# FEDERAL REGISTER

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## *Regulations*

### TITLE 7—AGRICULTURE

### Chapter X—War Food Administration (Production Orders)

[WFO 9, Amdt. 3]

### PART 1220—FEED

LIMITATIONS ON SALE, SHIPMENT, AND INVENTORIES OF PROTEIN MEAL AND ON USE OF SOYBEAN PRODUCTS

War Food Order No. 9[1] is hereby amended by striking out "Director of Food Production" and "Director" wherever they appear and by inserting in lieu thereof "Chief, Agricultural Adjustment Agency" and "Chief," respectively.

(54 Stat. 676; 55 Stat. 236; 56 Stat. 176; 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)

Issued this 27th day of January 1945.

ASHLEY SELLERS,
*Assistant War Food Administrator.*

[F. R. Doc. 45-1684; Filed, Jan. 27, 1945; 4:25 p. m.]

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

[WFO 123]

### PART 1400—DELEGATION OF AUTHORITY

DELEGATION OF AUTHORITY TO OFFICE OF PRICE ADMINISTRATION WITH RESPECT TO CATTLE SLAUGHTERING AND MEAT DELIVERY

Pursuant to the provisions of Directive No. 28 of the Office of Economic Stabilization, issued on January 10, 1945 (10 F.R. 522) and in order to supplement the authority heretofore delegated to the Office of Price Administration under War Food Order No. 56 (formerly Food Directive 3) issued by the Secretary of Agriculture on February 15, 1943 (8 F.R. 2003), and War Food Order No. 61 (formerly Food Directive 7) issued by the Acting Secretary of Agriculture on March 20, 1943 (8 F.R. 3471), and in order to implement and aid in carrying out the purposes of the program instituted pursuant to the Directive on Livestock Slaughter Payments, issued by the Director, Office of Economic Stabilization, on October 25, 1943 (8 F.R. 14641), and to ensure maintenance of prices of live cattle and calves within a range consistent with the purposes of the stabilization and production programs, it is hereby ordered as follows:

§ 1400.13 *Delegation of authority to Office of Price Administration with respect to the slaughter of good and choice cattle and the delivery of meat derived therefrom*—(a) *Authority delegated.* The Price Administrator is authorized to perform the functions and exercise the power, authority, and discretion conferred upon the President by Title III of the Second War Powers Act, 1942, insofar as the performance of such functions and the exercise of such power, authority, and discretion is necessary in order to enable the Price Administrator to establish maximum percentages, with relation to total slaughter and delivery, of good and choice cattle which any slaughterer may slaughter or deliver as meat during each monthly accounting period. The authority herein delegated shall not be construed to include authority to limit or restrict the total number of cattle which any slaughterer may slaughter or process, or the total amount of meat which any slaughterer may deliver.

(b) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., January 29, 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; OES Directive No. 28, 10 F.R. 522)

Issued this 26th day of January 1945.

GROVER B. HILL,
*First Assistant War Food Administrator.*

[F. R. Doc. 45-1699; Filed, Jan. 26, 1945; 8:23 p. m.]

[1] 8 F.R. 16960, 9 F.R. 3475, 4319, 8767, 10747, 10926, 13800.

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NOTICE

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## TITLE 24—HOUSING CREDIT

### Chapter IV—Home Owners' Loan Corporation

### PART 402—LOAN SERVICE DIVISION

[Bull. 345]

REAMORTIZATION

The second paragraph of § 402.22-2 (24 CFR, Cum. Supp.) is amended to read as follows:

§ 402.22-2 *Other application of miscellaneous credits.* * * *

*Reamortization.* Where miscellaneous or other credits are or previously have been so applied as to reduce materially the unmatured principal indebtedness, resulting in a curtailment of the time required for the payment of the account on the basis of its present billing, the home owner may request and the Regional Manager may direct a reamortization of the loan balance, including any unpaid interest, within the original or extended period of the loan or sales instrument. Such reamortization will be limited to cases where the monthly accrual will not be increased but will remain the same or be reduced; and it shall not apply to cases where the original or extended time for repayment of the indebtedness would be exceeded thereby. Such reamortization shall not be considered as extensions within the purview of § 402.10 (a), but the provisions hereof shall not be interpreted to prevent the granting of extensions, pursuant to § 402.10 (a), in proper cases.

Effective January 26, 1945.

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, as amended by section 13, 48 Stat. 647; 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529)

J. FRANCIS MOORE,
*Secretary.*

JANUARY 24, 1945.

[F. R. Doc. 45-1604; Filed, Jan. 26, 1945; 1:35 p. m.]

## TITLE 25—INDIANS

### Chapter I—Office of Indian Affairs, Department of Interior

Subchapter L—Irrigation Projects, Operation and Maintenance

### PART 130—ORDERS FIXING OPERATION AND MAINTENANCE CHARGES

CROW INDIAN IRRIGATION PROJECT, MONT.

Section 130.12 of Part 130, Title 25 CFR, Indians, as approved by the Assistant Secretary of the Interior on February. 24, 1942, 7 F.R. 1667, is hereby amended to read as follows:

§ 130.12 *Charges.* Pursuant to the Act of August 1, 1914 (38 Stat. 583, 25 U.S.C. 385) the charges for operation and maintenance on lands of the Crow Indian Irrigation Project, Montana, to which water can be delivered, are hereby fixed on the several units as follows for the calendar year 1945 and thereafter until further order:

| | |
|---|---|
| Government operated units, except Coburn Ditch, per acre | $1.25 |
| Two Leggins Unit, per acre | 1.25 |
| Bozeman Trail Unit, per acre | .65 |
| Lodge Grass Units 1 and 2, Reno and Agency Units, for storage operation and maintenance Willow Creek Dam, per acre | .10 |

(38 Stat. 583, 44 Stat. 660, 45 Stat. 210; 25 U. S. C. 385, 387)

OSCAR L. CHAPMAN,
*Assistant Secretary.*

JANUARY 23, 1945.

[F. R. Doc. 45-1636; Filed, Jan. 26, 1945; 5:05 p. m.]

## TITLE 26—INTERNAL REVENUE

### Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T. D. 5433]

### PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

BASIS OF PROPERTY ACQUIRED BY CORPORATION AS RESULT OF CERTAIN BANKRUPTCY OR RECEIVERSHIP PROCEEDINGS

PARAGRAPH 1. Section 29.113 (a) (22)-1 of Regulations 111 (26 CFR, Cum. Supp., Part 29) added by Treasury Decision 5402, approved September 5, 1944, is amended as follows:

(A) By adding at the end of the second paragraph the following: "For example, the provisions of section 113 (b) relating to adjusted basis shall be applied as if section 113 (a) (22) were a part of the Internal Revenue Code and prior revenue laws applicable to all taxable years beginning after December 31, 1933. Hence, in determining the amount of the adjustments for depreciation, depletion, etc., under the provisions of section 113 (b) (1) (B) the amount allowable is the amount computed with reference to the basis provided in section 113 (a) (22)."

(B) By amending example (1) to read as follows:

*Example (1).* On January 1, 1935, the Y Corporation, a taxpayer making its returns on the calendar year basis, acquired depreciable property from the X Corporation as the result of a transaction described in section 113 (a) (22). On January 1, 1935, the property had, in the hands of the X Corporation, a basis of $200,000, an adjusted basis of $150,000, a fair market value as of January 1, 1935, of $80,000, and an estimated remaining life of 20 years. The 1935 transaction was treated as a taxable exchange and, accordingly, the Y Corporation claimed and was allowed depreciation in the amount of $4,000 for each of the nine taxable years 1935 through 1943, inclusive. On June 30, 1944, the property was sold for $40,000, cash. The amount of the loss sustained upon the sale is computed as follows:

| | | |
|---|---|---|
| Basis to Y Corporation (section 113 (a) (22)) | | $200,000 |
| Adjustment for depreciation in the hands of X Corporation (section 113 (b)) | | 50,000 |
| Adjusted basis for depreciation in the hands of Y Corporation | | 150,000 |
| Deduct: | | |
| Depreciation allowable in amount of $7,500 per year (1/20 of $150,000) for eight years, from January 1, 1935, through December 31, 1942 | $60,000 | |
| Depreciation allowable January 1, 1943 to June 30, 1944 (1½ years at $7,500) | 11,250 | |
| | | 71,250 |
| Adjusted basis for computing gain or loss | | 78,750 |
| Sale price | | 40,000 |
| Loss sustained | | 38,750 |

For the taxable years 1943 and 1944, the Y Corporation is entitled to deductions for depreciation in respect of such property in the amounts of $7,500 and $3,750, respectively, in the determination of its tax liabilities for such years. But no change in the tax liability is authorized for preceding taxable years by reason of the difference between the $7,500 depreciation allowable and the $4,000 deduction previously allowed.

(C) By amending example (2) to read as follows:

*Example* (2). Assume the same facts as in example (1), except that the property acquired by the Y Corporation had a fair market value as of January 1, 1935, of $180,000, instead of $80,000, and that the Y Corporation claimed and was allowed depreciation in the amount of $9,000 for each of the 8 taxable years 1935 to 1942, inclusive, and in the amount of $6,500 for the taxable year 1943. In such case, the amount of the loss sustained upon the sale of the property would be computed as follows:

| | | |
|---|---|---|
| Adjusted basis for depreciation in the hands of Y Corporation as computed in example (1) | | $150,000 |
| Deduct: | | |
| (1) Depreciation allowed in the amount of $9,000 per year for eight years, January 1, 1935 to December 31, 1942 | $72,000 | |
| (2) Depreciation allowable for taxable years 1943 and 1944 (1½ times $6,500) | 9,750 | |
| | | 81,750 |
| Adjusted basis for computing gain or loss | | 68,250 |
| Sale price | | 40,000 |
| Loss sustained | | 28,250 |

No change in the tax liability is authorized for taxable years preceding 1943 by reason of the difference between the $6,500 depreciation allowable and the $9,000 deduction previously allowed.

PAR. 2. To the extent necessary to accord with section 121 of the Revenue Act of 1943 as applicable to taxable years beginning prior to January 1, 1942, § 29.113 (a) (22)-1 of Regulations 111 as amended by this Treasury decision is hereby made applicable to taxable years beginning prior to January 1, 1942, and after December 31, 1933 (such years being covered by Regulations 103, 101, 94, and 86)

(Sec. 62, I. R. C. (53 Stat. 32; 26 U. S. C. 62), corresponding provisions of prior revenue laws, and sec. 121 of Revenue Act of 1943 (Pub. Law 235, 78th Cong.))

[SEAL] JOSEPH D. NUNAN, Jr.,
*Commissioner of Internal Revenue.*

Approved: January 26, 1945.

JOSEPH J. O'CONNELL, Jr.,
*Acting Secretary of the Treasury.*

[F. R. Doc. 45-1675; Filed, Jan. 27, 1945; 11:59 a. m.]

