action required to carry out any trade agreement entered into under the authority of the Act of June 12, 1934 (U. S. C., 1934 edition, title 19, secs. 1351-1354), as extended.

Article 532 (b) of the Customs Regulations of 1937, as amended by T. D. 49658,<sup>1</sup> exempts articles within the purview of the said section 304 (a) (3) (J) from the requirement of marking.

Pursuant to the provisions of the said section 304 (a) (3) (J), notice is hereby given that the following articles were imported in substantial quantities during the five-year period immediately preceding January 1, 1937, and were not required during such period to be marked to indicate the country of their origin:

Bagging, waste  
Bodies, harvest hat  
Briarwood in blocks  
Burlap  
Eggs  
Firewood  
Hides, raw  
Hooks, fish  
Laths  
Livestock  
\*Lumber, sawed  
Paper, newsprint  
Poles, bamboo  
\*Poles, (wood) electric-light  
\*Poles, (wood) telegraph  
\*Poles, (wood) telephone  
\*Poles, (wood) trolley  
Pulpwood  
\*Shingles, (wood) bundles of

\*Subject to the proviso to subdivision (J).  
<sup>1</sup> 3 F. R. 1821 DI.

Skins, raw fur  
\*Timbers, sawed  
Trees, Christmas

Subject to further notice, articles in the above list indicated by an asterisk shall be required to be marked to indicate the country of their origin if entered for consumption or withdrawn from warehouse for consumption after September 1, 1938. In the case of any article described in the above list which is imported in a container, the outermost container in which the article ordinarily reaches the ultimate purchaser is required to be marked to indicate the origin of its contents.

[SEAL] WAYNE C. TAYLOR,  
*Acting Secretary of the Treasury.*

[F. R. Doc. 38-2492; Filed, August 24, 1938; 12:47 p. m.]

TITLE 20—FISH AND GAME

BUREAU OF FISHERIES

[No. 251-24-8]

AMENDMENT OF ALASKA FISHERY REGULATIONS

AUGUST 23, 1938.

By virtue of the authority contained in the act of June 26, 1906 (34 Stat. 478, 480), as amended by the act of June 6, 1924 (43 Stat. 464), as amended by the act of June 18, 1926 (44 Stat. 752), as amended by the act of April 16, 1934 (48 Stat. 594), the regulations for the protection of the fisheries of Alaska published in Department of Commerce Circular No. 251,<sup>1</sup> twenty-fourth edition, issued under date of February 15, 1938, together with subsequent regulations,<sup>2</sup> are hereby amended by the following regulation:

SOUTHEASTERN ALASKA AREA

*Clarence Strait District*

*Salmon fishery.*—Regulations No. 8 and No. 9 are amended so as to permit commercial fishing for salmon south of a line extending from Approach Point to Caamano Point from 6 o'clock post-meridian August 23 to 6 o'clock post-meridian August 25.

[SEAL] DANIEL C. ROPER,  
*Secretary of Commerce.*

[F. R. Doc. 38-2491; Filed, August 23, 1938; 4:21 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

VETERANS' ADMINISTRATION

APPLICATION FOR INCREASE BASED UPON CHANGED PHYSICAL CONDITION

SEC. 2.1216 *Application for increase based upon changed physical condi-*

<sup>1</sup> 3 F. R. 451 DI.  
<sup>2</sup> 3 F. R. 2063 DI.



tion.—A formal application for increased disability compensation or pension will not be required and an informal application or request when accompanied by evidence of a changed physical condition will suffice.

(A) *Increase based upon report of physical examination.* Where an increase in disability is shown by an official report of physical examination made by a full-time, part-time or designated physician of the Veterans' Administration in connection with compensation, pension, or treatment pursuant to proper authority, the report of physical examination will be accepted as a claim and payment of the increase may be made effective as of the date of examination. This principle likewise is for application, effective April 7, 1938, to claims under Section 8.013. (August 24, 1938.)

[SEAL] FRANK T. HINES,  
Administrator.