## TITLE 30—MINERAL RESOURCES

### Chapter VI—Solid Fuels Administration for War

### PART 602—GENERAL ORDERS AND DIRECTIVES

DIRECTION CONCERNING DELIVERIES OF BITUMINOUS COAL, ANTHRACITE, COKE, AND OTHER SOLID FUELS BY RETAIL DEALERS AND TIDEWATER DOCK OPERATORS TO CONSUMERS IN EMERGENCY AREAS

The issuance on January 25, 1945, of Car Service Division Embargo Order No. 43, pursuant to direction of the Office of Defense Transportation, will substantially reduce the supply of bituminous coal, anthracite and coke in many localities. It is therefore necessary to issue, pursuant to SFAW Regulation No. 1, as amended, and WPB Directive No. 33, as amended, the following direction:

1. Every retail dealer and every tidewater dock operator is prohibited from delivering any bituminous coal, anthracite, coke, briquettes or packaged fuel to any consumer in the areas listed below, for any use, unless such consumer has on hand a five day or less supply of usable fuels of any kind. This prohibition is applicable to deliveries to consumers in the States of Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont; the District of Columbia; that portion of the States of Virginia and West Virginia north of the line of the Chesapeake and Ohio Railway extending from Huntington, West Virginia to Potomac Yard; Virginia; and the City of St. Louis, Missouri.

2. Every retail dealer and every tidewater dock operator delivering coal to a consumer in accordance with paragraph 1, above, is prohibited from delivering an amount of bituminous coal, anthracite, coke, briquettes or packaged fuel in excess of one ton or that amount which will enable the consumer to meet his minimum requirements for a period of seven days, whichever amount is larger.

3. Every consumer located in the areas described in paragraph 1, above, is prohibited from receiving any bituminous coal, anthracite, coke, briquettes or packaged fuel which a retail dealer or tidewater dock operator is not permitted to deliver to him under the provisions of paragraphs 1 or 2 above.

4. The mayor or chief executive of each municipality, town or village in the areas described in paragraph 1, above, or any official designated by the mayor, is authorized and requested to certify to the SFAW Community Committee on Emergency Distribution in his community, the name of any consumer in his community who has no usable fuel whatever on hand. If no such committee is functioning in the community, the mayor and the dealers in the community should establish an emergency distribution committee and emergency cases may be certified to this committee. Any emergency case referred to a retail dealer or tidewater dock operator shall receive priority over all other deliveries.

5. All SFAW Area Advisory Committees are requested to notify the appropriate community committees immediately to communicate with the mayors or chief executives within their areas to arrange the necessary emergency program for the administration of the provisions of this direction and to assure that the available supply of fuels is equitably distributed to avoid extreme distress.

6. The SFAW Area Manager is authorized, after considering the recommendations of the SFAW Area Advisory Committee on Local Distribution, or, where there is no such committee, the recommendation of representative retail dealers or tidewater dock operators, to modify the limitations imposed by this direction, but in no event shall he relax the restrictions contained in this direction beyond that permitted by otherwise applicable SFAW regulations and directions. This direction shall, during the period that it is in effect, supersede other regulations and directions of SFAW to the extent the latter are inconsistent with this direction.

7. The mayor or chief executive officers of each municipality, town and village are urged to exercise to the fullest extent their powers to make available public and private conveyances for the delivery of fuel during this emergency and to assist retail dealers to secure adequate manpower. During the emergency period this direction is in effect, these officials are also urged to do everything within their power to curtail or completely eliminate the use of solid fuels in places of amusement such as theaters, moving picture houses, bowling alleys, night clubs, and in educational institutions such as libraries, museums, schools, and in any other building, public or private, where this can be done without endangering the health of the community.

Solid Fuels Administration for War is prepared to exercise its powers to the fullest extent to support any appropriate conservation measures which local officials indicate require Federal action to assure compliance.

This direction shall become effective immediately and remain in effect until further notice.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; WPB Directive No. 33, as amended, 9 F.R. 64; Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176, and Public Law 509, 78th Cong., 2d Sess.)

Issued this 25th day of January 1945.

C. J. POTTER,
*Deputy Solid Fuels Administrator for War*

[F. R. Doc. 45-1654; Filed, Jan. 27, 1945; 11:29 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VI—Selective Service System

[Amdt. 280]

### PART 603—SELECTIVE SERVICE OFFICERS

LOCAL BOARDS AND BOARDS OF APPEAL

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 603.29 to read as follows:

§ 603.29 *Office.* Office space for boards of appeal shall be procured in accordance with law and procedures governing the procurement of space for Federal Government offices.

2. Amend § 603.59 to read as follows:

§ 603.59 *Signing official papers.* Official papers issued by a local board may be signed by the clerk of the local board, or, if the local board is in a local board group, by any employee of such local board group, "by direction of the local

board" if he is authorized to do so by a resolution duly adopted by and entered in the minutes of such local board: *Provided,* That the chairman or a member of a local board must sign a particular paper when specifically required to do so by the provisions of a regulation or by an instruction issued by the Director of Selective Service.

3. Amend § 603.60 to read as follows:

§ 603.60 *Office.* Office space for local boards shall be procured in accordance with law and procedure governing the procurement of space for Federal Government offices.

The foregoing amendments to the Selective Service Regulations shall be effective as of February 1, 1945.

LEWIS B. HERSHEY,
*Director.*

JANUARY 25, 1945.

[F. R. Doc. 45-1605; Filed, Jan. 26, 1945; 2:54 p. m.]

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[Amdt. 281]

PART 604—CIVILIAN EMPLOYEES

APPOINTMENT, TENURE AND COMPENSATION OF BOARD EMPLOYEES

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 604.1 by deleting paragraph (d) thereof in its entirety.

2. Amend paragraphs (a) and (b) of § 604.11 to read as follows:

§ 604.11 *Fixing compensation.* (a) The classification grades and salary rates prescribed by the Classification Act of 1923, as amended, shall apply to all employees receiving compensation from the United States, except the following:

(1) Employees of local boards.

(2) Employees of local board groups.

(3) Persons appointed by the President.

(4) Persons appointed as State Directors of Selective Service.

(b) Salary rates of employees of local boards and local board groups shall be established by the State Director of Selective Service in accordance with instructions given and limitations imposed by the Director of Selective Service.

* * * * *

3. Amend § 604.21 to read as follows:

§ 604.21 *Appointment and tenure by individual local boards.* (a) The members of a local board, by majority vote, may select, and the State Director of Selective Service may appoint, in accordance with applicable law, regulations, and procedures, local board employees. One of these employees shall be appointed as clerk of the local board.

(b) In a local board there shall not be employed or continued in employment any person related to any member of the board as close as or closer by blood or marriage than a first cousin.

(c) The State Director of Selective Service or the Director of Selective Service, when he deems it to be in the best interests of the Selective Service System, may authorize the joint employment of an individual by two or more local boards.

4. Amend the regulations by adding a new section to be known as § 604.22 to read as follows:

§ 604.22 *Appointment and tenure by local board group.* (a) When two or more local boards have been located in the same office, the Director of Selective Service may, upon the recommendation of the State Director of Selective Service, designate them as a local board group for appointment, pay roll, and clerical administrative purposes.

(b) The members of the local boards in a local board group, by majority vote, may select, or delegate to one or more of the members the authority to select for appointment, and the State Director of Selective Service may appoint, in accordance with applicable law, regulations, and procedures, local board group employees. One of the employees of the group shall be chosen to coordinate the efforts of the clerical staff of the local board group.

5. Amend § 604.31 to read as follows:

§ 604.31 *Appointment and tenure.* The members of a board of appeal or group thereof, by majority vote, may select for appointment and the State Director of Selective Service may appoint, in accordance with applicable law, regulations, and procedures, employees of a board of appeal or group thereof.

The foregoing amendments to the Selective Service Regulations shall be effective as of February 1, 1945.

LEWIS B. HERSHEY,
*Director.*

JANUARY 25, 1945.

[F. R. Doc. 45-1606; Filed, Jan. 26, 1945; 2:54 p. m.]

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[Amdt. 282]

PART 603—EXPENDITURES OTHER THAN FOR PERSONAL SERVICES

ALTERATIONS, IMPROVEMENTS AND REPAIRS OF PREMISES

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend § 603.12 to read as follows:

§ 603.12 *Alterations, improvements and repairs.* (a) The State Director of Selective Service may authorize in writing alterations, improvements, and repairs to State Headquarters, local board, local board group, and board of appeal premises in an accumulated amount not to exceed $100 per premises; *Provided,* That in the case of rented premises (premises occupied on a basis other than rent free or at a nominal rental), no sum may be obligated or expended in excess of 25 per centum of the amount of the rent for the first year of the rental term, or for the rental term if less than one year. The value of special services, such as heat, light, and janitor service, shall not be considered a part of the base rental on which such 25 per centum is computed.

(b) No funds may be obligated or expended for alterations, improvements, or repairs of premises occupied by State Headquarters, local boards, local board groups, or boards of appeal in excess of the sum authorized in paragraph (a) of this section unless and until specifically approved in writing by the Director of Selective Service.

The foregoing amendments to the Selective Service Regulations shall be effective as of February 1, 1945.

LEWIS B. HERSHEY,
*Director.*

JANUARY 25, 1945.

[F. R. Doc. 45-1607; Filed, Jan. 26, 1945; 2:54 p. m.]

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[Amdt. 283]

PART 609—PROPERTY ACCOUNTABILITY

RESPONSIBILITY AND ACCOUNTABILITY FOR GOVERNMENT PROPERTY

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Add a new paragraph (b) and reletter the present paragraph (b) as paragraph (c) of § 609.2 to read as follows:

§ 609.2 *Government property; responsibility and accountability for.* * * *

(b) The State Director of Selective Service shall designate the employee of a local board group who shall be responsible to the State Procurement Officer for the nonexpendable property of the United States in the possession of the local board group.

The foregoing amendments to the Selective Service Regulations shall be effective as of February 1, 1945.

LEWIS B. HERSHEY,
*Director.*

JANUARY 25, 1945.

[F. R. Doc. 45-1608; Filed, Jan. 26, 1945; 2:54 p. m.]

## 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 921—ALUMINUM AND MAGNESIUM

[Supplementary Order M-1-d as Amended Jan. 27, 1945]

ALUMINUM SCRAP

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of aluminum scrap, 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:

§ 921.6 *Supplementary Order M-1-d*—(a) *Definition.* For the purposes of this order "aluminum scrap" means all materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure or other reason, the principal ingredient of which by either weight or volume is metallic aluminum; and shall include all types and grades of aluminum residues, such as drosses, skimmings, fines, grindings, sawings and buffings: *Provided,* That the recoverable metallic aluminum content, as determined by the fire assay or other method of comparable efficiency, constitutes 50% or more by weight of such residues.

(b) *Special directions.* The War Production Board may issue special directions with respect to the use, receipt, delivery and segregation of aluminum scrap.

(c) *Records.* Each person who participates in any transaction involving aluminum scrap shall keep and preserve for at least two years complete and accurate records as to all such transactions. These records shall be subject to inspection by the War Production Board.

(d) *Reports.* (1) Any person generating 10,000 pounds or more of scrap in a plant in any month shall file a report for that plant covering the month on Form WPB-317 with the Aluminum and Magnesium Division. The report shall be filed by the fifteenth day of the month following the month covered by the report. This provision does not apply to scrap generated in the course of producing aluminum in controlled material form.

(2) Any person who melts aluminum scrap into ingot and who delivers some or all of the ingot to other persons, shall file reports on Bureau of Mines Form 6-1114-M (formerly Form WPB-554) monthly with the Bureau of Mines, College Park, Maryland by the fifteenth day of the month following the month covered by the report. This is the form filed by aluminum smelters and producers of ingot.

(3) Any person who uses 2000 pounds or more of aluminum scrap in any month for the production of any aluminum product in controlled material form[1] and who is not required to file Form WPB-554 under paragraph (d) (2) shall file with the Aluminum and Magnesium Division a report on Form WPB-2685 covering that month. This report shall be filed by the tenth day of the month following the month covered by the report. This is the form filed by aluminum foundries, powder mills, and wrought product mills.

(4) All persons regularly engaged in the business of buying and selling aluminum scrap (dealers) shall file Form WPB-202 with the Bureau of Mines, College Park, Maryland, by the tenth day of each month or such other reports as the War Production Board may require.

(e) *Addressing of communications.* All reports and other communications filed pursuant to this order or concerning the subject matter hereof, with the exception of the report on Form WPB-202, should be addressed to: War Production Board, Aluminum and Magnesium Division, Washington 25, D. C., Reference M-1-d.

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

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 27th day of January 1945.

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

[F. R. Doc. 45-1641; Filed, Jan. 27, 1945; 11:17 a. m.]

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### PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 17, Direction 1]

APPLICABILITY OF MILITARY EXEMPTIONS TO RATED ORDERS PLACED BEFORE DECEMBER 13, 1944

The followng direction is issued pursuant to Priorities Regulation 17.

Rated orders for military exchanges or service departments which were placed before December 13, 1944, shall not be regarded as coming within any military exception or exemption under paragraph (c) or (d) (2) of Priorities Regulation 17, as amended December 13, 1944, unless they bear the appropriate endorsement[1] shown in paragraph (c) of Priorities Regulation 17, as amended June 17, 1943.

Issued this 27th day of January 1945.

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

[F. R. Doc. 45-1640; Filed, Jan. 27, 1945; 11:17 a. m.]

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### PART 1001—TIN

[General Preference Order M-43, Direction 1]

CANCELLATIONS OF AUTHORIZATIONS ISSUED BEFORE SEPTEMBER 1, 1944

The following direction is issued pursuant to M-43.

Because of the present critical shortage of tin, all outstanding authorizations issued by the War Production Board before September 1, 1944, permitting the use of tin in any form in the manufacture of products and articles otherwise prohibited by the provisions of Orders M-43, M-43-a, M-43-b, or M-21-e are cancelled as of January 31, 1945. Authorizations to use tin in any form in the manufacture of such products and articles otherwise prohibited by the provisions of Orders M-43, M-43-a, M-43-b, or M-21-e issued by the War Production Board after August 31, 1944, remain in full force and effect. Hereafter authorizations to use tin in the manufacture of articles and products prohibited by Order M-43 as amended on December 30, 1944, will be granted only in response to appeals from

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[1] Aluminum in controlled material form is described in Schedule 1 of CMP Regulation 1.

[1] The endorsement shown in paragraph (c) of Priorities Regulation 17, as amended June 17, 1943, is as follows, depending upon the particular kind of military exchange or service department placing the order:

(1) In the case of U. S. Army Post Exchanges:

Authorized as an Army purchase pursuant to Priorities-Allocation Instructions.

By _____
*Army Exchange Service, War Dept.*

(2) In the case of U. S. Navy Ship's Service Departments:

Authorized as a Navy Purchase pursuant to Priorities-Allocation Instructions.

By _____
*Bureau of Naval Personnel.*

(3) In the case of U. S. Marine Corps Post Exchanges:

Authorized as a Marine Corps purchase within Army or Navy exception clause pursuant to Priorities-Allocation Instructions.

By _____
*Headquarters, U. S. Marine Corps.*

(4) In the case of U. S. Coast Guard Ship's Service Departments:

Authorized as a Coast Guard purchase within Army or Navy exception clause pursuant to Priorities-Allocation Instructions.

By _____
*Commandant, U. S. Coast Guard.*

(5) In the case of War Shipping Administration Training Organization Ship's Service activities:

Authorized as a War Shipping Administration Training Organization purchase within Army or Navy exception pursuant to Priorities-Allocation Instructions.

By _____
*Chief Procurement Officer,*
*War Shipping Administration*
*Training Organization.*

paragraph (d) (2) filed in accordance with paragraph (k).

Issued this 27th day of January 1945.

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

[F. R. Doc. 45-1643; Filed, Jan. 27, 1945; 11:17 a. m.]

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PART 1010—SUSPENSION ORDERS

[Suspension Order S-693]

HINSHAW SUPPLY CO.

Robert Luther Hinshaw is the sole owner of a business conducted under the firm name and style of Hinshaw Supply Company having two branches of which one is located at 1616 "J" Street, Sacramento, California. The business consists chiefly in the sale of refrigeration equipment and supplies at wholesale to repair men and retailers. Sales and procurement of equipment are handled for the most part separately in each of the branches and the management of each branch was informed from the same sources of information with respect to orders and regulations of the War Production Board. Between January 12, and April 28, 1944, the Sacramento Branch of Hinshaw Supply Company delivered approximately 109 fractional horsepower electrical motors on orders not bearing the preference ratings required by Limitation Order L-123, in violation of such limitation order. These violations were the result of the gross negligence of Robert Luther Hinshaw in failing to supervise his Sacramento Branch to insure its compliance with Order L-123. Between December 30, 1943, and June 30, 1944, the Sacramento Branch of Hinshaw Supply Company delivered 66 new refrigeration coils and 36 new refrigeration compressor and condenser units on orders other than approved orders, in violation of Limitation Order L-38 and as the result of the gross negligence of Robert Luther Hinshaw in failing to insure that his Sacramento Branch complied with the pertinent restrictions of Order L-38. Between January 1 and May 31, 1944, the Sacramento Branch of Hinshaw Supply Company knowingly applied preference ratings to purchase orders for approximately 155 refrigeration coils and approximately 68 condenser units in excess of the number of preference ratings received by such Branch with knowledge that it was not entitled to do so, in violation of Priorities Regulation No. 3 and these transactions constituted wilful and false statements to suppliers and to the War Production Board in violation of Priorities Regulation No. 1.

These violations of Limitation Orders L-123 and L-38 and of Priorities Regulations Nos. 1 and 3 have diverted critical materials to uses unauthorized by the War Production Board, and have hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.693 *Suspension Order S-693.* (a) For sixty days from the date this suspension order takes effect, the Sacramento Branch of Hinshaw Supply Company located at 1616 "J" street, Sacramento, California, shall not apply or extend any preference ratings to its purchase orders for the procurement of fractional horse-power electric motors, refrigeration coils or refrigeration compressor and condenser units, unless hereafter specifically authorized in writing by the War Production Board.

(b) Neither Robert Luther Hinshaw individually nor his San Francisco, California Branch of Hinshaw Supply Company, his or its successors or assigns shall extend customers' ratings received by the Sacramento, California Branch of Hinshaw Supply Company for fractional horse-power electric motors, refrigeration coils, or refrigeration compressor and condenser units for the procurement of such motors, coils or units.

(c) Nothing contained in this order shall be deemed to relieve Robert Luther Hinshaw, doing business as Hinshaw Supply Company in either Sacramento, California, or San Francisco, California, or otherwise, his or its successors, or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on January 27, 1945.

Issued this 17th day of January 1945.

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

[F. R. Doc. 45-1649; Filed, Jan. 27, 1945; 11:16 a. m.]

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PART 1010—SUSPENSION ORDERS

[Suspension Order S-695]

SCHICK, INC. AND SCHICK SERVICE, INC.

Schick, Inc., located at Stamford, Connecticut, is engaged in the business of manufacturing electric dry shavers. Schick Service, Inc., is a wholly-owned subsidiary of Schick, Inc. and operates service stations in the principal cities of the United States for the repair and servicing of its dry shavers. Between October 28, 1942, and May 31, 1944, Schick, Inc., and Schick Service, Inc., produced new electrical appliances consisting of 112,384 electric dry shavers which were not produced in fulfillment of orders or contracts bearing preference ratings of A-2 or higher, and which were not repair or replacement parts, in violation of General Limitation Order L-65. The responsible officers of Schick, Inc. and Schick Service, Inc., were familiar with the provisions of Limitation Order L-65, and their actions constituted grossly negligent violations of that order.

These violations have diverted critical material to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.695 *Suspension Order No. S-695.* (a) Schick, Inc. and Schick Service, Inc., their successors or assigns, shall not produce any new electric dry shavers or parts therefore as specified in Limitation Order L-65, and shall not assemble any parts into new or rebuilt electric dry shavers unless hereafter specifically authorized in writing by the War Production Board.

(b) The authorization and grant of appeal heretofore made to Schick, Inc. on September 4, 1944, as amended September 20, 1944, and as further amended December 13, 1944, is hereby revoked.

(c) The foregoing restrictions shall not apply to the production of repair or replacement parts for electric dry shavers insofar as the same is permitted under the provisions of Limitation Order L-65, to the assembly of parts out of its present inventory into new or rebuilt electric dry shavers as part of its repair or exchange service for individual consumers, nor apply to purchase orders actually received and on hand on the date of issuance of this order from the Army or Navy of the United States or from the Veterans Administration.

(d) The restrictions and prohibitions contained herein shall apply to Schick, Inc. and Schick Service, Inc., their successors or assigns, or persons acting on their behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(e) Nothing contained in this order shall be deemed to relieve Schick, Inc. and Schick Service, Inc. from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(f) This order shall take effect on January 27, 1945.

Issued this 20th day of January 1945.

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

[F. R. Doc. 45-1650; Filed, Jan. 27, 1945; 11:16 a. m.]

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PART 1010—SUSPENSION ORDERS

[Suspension Order S-695, Stay of Execution]

SCHICK, INC. AND SCHICK SERVICE, INC.

Schick, Inc., located at Stamford, Connecticut, engaged in the business of manufacturing electric shavers and Schick Service, Inc., a wholly-owned subsidiary of Schick, Inc. operating service stations in the principal cities of the United States for the repair and servicing of its dry shavers was suspended by Suspension Order S-695 issued January 20, 1945 and effective January 27, 1945. Pending receipt of appeal or until further order by the Chief Compliance Commissioner, a stay was granted by the Chief Compliance Commissioner.

In view of the foregoing:

It is hereby ordered, That: § 1010.695, *Suspension Order No. S-695*, be stayed, subject to reinstatement, pending receipt of appeal or until further order by the Chief Compliance Commissioner.

Issued this 26th day of January 1945.

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

[F. R. Doc. 45-1615; Filed, Jan. 23, 1945; 4:23 p. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 56 as Amended Jan. 27, 1945]

FORMS IN WHICH ALUMINUM IS ALLOTTED

CMP Regulation 1, Direction 56, is amended to read as follows:

(a) *What this direction does.* This direction explains the various ways in which aluminum will be allotted for the second quarter of 1945 and thereafter. It explains the same rules contained in this direction as originally issued and as amended on December 13, 1944, but it changes the rules for manufacturers of aircraft products who receive their allotment from the Aircraft Scheduling Unit (ASU). Because of the present critical supply of aluminum, and the great quantities used by manufacturers of aircraft products, it is necessary to make special rules for them which are explained in detail below.