[F. R. Doc. 38-2489; Filed, August 23, 1938;  
3:19 p. m.]

#### RATES OF DEATH PENSION AND COMPENSATION FOR WIDOWS, REMARRIED WIDOWS, CHILDREN AND DEPENDENT PARENTS

SEC. 2.2626 *Rates under Section 31, Title III, Public No. 141, 73d Congress (Act of March 28, 1934).*—The rates of death pension or compensation payable are those authorized in Section 8.011 as carried forward into Section 2.2622 (a) and/or (b), when the veteran served in a war, or those authorized in Section 8.012, as carried forward into Section 2.2622 (c) and/or (d), when the veteran served during peace time. [The rates authorized by section 3 of Public No. 304, 75th Congress (Act of August 16, 1937) may not be awarded in a claim where death compensation is being paid under authority of section 31, Public No. 141, 73d Congress (Act of March 28, 1934).] Nothing contained herein shall prevent the payment of a higher rate under a

service or other pension act where authorized. (August 24, 1938.)

[SEAL] FRANK T. HINES,  
Administrator.

[F. R. Doc. 38-2488; Filed, August 23, 1938;  
3:19 p. m.]

#### OCCUPATIONAL THERAPY

SEC. 6.6087 *Boards of appraisers.*—In Veterans' Administration facilities the board of appraisers will consist of a medical officer especially designated to supervise occupational therapy activities, the supply officer or his designate and the ranking aide. In central office, the board of appraisers will consist of three members designated by the Administrator, or the assistant administrator duly authorized to make these designations. The boards at the facilities will meet on or about the fifteenth and last day of each month, or at more frequent intervals (if in the opinion of the manager circumstances may require), (a) to confirm or to amend the decisions made by the aide in charge of occupational therapy since the last meeting of the board; and (b) to fix prices of articles, repairs, and services which come under the jurisdiction of the board. (August 24, 1938.) (Sec. 6, 7; 48 Stat. 9; 38 U. S. C. 706, 707.)

SEC. 6.6088 *Considerations in fixing prices.*—The values of articles and repairs mentioned in the following will be fixed by the chief aide or the aide in charge of occupational therapy without reference specifically to the board of appraisers for appraisal: (a) In cases where a patient makes an article and desires to purchase it for his own or his immediate family's use and not for resale, in accordance with the provisions of Section 6.6083, the value of the article will be based upon the cost of the material used in its fabrication; (b) the prices of shoe repairs which are completed for patients will be based upon the cost of material used, plus an additional 20% for han-

dling charges; and (c) the value of articles fabricated for Government use and the value of repairs made to Government-owned property will be based upon the cost of material used, plus an additional 20% for handling charges. In estimating the cost of material, consideration should be given not only to the value of the material actually used, but also to the reduced value of material, if any, remaining. A record of the items stated above will be made on the official appraisers list (Form 2589) in duplicate, using one serial number for all items of one project, and a summarized statement showing the individual items of each project should be prepared on the last day of every month. Serial numbers in the regular series of numbers used for appraised items will be assigned to each article for identification purposes. The proceeds from the sale of these articles will be handled immediately without reference to any action by the board of appraisers. The values of occupational therapy articles, projects, repairs and services, other than those covered by the preceding items, will be determined by the board of appraisers. In fixing prices of these fabricated articles, consideration will be given by the board of appraisers to the type of article, the skill evidenced in workmanship and design, and the comparative prices at which similar articles are sold commercially. In fixing the prices of other projects completed, services rendered and repairs made (except repairs to Government-owned property and shoe repairs for patients), consideration will be given to the comparative prices at which similar activities could be accomplished, if it would not be possible to fabricate them as occupational therapy projects. (August 24, 1938.) (Sec. 6, 7, 48 Stat. 9; 38 U. S. C. 706, 707.)

SEC. 6.6091 canceled.

[SEAL] FRANK T. HINES,  
Administrator.

[F. R. Doc. 38-2487; Filed, August 23, 1938;  
3:19 p. m.]