(b) *Normal allotment procedure.* Except as explained in paragraph (c), all applications for and allotments of "aluminum" will be made as such without further specification. Consumers, other than those described in (c) below, may combine their allotments of various shapes of aluminum into one account of "aluminum" and make allotments and place authorized controlled material orders accordingly.

(c) *Special procedure for manufacturers of aircraft products.* 1. On or before February 1, 1945, all allotments of "aluminum" made for the second and subsequent quarters of 1945 by the Aircraft Scheduling Unit and identified by the CMP allotment symbol "C" will be converted by the ASU into allotments of the appropriate eight shapes (as listed on Schedule I of CMP Regulation 1). In most cases, ASU will make the new allotment without requiring further applications from the prime consumer.

2. A prime or secondary consumer must immediately, upon receipt of his revised aluminum allotment, re-allot to his secondaries in the proper shapes of aluminum.

3. The allotment in specific shapes will supersede and revoke all related earlier allotments (whether in specific shapes, or as "aluminum") for the second quarter 1945, and thereafter. A consumer who receives such allotment in specified shapes must immediately change his allotment accounts so as to be in specific shape and review all outstanding authorized controlled material orders for aluminum and allotments of aluminum, cancelling those placed which are in excess of his revised allotment of the appropriate shape.

4. A prime or secondary consumer may require a new application specifying the appropriate forms of aluminum from his secondary consumers; but he may, at his option, make the revised allotment without further application if he has information adequate to determine the requirements of his secondary consumers in terms of specific shapes.

5. If a prime consumer has not received his revised allotment from ASU by February 5, 1945, he should immediately contact the ASU.

6. Attention is called to paragraph (w) of CMP Regulation 1, requiring the return of unneeded allotments.

Issued this 27th day of January 1945.

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

[F. R. Doc. 45-1645; Filed, Jan. 27, 1945; 11:17 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 61]

PLACEMENT OF ORDERS FOR AND DELIVERY OF CONTROLLED MATERIAL UNDER TOLL AGREEMENTS

The following direction is issued pursuant to CMP Regulation 1.

(a) The delivery of controlled material pursuant to a toll agreement is governed by the same restrictions which prevail for all other deliveries of controlled material. Thus, no delivery of controlled material can be made pursuant to a toll agreement unless the person making delivery (the processor) has received from his customer (owner of the material) an authorized controlled material order or other appropriate authorization (such as an "AM" authorization for aluminum, or special direction or authorization), except as qualified in paragraph (c) below.

(b) For example: If a person wishes to have aluminum scrap melted for him into aluminum ingot, he must have an authorization to buy aluminum ingot (see Direction 49 to CMP Regulation 1), and his toll order must be placed pursuant to that authorization. Similarly, if he wishes to have one form of controlled material (aluminum ingot) converted into another (aluminum castings) he must have an allotment of controlled material to cover the castings, and must place an authorized controlled material order for them.

(c) However, in the case of steel (carbon or alloy) a person can have one form of steel converted into another without an allotment or authorized controlled material order as long as it does not involve melting and as long as it does not prevent the producer from filling all his authorized controlled material orders, and orders under special direction on time. For instance, he may have a hot rolled bar cold drawn to another size, but he could not deliver scrap or ingot for melting into castings, or rolled into rod or bar.

(d) The provisions of this direction do not apply to aluminum pattern castings which are governed by Direction 1 to CMP Regulation 5.

Issued this 27th day of January 1945.

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

[F. R. Doc. 45-1646; Filed, Jan. 27, 1945; 11:16 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 62]

SUSPENSION OF CERTAIN "Z" ORDERS FOR STEEL

The following direction is issued pursuant to CMP Regulation 1.

(a) Because of the present critical shortage of most steel products it is necessary to forbid production on certain marginal orders. However, authorizations to place the orders will not generally be cancelled, in order that they may be promptly re-instated when the supply situation permits.

(b) No producer shall produce or deliver any steel on orders bearing the CMP allotment symbol ZW placed under Direction 3 to Order M-21-b-1.

(c) No producer shall produce or deliver any stainless steel on orders identified by a CMP allotment symbol whose initial letter is "Z" (Z-1, Z-1E, Z-2, etc.).

(d) This direction will take effect January 31, 1945.

Issued this 27th day of January 1945.

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

[F. R. Doc. 45-1647; Filed, Jan. 27, 1945; 11:16 a. m.]

PART 3270—CONTAINERS

[Limitation Order L-336 as Amended Jan. 27, 1945]

SANITARY FOOD CONTAINERS

§ 3270.61 *Limitation Order L-336*—(a) *What this order does.* This order sets forth restrictions affecting paper cups, paper food containers, paper milk containers and liquid tight paper containers. The restrictions common to all of these containers are contained in the section headed "General restrictions." Other restrictions applicable to paper cups are set forth under a separate heading.

(b) *For the purpose of this order* (1) "Paper cups" means all empty open nested paper cups with or without lids including "hot drink cups", "cold drink cups" and "hot food cups" but excluding flat envelope types of cups.

(2) "Paper food container" means all empty round nested paper food containers with or without lids excluding wedge shaped food pails and nested paper plates.

(3) "Hot drink cup" means any cup made directly from moulded pulp, or any untreated tall cup, double-wrapped or single-wrapped of comparable weight, which is suitable for dispensing hot beverages.

(4) "Cold drink cup" means any one or two-piece cup, treated or untreated, of 6-ounce size or larger, and not suitable for dispensing hot beverages.

(5) "Hot food cup" means any untreated squat cup, double-wrapped or single-wrapped of comparable weight, which is suitable for dispensing hot foods.

(6) "In-plant feeding" means the serving of food, drink or refreshments on the premises of a plant, governmental agency or institution to its employees. For the purpose of this order, it shall also include the serving of food, drink and refreshments by (i) the Armed Forces including Post Exchanges and Ship's Service Stores; (ii) Veterans' Administration; (iii) hospitals serving their patients; (iv) USO and Red Cross; (v) persons engaged in serving passengers in planes and in trains, and (vi) educational institutions serving their students. In-plant feeding as described above, includes the serving of food, drink and refreshments between meals as well as at mealtime. For instance, the use of paper cups for drinking water is included within the meaning of the term.

(7) "Caterer or concessionaire" means a person who has an agreement with an operator of a plant, governmental agency

or institution to regularly provide in-plant feeding for its employees.

(8) "Paper milk container" means any treated paper container, blank or folded carton of the type which is used to package fluid milk and fluid milk products.

(9) "Liquid-tight paper container" means any spiral or convolute wound paper container with a slip-on cover made of paperboard commonly known in the trade as liquid-tight container and of the type which is used to package foods for human consumption.

(10) "Sanitary food container" means paper cups, paper food containers, paper milk containers and liquid-tight paper containers.

RESTRICTIONS ON PAPER CUPS

(c) *Prohibited sales and deliveries.* (1) No person shall manufacture, sell or deliver the following types of paper cups if he knows or has reason to believe that they will be used for the purposes stated: (i) Packages of cups for retail sales. This restriction shall not apply to stocks of paper cups made up for retail sales which were on hand on January 29, 1944. (ii) Hot drink cups for any purpose other than in-plant feeding. (iii) Portion control or souffle cups for retail sales or for party favors.

(d) *Limitation on use of hot drink cups.* No person, except the Armed Forces, Post Exchanges and Ships Service Stores, shall commercially use more hot drink cups in any month than 80 per cent of his average monthly consumption for in-plant feeding during the months of January through March 1944. However, the War Production Board may authorize an increase in quota to a person where there has been an installation of new in-plant feeding facilities; or where there has been an increase in the number of workers in a plant, Government agency, or institution using such facilities, but only when there are no substitutes reasonably available for hot drink cups. Application for such an increase in quota shall be made by letter to the field office of the War Production Board for the district in which is located the plant of the applicant to which the application relates. The following information shall be included in such letter:

(1) State approximate number of workers employed as of pay-roll period in:

(i) January, 1944;

(ii) The month previous to the date of this application. (However, if in-plant feeding facilities are not under plant management, or contract, furnish other evidence of increased requirements such as number of servings.)

(2) The method of feeding and approximate number of workers fed by Mobile Unit, Canteen or Cafeteria feeding.

(3) The number of servings of hot foods (including coffee) requiring use of hot drink cups,

(i) With regular meals;

(ii) For between meal feeding.

(4) Whether food service is operated by concessionnaire, food contractor, or by plant management. (If not operated by plant management, furnish name and address of outside operator).

(5) Present inventory (at plant or being held by concessionnaire) of hot drink cups.

(6) Number of hot drink cups received or set aside for his account during the period of January through March of 1944 from any source, such as manufacturer, paper distributor, or concessionnaire, etc.

(7) Estimated 45-day inventory of hot drink cups.

(8) Whether all chinaware and dishwashing facilities are in use.

(e) *Maintenance of production of hot drink cups and flat-bottom cold drink cups.* To meet the requirements of in-plant feeding operations, manufacturers of hot drink cups and flat-bottom cold drink cups shall maintain during each calendar quarter a production of these items equivalent to the highest quarterly production attained during any calendar quarter beginning on or after October 1, 1943, to the extent permitted by paragraph (f) and subject to contingencies beyond his control.

(f) *Distribution of production between military and civilian requirements.* (1) Regardless of preference ratings on other orders, each manufacturer of paper cups must set aside the following percentages of his production of paper cups in each month beginning with October, 1944, for delivery to the Army and the Navy (excluding domestic post exchanges and ship's service stores, but including those located outside of continental United States) in the sizes ordered by them: 35 per cent of his monthly production of 6 to 9 ounce hot drink cups inclusive (not more than 60 per cent of the total production of any one size to be produced need be included in the set-aside), 70 per cent of his monthly production of 6 to 9 ounce flat-bottom cold drink cups inclusive; 100 per cent of his monthly production of 10 to 24-ounce flat-bottom cold drink cups inclusive. For the month of January, and each succeeding month, he must make this set-aside in the following proportion to the Army and the Navy: Seventy per cent of each of the above specified three classes of cups to be set-aside shall be reserved exclusively to fill Army orders received on or before the 15th day of the preceding month, and the remaining thirty per cent shall be similarly reserved for the Navy. Any unordered portion of the Army set-aside shall be further reserved exclusively to fill Navy orders received on or before the 22nd day of the preceding month, and any unordered portion of the Navy set-aside shall be similarly reserved for the Army. In the event that on the 23rd day of any preceding month, any portion of either the Army's or the Navy's set-aside remains unordered, such portion must be sold as provided in paragraph (f) (2) Set-asides under this paragraph shall be computed on the basis of number of cups.

The production and delivery of any of the above types of cups prior to October 14, 1944, in compliance with paragraph (g) of Order L-336 as amended August 29, 1944, shall not constitute a violation of this paragraph.

(2) The balance of each manufacturer's production of hot drink cups and flat-bottom cold drink cups shall be used exclusively to fill orders other than Army and Navy orders (excluding domestic post exchanges and ship's service stores, but including those located outside the continental United States) in accordance with Priorities Regulation 1 and the provisions of this order.

(3) Any distributor who delivers hot drink cups or flat-bottom cold drink cups to the Army and Navy, including post exchanges and ship's service stores outside continental United States, shall notify the manufacturer who supplied him with the cups, giving the contract or purchase number, and the cups so sold shall be deducted from the set-aside for the following calendar month by the manufacturer. No manufacturer shall make any deduction from the set-aside because of deliveries made by a distributor, unless he has received the above information from the distributor.

(g) *Use of MRO preference ratings.* (1) Subject to the other provisions of this order, any person may use the blanket MRO rating assigned to him by any regulation of the War Production Board including CMP Regulation 5, CMP Regulation 5A, and orders in the P or U series to buy paper cups for in-plant feeding. Also, a caterer or concessionaire may use his customer's blanket MRO rating to buy paper cups for use in providing in-plant feeding to employees of the customer. Furthermore, persons whose employees are being fed may distribute paper cups obtained by them to the person who is engaged in in-plant feeding of their employees.

(2) Except as permitted above for caterers and concessionnaires for in-plant feeding, blanket MRO ratings may not be used to get paper cups for commercially packaging food or other products for shipment or delivery. Also, persons engaged in in-plant feeding operations may not use their blanket MRO ratings to buy paper cups which are to be sent to a commercial food packer to be filled and returned to the plant for in-plant feeding.

(h) *Certification.* No person shall sell or deliver any hot drink cups after October 26, 1944, unless he has received from the purchaser a certification signed manually or as provided in Priorities Regulation 7. This certification shall be in substantially the following form and, once filed by a purchaser with a supplier, covers all future deliveries from the supplier to that purchaser:

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order L-[illegible] of the War Production Board, and that all purchases from you of items regulated by that order, and the use of the same by the undersigned will be in compliance with the order, as amended from time to time.

GENERAL RESTRICTIONS

(i) *Restrictions on tonnage of sanitary food container stock to be processed.* No manufacturer of sanitary food containers shall accept delivery of any sanitary food container stock except as authorized by the War Production Board pursuant to Appendix B in Order M-241. A manufacturer may use the stock allocated to him only for the purpose for which it was allocated.

(j) *Inventory.* No person shall accept, have set aside or held for his account, any quantity of sanitary food containers which will increase his inventory for such containers to more than his reasonably anticipated requirements for the next 45 days, except that, whenever his inventory is less than a 45-days' supply, he may accept the minimum delivery required by his supplier under a published price list or sales policy in effect on October 29, 1943. No person shall order any quantity of sanitary food containers for delivery to him or for his account on any date, if receipt thereof on that date would increase his inventory of such containers to more than the amount permitted in the first sentence of this paragraph. This provision does not apply to the Armed Forces, Post Exchanges and Ship's Service Stores.

(k) *Appeals.* Appeals from Order L-336 shall be filed by addressing a letter to the appropriate field office of the War Production Board.

The letter of appeal need not follow any particular form. It should state informally, but completely, the particular provisions appealed from, the precise relief desired, the reasons why denial of the appeal would result in undue and excessive hardship, and such other statistical and narrative information as may be pertinent.

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

(m) *Reports.* Any person affected by this order shall file such reports and questionnaires as the War Production Board may request from time to time subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(n) *Communications.* All inquiries relating to this order other than requests for authorization or appeals shall be addressed to the War Production Board, Containers Division, Washington 25, D. C., reference Order L-336.

Issued this 27th day of January 1945.

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

[F. R. Doc. 45-1644; Filed, Jan. 27, 1945; 11.16 a. m.]

## PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328, Direction 8]

RATED ORDERS FOR MILITARY EXCHANGES OR SERVICE DEPARTMENTS PLACED BEFORE DECEMBER 13, 1944

The following direction is issued with respect to Conservation Order M-328.

(a) Notwithstanding the provisions of paragraph (a) (2) of Order M-328, no rating applied to an order for a military exchange or service department before December 13, 1944, for a Schedule A item shall be given any effect under Order M-328 unless the order bears the appropriate endorsement[1] shown in paragraph (c) of Priorities Regulation 17, as amended June 17, 1943.

(b) For example, if a rated order for a military exchange or service department was placed before December 13, 1944, for certain clothing, but does not bear the endorsement shown in paragraph (c) of Priorities Regulation 17, as amended June 17, 1943, the order must be treated by the supplier as an unrated order, and, of course, the rating may not be extended to get fabric to make the clothing.

Issued this 27th day of January 1945.

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

[F. R. Doc. 45-1642; Filed, Jan. 27, 1945; 11:17 a. m.]

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[1] The endorsement shown in paragraph (c) of Priorities Regulation 17, as amended June 17, 1943, is as follows, depending upon the particular kind of military exchange or service department placing the order:

(1) In the case of U. S. Army Post Exchanges:

Authorized as an Army purchase pursuant to Priorities-Allocation Instructions.

By _____
*Army Exchange Service, War Dept.*

(2) In the case of U. S. Navy Ship's Service Departments:

Authorized as a Navy purchase pursuant to Priorities-Allocation Instructions.

By _____
*Bureau of Naval Personnel.*

(3) In the case of U. S. Marine Corps Post Exchanges:

Authorized as a Marine Corps purchase within Army or Navy exception clause pursuant to Priorities-Allocation Instructions.

By _____
*Headquarters, U. S. Marine Corps.*

(4) In the case of U. S. Coast Guard Ship's Service Departments:

Authorized as a Coast Guard purchase within Army or Navy exception clause pursuant to Priorities-Allocation Instructions.

By _____
*Commandant, U. S. Coast Guard.*

(5) In the case of War Shipping Administration Training Organization Ship's Service activities:

Authorized as a War Shipping Administration Training Organization purchase within Army or Navy Exception pursuant to Priorities-Allocation Instructions.

By _____
*Chief Procurement Officer, War Shipping Administration Training Organization.*

## PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Limitation Order L-112 as Amended Jan. 29, 1945]

INDUSTRIAL POWER TRUCKS

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

§ 1226.117 *General Limitation Order L-112*—(a) *Definitions.* For the purpose of this order:

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

(2) "Industrial power truck" means any self-power-propelled industrial truck or wheel tractor designed primarily for handling material (either by carrying or towing) on floors or paved surfaces in and around industrial plants, warehouses, docks, airports or depots. The term shall not include automotive tractors, trucks, or wheeltype industrial tractors designed for use on tax-built highways, or in such operations as construction, earth-moving, mining, logging, industrial yard work, or petroleum development.

(3) "Manufacturer" means any person who manufactures, fabricates or assembles new industrial power trucks, and includes any sales and distribution outlets of a manufacturer.

(4) "Parts producer" means any person, other than a manufacturer, who manufactures parts to be incorporated in industrial power trucks.

(5) [Deleted Jan. 29, 1945.]

(6) "Approved standard model" means the specified model of an industrial power truck listed for a particular manufacturer in Limitation Order L-112-a, as amended from time to time.

(7) "New" when applied to any industrial power truck, means any truck which has never been sold to a person acquiring the same for use. "Used" means any such truck which has been sold to a person acquiring the same for use, whether or not such truck has subsequently been reconditioned or rebuilt.

(8) "Dealer" means any person, other than a manufacturer, engaged in the business of selling or distributing new or used industrial power trucks, whether at wholesale, retail, or otherwise.

(9) "Owner" means any person (including a manufacturer or dealer) who owns any industrial power truck, regardless of whether such truck was acquired for resale or for use by such person.

(b) *Restrictions on orders and deliveries*—(1) *New trucks.* (i) No manufacturer shall accept any order for, or deliver any new industrial power truck to fill an order, unless the order is accompanied by an authorization of the War Production Board on Form WPB-1319 as

provided in paragraph (b) (3) below. Orders so authorized shall be placed only with the supplier specified by the War Production Board.

(ii) [Deleted Jan. 29, 1945.]

(2) *Used trucks.* (i) On and after July 20, 1943 no manufacturer, dealer or owner shall accept any order for a used industrial power truck unless such order is accompanied by the authorization of the War Production Board provided for in paragraph (b) (3) below. Orders so authorized shall be placed only with the supplier specified by the War Production Board.

(ii) On and after July 20, 1943, no manufacturer, dealer or owner shall deliver any used industrial power truck, except in fulfillment of an order accompanied by the authorization of the War Production Board provided for in paragraph (b) (3) below.

(iii) Any order for a used truck accompanied by an authorization of the War Production Board on Form WPB-1319 is rated AA-5, as explained in § 944.1b of Priorities Regulation No. 1. Any manufacturer, dealer or owner specified as a supplier in the authorization must accept the order, unless he is permitted to and does reject it under provisions of Priorities Regulation No. 1, § 944.2.

(iv) The restrictions contained in (i) and (ii) of this paragraph (b) (2) shall not apply to deliveries of used industrial power trucks made by one branch, division, or section of a single enterprise to another branch, division, or section of the same enterprise under common ownership where no transfer of title or ownership of such trucks is involved, or to deliveries of any used industrial power trucks owned by the Army, Navy, Maritime Commission or War Shipping Administration, from one department to another within any such agency, or from any of such agencies to any other of such agencies.

(3) *Authorizations.* Application for authorization of the War Production Board required by paragraph (b) (1) and (2) shall be made by the purchaser on Form WPB-1319 prepared in accordance with the instructions for such form. The War Production Board may grant such application unconditionally or upon specified conditions, including the requirement that the order be placed with a supplier named by the War Production Board, or that the order shall only cover such model, type or size of truck as may be designated by such Board.

(c) [Deleted Mar. 16, 1944]

(d) (1) No manufacturer shall begin the manufacture of or deliver any new industrial power truck which is not an approved standard model for him, except that manufacturers may deviate from approved standard models in manufacturing industrial power trucks to the extent that the purchaser's authorization on Form WPB-1319, granted under paragraph (b) (3) specifically authorizes a deviation.

(2) [Deleted Jan. 29, 1945.]

(3) On or before the 15th day of October and of each succeeding calendar month, every manufacturer shall file with the War Production Board a report on Form WPB-1262 (formerly PD-355) which shall include (i) such manufacturer's proposed production schedules so far as then planned, but in any event, for not less than the three calendar months following the filing of the report; and (ii) his proposed delivery schedules so far as then planned, but in any event for not less than the one calendar month following such filing. The production schedules for the three calendar months, and the delivery schedules for the one calendar month following the filing of the report shall be deemed to be approved by the War Production Board upon the receipt of the report by the War Production Board, unless the War Production Board shall otherwise direct. The War Production Board may, at any time, change any schedules; direct the cancellation of any order shown on any schedule; prescribe any other schedule for production or deliveries for any period, regardless of whether a schedule for such period, or any part thereof, has been reported by the manufacturer, or theretofore approved by the War Production Board; allocate any order listed on the report to any other manufacturer; or direct the delivery of any industrial power truck so listed to any other person, at the established price and terms. No manufacturer shall produce or deliver any industrial power truck except in accordance with schedules approved or prescribed by the War Production Board, as above provided; and no manufacturer shall alter any such approved or prescribed production or delivery schedules unless authorized or directed to do so by the War Production Board.

(e) *Experimental models.* In addition to the approved standard models of industrial power trucks which a manufacturer is permitted to produce under paragraph (d) of this order and Order L-112-a, a manufacturer may also produce experimental models (in any design and structure), if he does so in accordance with all of the following restrictions:

(1) He may not produce more than the minimum number of experimental models or any larger ones than the minimum capacity, required to determine their suitability for commercial production, operation, and application; in no case may he produce more than two units of the same model and capacity.

(2) He may not acquire for such purpose any facilities which are capital additions;

(3) He may not produce any such model if he knows or has reasonable cause to believe that such action would divert any materials, manpower, technical skill, or other facilities needed by him or any other person for any defense order (as defined in Priorities Regulation 1) or for any order rated AA-5 or higher, or to fill any order specifically authorized by the War Production Board; and he shall immediately discontinue such production whenever and as long as it causes or threatens to cause such diversion;

(4) Such experimental models may not be offered for sale or be demonstrated, displayed or distributed.

(f) *Miscellaneous provisions.*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as issued and as amended from time to time.

(2) [Deleted Jan. 29, 1945.]

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

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

(5) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal. This letter must be filed with the field office of the War Production Board for the district in which is located the plan or branch of the appellant to which the appeal relates.

(6) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C., Ref.. L-112.

Issued this 29th day of January 1945.

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

LIST A: Deleted Jan. 29, 1945.

[F. R. Doc. 45-1725; Filed, Jan. 29, 1945, 11:23 a. m.]

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PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Supplementary Limitation Order L-112-a as Amended Jan. 29, 1945]

INDUSTRIAL POWER TRUCKS

In accordance with the provisions of § 1226.117 *General Limitation Order L-112*, which the following order supplements; It is hereby ordered, that:

§ 1226.122 *Supplementary Limitation Order L-112-a*—(a) *Approved standard models.* Pursuant to Limitation Order L-112, approved standard models of in-

dustrial power trucks for each manufacturer named in this supplementary order shall be those models listed below for such manufacturer: *Provided, however* That unless a deviation is specifically authorized by the War Production Board on Form WPB-1319 pursuant to Limitation Order L-112, as supplemented, no such model shall be manufactured which is not produced in accordance with the following restrictions:

(1) No such model shall be manufactured in more than one size of platform width and length, nor shall any such model contain battery boxes built to accommodate larger capacity batteries than the manufacturer's standard battery for the model; and

(2) No fork truck (other than Army or Navy Ordnance models) having a load capacity rated at less than ten thousand (10,000) pounds shall be manufactured which is not (i) of the tilting, telescopic type and having a standard minimum over-all height not in excess of eighty-three (83) inches, and a standard maximum lift height, adopted for such model of fork truck by the manufacturer thereof, except that if any such model of fork truck has a rated load capacity for which one or more alternative (in addition to standard) maximum lift heights are shown in Table I below, then such model of fork truck may also be manufactured with any maximum lift height thus shown and with a standard minimum over-all height which may be in excess of eighty-three (83) inches, adopted for such fork trucks by the manufacturer and (ii) equipped with a standard fork of the length designated in Table I for trucks of such capacity (but this restriction shall not be deemed to prohibit the furnishing of separate fork extensions)

TABLE I

| Rated load capacity | Maximum lift height | Fork length |
|---|---|---|
| 2,000 lb | Standard | 30" |
| 3,000 lb | Standard or 144" | 36" |
| 4,000 lb | Standard or 144" | 36" |
| 6,000 lb | Standard, 144" or 168" | 42" |
| 7,000 lb | Standard or 144" | 42" |

Any manufacturer who has been engaged, prior to July 10, 1943, in producing fork trucks without standard heights or in heights not permitted by this order, shall determine upon and adopt a standard minimum over-all height and a standard maximum lift height for each of the approved standard models (and for each of the permitted maximum lift heights which he proposes to furnish in any model) being produced by him, in accordance with this order, within ten (10) days after July 20, 1943 (and for any proposed new model which he may propose to manufacture, within ten (10) days after the listing of such model in this order as an approved standard model) and such manufacturer shall not thereafter commence the manufacture of any model which is not produced in accordance with the standard heights so adopted by him.

*Name of Manufacturer and Approved Standard Models*

NOTE: Table amended Oct. 3, 1944

| | |
|---|---|
| Atlas Car & Mfg. Co | HP-2, HP-3, 2-EA-62, 3-EA-62, 2-EA-17, 3-EA-17, 3-DWT-2, 2-LWH, 3-LWH, 2-WT-2 |
| Automatic Transportation Co. | LN-2, LN-3, LO-5, TLN-2, TLN-3, TLO-5, CHTF-2, THTF-L-4, THTF-L-6, THTF-L-6 (Ordnance Model), THTF-L-7, THTF-M-10, TN-4, TN-6, TW-4, TW-6- in platform lengths 36, 48, 60, and 72 inches and heights 6, 7, 9, and 11 inches, P-427, 2000# crane attachment |
| Baker-Raulang Co | E-2, E-3, E-5, H-2, H-3, H-5, FAH-20, JOMH-40, JOMH-60, JOM-100, CXA, CXB, CXF, TJA, TJ |
| Barrett-Cravens Co | Power OX—in platform lengths 48 and 60 inches, widths 19 and 25 inches, and heights 7, 9, and 11 inches |
| Berry Motor Car Co | TT3-2NC, FHLT-2, FHLT-3 |
| Buda Co | Chore Boy, Chore Boy-FF |
| Clark Equipment Co | Favorite, Tops, Plate, Elec-Plate, Stalwart-6025, Elec.-Stalwart-6025, Clarkat, Standard, Mill, Transport, Otter, Badger, Puma, Tip-30, Dump-40, Shovel, Elec-Favorite |
| Crescent Truck Co | LA-3, LAP NA-4, NA-6, LDLF NBR-4, NDHE, NDRE-4, NDRE-6, NCRE-4, NCRE-6, NCDE-4, NCTE-10, NTW |
| Dallas Machine & Locomotive Works, Inc. | PH-462-130, PH-562-130, PH-662-130, 4MH-4560, 4MH-5170, SMH-4560, SRH-5660, SRH-5770, SRH-5778, SRH-6078, SMH-5170, SRH-4560 |
| Easton Car & Construction Co. | HP-4, HP-6, LP-4, LP-6, LL-4, LL-6, LL6-10, TL6-10, TLC-4, TLC-6 |
| Elwell-Parker Electric Co | E-2, E-11, EQ-4, EP-4-11, EP-6, GEP-6, EP-10, ELN-6, ELN-10, F-15T, F-23, F-19, F-25, C-4, C-X, C-Z, 2000# crane attachment |
| John Engelson | 66B |
| Erickson Special Equipment Mfg. Co. | FT, FA, FAA |
| Harry Ferguson, Inc | Moto-Tug-25, Moto-Tug-40 |
| Hadley & Dye Aircraft Parts Co. | Model 101 |
| W. F. Hebard Equipment Co | A-3V, A-3-Victory, A-14-Victory, J-233, J-233-N, J-233-WL, J-233-P |
| "HH" Manufacturers | 1646, 1646TV 2NC, 2NHD, 2GHD, C-2T, C-34 |
| Hi-way Service Corp | Drott L |
| Howell Industrial Truck Co | 112, 30, 90, 80-FC, 5 |
| Hyster Co | Karry Krane, Hyster-20, Hyster-75, Space Saver, M-4560, M-5766, MH-4566, MH-5778, MH-57-108, MH-6370, MH-6978 |
| Lansing Co | Models J and R |
| Lewis-Shepard Co | EFTT3, EFTT4, GFTT3, GFTT4 |
| Lift Trucks, Incorporated | EHN-3000# in platform lengths 38, 44, 50 and 62 inches, EHW-3000#, EHW-4000#, EHW-6000# in platform lengths 44, 50, 62 and 74 inches and 9 and 11 inch platform heights, KEN-4000#, KEN-6000#, KEW-4000#, KEW-6000# in platform lengths 44, 50, 62 and 74 inches and 3, 6, 7, 9 and 11 inch platform heights, PTN, PTW |
| MacDonald Truck Co | A, B, C |
| Mercury Manufacturing Co | A-1007, A-1006, A-1020, A-1001, A-1017, A-1018, A-1360, A-1480, A-1540, A-540, Banty |
| Moto-Truc Co | NMSD-1, WE-1, MT-1, MT-3 MT-5, MT-6—Moto Truck platform in widths 20 and 26½ inches; lengths 36, 48, 60, and 90; heights 6, 7, 9, and 11 inches |
| Nutting Truck & Caster Co | SCT, SLT, STT |
| Prescott Iron Works, Inc | Model B |
| Rocky Mountain Steel Products, Inc. | Pony Express-24 volt, Pony Express-32 volt, Pony Express-Gas |
| Ross Carrier Co | 20-H, 19-HT, 18-H, 16-H, 15-H, 12-H, 70-5445, 70-6051, 90-6544, 90-6556, 90-7056, 90-7956, 90-7968, 90-10868 |
| Schwitzer-Cummins Co | F-462 |
| Silent Hoist Winch & Crane Co. | A, AX, AY, DY, CK |
| Superior Grinding & Motor Parts Co. | STD, HD, TRX |
| Towmotor Corporation | LT-40, LT-44, LT-50, LT-56, LT-62, LT-72, K, C |
| Vaughan Motor Co | TAW |
| Whiting Corp | 3-DHLT |
| Wright-Hibbard Industrial Electric Truck Co., Inc. | RBH and TRC in platform widths of 18 or 24 inches, platform lengths of 42 or 53 inches and lowered heights of 6½, 9, or 11 inches in 4000# capacity |
| Yale & Towne Mfg. Co | K20-4, K20-6, KM-4L and KM-4H, 6¾ and 10½ inch platform heights, K23-E4, K23-E6, K26-S10, K22-4, K24-F, K24-FS, K-25, K-33, KM30-2M, K41-II, K41-III, K41-V, K41-VI, K42-3-7-65, K42-SH6-78, K42-G10-5½-78, C2-T |
| Yard-Man, Incorporated | D-Truck-Man |

Issued this 29th day of January 1945.

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

[F. R. Doc. 45-1726; Filed, Jan. 29, 1945; 11:28 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Conservation Order M-28, as Amended Jan. 29, 1945]

DICHLORODIFLUOROMETHANE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of dichlorodifluoromethane 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.

§ 1226.27 *Conservation Order M-28*—(a) *Definitions.* For the purpose of this order:

(1) "F-12 gas" means dichlorodifluoromethane (sometimes called "freon-12")

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

(3) "Producer" means any person engaged in the production of F-12 gas.

(4) "Supplier" means any person to the extent that he is engaged in the business of distributing F-12 gas to persons using the same for installation in refrigerating or air conditioning systems. The term shall include an equipment manufacturer to the extent that he engages in the sale of F-12 gas which has not been installed in such systems. "System" means any "system" as defined in General Limitation Order L-33.

(5) "Equipment manufacturer" means any person to the extent that he uses F-12 gas for charging new refrigerating or air conditioning systems or parts of systems manufactured by him. It does not include affiliates, subsidiaries, branches, divisions or sections or an enterprise, if not actually engaged in the manufacture of systems or refrigerant containing parts of systems.

(6) "Insecticide manufacturer" means any person to the extent that he uses F-12 gas in the production of insecticide.

(7) "User" means any person who installs F-12 gas in a refrigerating or air-conditioning system, other than an equipment manufacturer. It includes suppliers, service agencies, owners or lessees, to the extent that they engage in installing F-12 gas in any system.

(8) "Contract agent" means any person to whom or for whose account F-12 gas is delivered by a producer for distribution to suppliers.

(If the same person, or two or more branches, divisions or sections of the same enterprise, acts in two or more capacities as contract agent, supplier, equipment manufacturer, or insecticide manufacturer, the particular provisions of this order which apply to the respective activities must be followed, to the extent to which the various provisions are applicable to each activity.)

(b) *Systems for which no deliveries are permitted.* (1) No person (including users, dealers, and other suppliers, and producers) shall deliver, or accept delivery of, any F-12 gas for use in, or for resale for use in any new or used system which is of a type referred to in List A. Exceptions from this restriction may be authorized in the following cases (although this does not preclude appeals under paragraph (f) (4) in other cases)

(i) When the major portion of the space to be air conditioned is used as a radio broadcasting studio, auditorium, hotel, restaurant, cafeteria, school, office or office building, or department store, and one of the following conditions exists: The building is "windowless" or one in which the windows cannot be opened for ventilation (such as glass brick, or glass set in a fixed frame which was built into the surrounding wall in an immovable way), or the rooms needing air conditioning are interior ones having no other means of adequate ventilation and are either served by a separate system or constitute a major portion of the space regularly occupied by persons and are served by one central system; or

(ii) When the system is used to air condition a room or rooms in a single family residence or a single apartment and its continued operation is essential to protect the life or restore the health of a person suffering from a serious ailment or disease and under care of a licensed physician, and a statement to that effect by such physician is also furnished with the application referred to below.

Application for WPB permission to get F-12 gas for such a use should be made by the owner or operator of the system by letter in duplicate (or in an emergency, by wire confirmed immediately by letter) to War Production Board, General Industrial Equipment Division, Washington 25, D. C., Ref. M-28 giving the address and a description of the building(s) in which the system is located and stating the extent to which the system comes within either of the cases described above, the quantity of F-12 gas needed, and the name and address of the probable supplier. The authorization, if granted, will be sent to the applicant, who should show it to his supplier when requesting delivery, in addition to furnishing the certification required under paragraph (c) (2) below.

(2) [Revoked Jan. 29, 1945.]

(3) Attention is called to paragraph (c) (2), which prohibits a supplier from delivering F-12 gas except on certified orders.

(c) *Deliveries by suppliers.* (1) No supplier or any other person (except a producer) shall deliver any F-12 gas for export outside of the continental United States, or for use by any of the following non-retail users (or to any ship yard or other person for use in a system to be delivered to any of them), namely: The Army, Navy, Maritime Commission, War Shipping Administration, post exchanges, ships service departments and activities, equipment and insecticide manufacturers, for new or used systems, or for use in insecticide, without specific authorization from the War Production Board. Subject to the foregoing restriction, any supplier or any other person (except a producer) may deliver F-12 gas to any other person, for use in any new or used system not referred to on List A of this order.

No person shall accept from a supplier or other person any delivery of F-12 gas which is prohibited by the restriction in this order.

(2) Whenever the owner of a system or any other user wishes to obtain F-12 gas for installation in a system or systems for which deliveries by suppliers are permitted under this order, he may place his order with any supplier for the minimum quantity, which the available cylinder or cylinders permit, necessary to bring the charge in the system or systems up to a normal operating charge. He must certify his order, or the vendor's delivery receipt, by a certificate endorsed on or attached to it, showing that the F-12 gas is to be used for such purposes only, and that he is not holding any empty cylinders not owned by him, which shall be in substantially the following form:

The undersigned purchaser certifies to the seller and the War Production Board that he does not have any F-12 gas cylinders not owned by him, which have been empty for more than 15 days; and that the F-12 gas covered by this order will not be used or resold for any purposes not permitted by Order M-28.

The standard certification in the form described in Priorities Regulation 7 cannot be used instead of that described above. Such certificate, which must be signed by the purchaser or his authorized official, will constitute a representation that what is stated in it is true. A supplier must not deliver any F-12 gas except under certified orders; and he must not make delivery under any order which is certified if he knows, or has any reason to believe that the certificate furnished with such order is untrue, incomplete, or inaccurate. In such a case the supplier must reject the order, and should explain why he is doing so, so that the prospective purchaser can comply with this order. Each supplier must keep all accepted orders and certificates which he receives, for a period of two years, for inspection by the War Production Board. (Certificates in the form required by this order before its amendment on November 12, 1943, may continue to be used for 30 days after that date, in place of the above form.)

This restriction shall not prevent a person who services several systems for which deliveries are permitted by this order from purchasing a cylinder of F-12 gas from a supplier, if the amount purchased is the smallest quantity practicable considering the sizes of the standard commercial cylinders and the amount needed in his current operations.

(3) No "standby charge" or any other quantity of F-12 gas, over and above that needed to bring the total charge in a system or systems up to the normal operating charge, shall be delivered to or accepted by any person for use in a system which he owns, leases, or operates (except the Army, Navy, Maritime Commission or War Shipping Administration) except, however, that a "standby charge" may be maintained for a system which is operated primarily for one of the following purposes: air conditioning or refrigeration for the production and storage of penicillin, or blood serum; or refrigeration for the storage of blood for plasma, or the production or storage of blood plasma.

(d) *Deliveries by producers.* Each producer shall hold his entire inventory of F-12 gas, together with all additional quantities produced or otherwise obtained by him from time to time, for delivery under such orders and for such uses as may be authorized or directed from time to time by the War Production Board. No deliveries of F-12 gas shall be made by a producer except pursuant to specific authorizations or directions heretofore or hereafter issued by the War Production Board.

(e) The provisions of this order shall be followed by every producer, contract agent, supplier, user, equipment manufacturer, insecticide manufacturer, and any other person buying, selling or delivering F-12 gas, without any regard to any preference ratings which have been assigned or which may hereafter be assigned to particular contracts or orders.

(f) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as issued and amended from time to time.

(2) *Reports.*[1] (i) Each equipment manufacturer who wishes to secure delivery of F-12 gas during any month for charging systems or parts produced by him, or for factory repair and charging of sealed or hermetic condensing units, shall file with the War Production Board, on or before the 15th day of the preceding month a report on Form WPB-3326, prepared in accordance with the instructions for such form.

(ii) Any person wishing to secure F-12 gas during any month for ultimate uses (such as testing coaxial cable for leaks) other than the charging of new or used refrigeration or air conditioning systems or parts or use in insecticide, shall file with the War Production Board, on or before the 20th day of the preceding month, a report by letter, in triplicate, showing the minimum amount required for the month, the purpose for which required, and the amount used during the preceding calendar month for that purpose.

(3) *Violations.* Any person who willfully violates any provisions 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, materials under priority control, and may be deprived of priorities assistance.

(4) *Appeals.* Any appeal from the provisions of this order, or any direction thereunder, shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(5) *Communications.* All reports to be filed and other communications concerning this order should be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C., Ref. M-28.

Issued this 29th day of January 1945.

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

[1] The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

LIST A—SYSTEMS FOR WHICH NO DELIVERIES ARE PERMITTED

*Air conditioning systems.* Any system, of any size operated or installed for the purpose of lowering the temperature and/or humidity of air in any building, room or other enclosure used as, or located in any of the following:

Amusement parks.
Animal hospitals.
Auditoriums.
Ballrooms, dancing studios and dance halls.
Bank and loan associations.
Bars, cocktail lounges, and beer parlors.
Bowling alleys.
Concert halls.
Funeral parlors.
Golf clubs, country clubs, athletic clubs, and all other clubs and club houses.
Hotels and apartment houses.
Moving picture houses.
Night clubs.
Office buildings and offices, public or private.
Railway, streetcar and bus stations and terminals.
Residential buildings and dwellings of all kinds.
Restaurants, cafeterias, and other places selling meats, food or beverages.
Schools.
Service establishments, such as laundries, cleaners and dyers, tailor shops, barber shops, "beauty" parlors, automobile sales and service shops, and repair shops of all kinds.
Skating rinks.
Stores, selling any kind of products, material or merchandise, at retail or wholesale (excluding manufacturing establishments).
Studios of all kinds.
Theaters.

This list does not include (i) any such system used primarily to air condition a building, room or other enclosure used chiefly for purposes not listed above, or (ii) any system designed, necessary and used, in substantial part, for the refrigeration and storage or processing of food, ice, or other materials or products, necessary to life or health, or to be delivered to the Army, Navy, Maritime Commission or War Shipping Administration, and requiring refrigeration temperature control, or freedom from dust or other impurities.

*Refrigeration systems.*

Skating rink systems.
Refrigeration systems solely for storing or dispensing carbonated or malt beverages.

INTERPRETATION 1

INTERPRETATION 1. REVOKED NOVEMBER 12, 1943.

INTERPRETATION 2

(a) *Quantities which may be obtained by system owner.* Subparagraphs (c) (2) permits the owner (or lessee) of a refrigerating or air conditioning system (not on List A) who does his own installation of F-12 gas, to place his order for the minimum quantity "which the available cylinder or cylinders permit" necessary to bring the charge in his system up to a normal operating charge.

The standard commercial cylinders are generally available in sizes which contain four pounds, ten pounds, twenty-five pounds, and one hundred forty-five pounds of the gas, and a particular supplier may not have all four sizes in stock at all times. Questions will therefore arise as to the number and sizes of cylinders which the owner of a system is permitted to obtain if the particular supplier with whom his purchase order is first placed should not happen to have the sizes of cylinder from which the minimum quantity needed by the system can be furnished the owner.

In such a case, the owner of the system should make a reasonable effort to obtain the minimum quantity which he needs, from some other supplier in his locality, rather than purchase an excessive quantity from the first supplier upon whom he calls. While the order does not prescribe rigid rules as to exactly what effort the purchaser should make in every case, it is required that he do whatever is practicable, under his particular conditions, to obtain the minimum quantity which he needs, and no more.

Where he is located in a large community in which there are a number of suppliers, he should contact several, if necessary in order to obtain the quantity needed. If he happens to be located in a small community where there is only one supplier who cannot furnish the exact quantity needed and the F-12 gas must be obtained immediately in order to avoid spoilage of a substantial quantity of food, the restriction would not prevent him from obtaining a larger amount, if that is unavoidable without letting his food spoil.

As a guide to the number and size of cylinders which should normally be obtained, for the different quantities of F-12 gas which may be needed in different cases, the following table is furnished:

| Pounds of F-12 gas required | Amounts which should be ordered | | | |
|---|---|---|---|---|
| | Number of cylinders | | | |
| | 4 pounds | 10 pounds | 25 pounds | 145 pounds |
| 0-4 | 1 | | | |
| 5-9 | | 1 | | |
| 10-14 | 1 | 1 | | |
| 15-24 | | 2 or | 1 | |
| 25-29 | 1 | | 1 | |
| 30-39 | 1 | 1 | 1 | |
| 40-49 | 1 | 2 | 1 | |
| 50-59 | | 1 | 2 | |
| 60-69 | | 2 | 2 | |
| 70-79 | 1 | | 3 | |
| 80-89 | 1 | 1 | 3 | |
| 90-110 | | 1 | 4 | |
| 111-145 | | | | 1 |
| 146-170 | | | 1 | 1 |
| 171-195 | | | 2 | 1 |
| 196-220 | | | 3 | 1 |
| 221-245 | | | 4 | 1 |
| 246-290 | | | | 2 |
| 291-315 | | | 1 | 2 |
| 316-340 | | | 2 | 2 |
| 341-365 | | | 3 | 2 |
| 366-390 | | | 4 | 2 |
| 391-435 | | | | 3 |

The above interpretation applies only where the system owner buys his F-12 gas from a supplier, and installs it himself. If he has a service shop install the gas, the shop will always be able to furnish no more than the amount actually needed, from its service cylinders, and there will be no problem.

(b) *Installation of F-12 gas in systems or parts held by equipment manufacturers or dealers.* Paragraph (b) (1) prohibits deliveries of F-12 gas for systems on List A; (b) (2) prohibits deliveries for any other system, unless it must be operated under one or more of the conditions specified. These restrictions are intended to prevent deliveries of F-12 gas where there is a sale or other delivery of the gas. They prevent an equipment manufacturer or other person from delivering F-12 gas in any new or used system or refrigerant-containing parts if charged with F-12 gas furnished by him after the effective date of the applicable restriction, for any prohibited use.

These restrictions do not prevent the withdrawal and reinstallation of F-12 gas in the course of repairing a used system or refrigerant-containing part, where no additional

F-12 gas is added to what was already in the system or part.

Neither do they restrict the delivery of new or used systems or refrigerant-containing parts which had already been charged at the time the applicable restrictions became effective nor do they prevent the owner or lessee of any installed system who had F-12 gas in his possession on the effective date of the applicable restriction from charging the system with such gas, or having someone else do this charging for him, where no transfer of possession or ownership is involved. (Issued November 30, 1943.)

[F. R. Doc. 45-1728; Filed, Jan. 29, 1945; 11:28 a. m.]

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PART 3037—ELECTRONIC EQUIPMENT

[General Limitation Order L-183-a as Amended Jan. 29, 1945]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of electronic equipment 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:

§ 3037.2 *General Limitation Order L-183-a*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation or any organized group of individuals whether incorporated or not.

(2) "Electronic equipment" means:

(i) Any electrical apparatus or device used for communications, detection or signalling, and involving the use of vacuum or gaseous tubes;

(ii) Electrical or wire communications equipment used for communications, detection or signalling which has been assigned a numerical designation of urgency by the Precedence List;

(iii) Wire communication equipment for telephone and telegraph; and

(iv) Research, production or maintenance test equipment for any of the foregoing equipment.

The term does not include any fabricated or semi-fabricated part or component of or for electronic equipment.

(3) "Producer" means any person to the extent engaged in the production, manufacture or assembly of electronic equipment.

(4) "Component" means any fabricated or semi-fabricated part of or for electronic equipment.

(5) "Supplier" means any person to the extent engaged in the production, fabrication or assembly of components.

(6) "Precedence list" is the schedule, issued and amended from time to time by the Joint Communications Board of the Army and Navy, which sets forth by numerical designation the relative urgency of deliveries of certain types and quantities of electronic equipment to or for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast Guard, the Office of Scientific Research and Development, the Veterans Administration, and the Civil Aeronautics Administration; or

(ii) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, the Netherlands, Norway, Poland, Russia, Turkey, United Kingdom including its dominions, Crown Colonies and Protectorates, and Yugoslavia; or

(iii) Any other country including those of the Western Hemisphere now or hereafter designated, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

The order of urgency established by this list is:

P/L-A1
P/L-A1a, etc.
P/L-A2, etc.
P/L-B1, etc.; P L-A1 being the highest urgency presently assigned.

(b) *Operation of the precedence list.* (1) The numerical designations assigned by the precedence list shall establish the relative urgency of certain deliveries of types and quantities of electronic equipment within any single preference rating category. Any delivery assigned a lower numerical designation in any preference rating category shall be deferred to the extent necessary to assure within the time specified those deliveries assigned higher designations within the same preference rating category even though such deferment may cause default in deliveries assigned lower designations.

(2) The assignment of a precedence list designation shall not affect production or delivery under any purchase order (including an order for electronic equipment or components thereof) which does not bear a precedence list designation. The sequence of deliveries among orders bearing no precedence list designation, and as between orders bearing no precedence list designations and orders bearing precedence list designations shall be determined pursuant to War Production Board regulations in accordance with the preference ratings which such orders respectively bear.

(3) Each producer shall review his production and delivery schedules for electronic equipment to which numerical designations have been assigned by the precedence list; and shall on and after February 15, 1943, schedule or reschedule within each preference rating category his production and delivery schedules of types and quantities of electronic equipment to which numerical designations of urgency have been assigned by the precedence list, in relation to each other only, and in accordance with such designations, so that, as to deliveries of those assigned lower designations, production shall be deferred to the extent necessary to assure those deliveries assigned higher designations, within the time specified.

(4) Each producer and supplier shall transmit in writing to his suppliers of components the following information:

(i) Name of the contracting agency or customer on the prime contract and the contract number applicable to the whole or any portion of each purchase order for components;

(ii) On each purchase order a definite monthly delivery schedule of the quantities of components actually required to support the production of the minimum quantities of electronic equipment as established by the precedence list, or to support the producer's authorized production of electronic equipment to which numerical designations of urgency have not been assigned by the precedence list, taking into account in his determination of such quantities the producer's current inventory of such components;

(iii) The producer's manufacturing lead factor in days for each component; and

(iv) The precedence list designations, if any, applicable to the whole or any portion of each purchase order for components, stating the percentage of each purchase order to which each precedence list designation applies.

The provisions of this paragraph (b) (4) shall apply to all purchase orders for components heretofore or hereafter placed by any producer or supplier.

(5) Each supplier to whom precedence list designations of urgency are transmitted may schedule or reschedule, within each preference rating category, all or any portion of his production or delivery schedules of components to which such designations apply, in relation to each other only, and in accordance with such designations, so that, as to those deliveries bearing lower designations, production or delivery may be deferred to the extent necessary to assure within the time specified those deliveries bearing higher designations within the same preference rating category.

(6) No producer shall duplicate, in whole or in part, purchase orders which he has placed with one or more suppliers in such manner that the amount of components ordered exceeds the amount of the producer's actual requirements of such components to support his authorized production of electronic equipment, even though he intends to cancel or reduce his purchase orders to the amount of actual requirements prior to completion of deliveries.

(c) *Special directions.* The War Production Board may from time to time issue in respect to electronic equipment or components special orders or directions which:

(1) Alter or freeze production or delivery schedules in whole or in part;

(2) Direct any supplier to reschedule all or any portion of his production or delivery schedules of components to which precedence list designations are applicable as to each other only within any single preference rating category and in accordance with such precedence list designations;

(3) Direct the cancellation of any order held by any producer or supplier;

(4) Allocate any unfilled order from one to another producer or supplier;

(5) Direct the delivery of any electronic equipment or components in production or completed to any person at established prices and terms;

(6) Direct any person to establish a special stock of components for transfer or distribution for such purposes, under such conditions and in such amounts as the War Production Board may specify; or

(7) Take such other action as it deems necessary with respect to the placing of

orders for, or the production or delivery of electronic equipment or components.

Any such special orders or directions shall be complied with notwithstanding War Production Board regulations or orders.

(d) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, except to the extent that the provisions of paragraphs (b) and (c) provide for departure therefrom. No transactions pursuant to paragraphs (b) (5) or (c) (2) hereof shall interfere with any schedule specifically frozen by action of the War Production Board.

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

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(g) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to War Production Board, Radio and Radar Division, Washington, D. C., Ref: L-183-a; except reports, appeals and other communications relating to wire communication equipment embraced within the definition of paragraphs (a) (2) (ii) and (a) 2 (iii) hereof which shall be addressed to War Production Board, Communications Division, Washington, D. C. Ref: L-183-a.

Issued this 29th day of January 1945.

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

INTERPRETATION 1

RELATION OF THE PRECEDENCE LIST TO SCHEDULING

This is an official interpretation of § 3037.2, *General Limitation Order L-183-a.* It is issued to answer two questions which have frequently arisen with respect to this order, but it does not represent any change in the scope and operation of the order. It simply clarifies the meaning and intent of this order and its relation to General Scheduling Order M-293.

(1) Some persons have asked whether electronic components, such as resistors and capacitors, are subject to the order when they are purchased for use in such things as fire control devices, battle-announce systems and airframes which are assigned relative urgencies by the Precedence List. The answer is "yes"—Limitation Order L-183-a is intended to apply and does apply to the scheduling of those components when Precedence List designations are extended to them.

(2) Questions have often been asked as to the relation of Limitation Order L-183-a to General Scheduling Order M-293. Shipping schedules for products listed under Order M-293, when frozen by the War Production Board under Order M-293, are subject to change only in the manner provided in Order M-293, and Priorities Regulation 18. This means that preference ratings, reratings and Precedence List designations received during the frozen schedule period cannot change the frozen schedule. Such ratings, reratings and Precedence List designations may, however, serve as a guide and justification for the issuance of a schedule change by the industry division of the War Production Board responsible for that schedule. Once a shipping schedule is frozen under Order M-293, therefore, there is nothing in Order L-183-a which can change that schedule. The insurance of the flexibility necessary to fulfill changing strategic needs lies in the authority of the industry division to "unfreeze" or issue changes in such a frozen schedule on the basis of Precedence List urgencies or other considerations.

The relative urgencies established by the Precedence List as indicated by Precedence List designations still remain the basic guide, however, for the initial scheduling of electronic equipment and components. Order M-293 in no sense relieves manufacturers of complying with the provisions of Order L-183-a prior to the time a schedule has actually become frozen under Order M-293. Only after a schedule has been frozen under Order M-293 does Order L-183-a become inoperative, and then only as to the frozen schedule. In preparing a product schedule for filing under Order M-293 a manufacturer should arrange the sequence of shipments on that schedule according to the Precedence List in the manner prescribed by Order L-183-a, to whatever extent Precedence List information is available. In doing so, however, he must not disturb the sequence of any shipping dates already frozen in his schedule under Order M-293

The impression has appeared from time to time that a rated order for electronic equipment or components which does not bear a Precedence List designation may be rejected. That is incorrect—the absence of a Precedence List designation does not provide a reason for rejecting a rated order. Another erroneous impression which should be corrected is that all orders without Precedence List designations are inferior to orders with equal preference ratings and Precedence List designations. An AA-1 order without Precedence List designation is not inferior to an AA-1 order with Precedence List designation. The position of an order without Precedence must never be displaced by an order with Precedence simply because the latter bears Precedence. The positions of orders with and orders without Precedence List designation, where they bear the same preference rating, are established in relation to each other according to the dates they were received, as provided in Priorities Regulation No. 1 (especially § 944.7).

Scheduling according to the Precedence List sequence takes place only among those orders which bear Precedence List designations and the same preference rating. For example, orders rated AAA and carrying Precedence may be scheduled in relation to each other according to Precedence, and orders rated AA-1 carrying Precedence may be scheduled in relation to each other according to Precedence. It is clear, therefore, that Precedence never results in lower rated orders being scheduled ahead of higher rated orders.

(3) Priorities Regulation 1 now provides in part (§ 944.2 (a)) that: "A person must not accept a rated order for delivery on a date which would interfere with delivery on equal or higher rated orders which he has already accepted * * *" In applying that rule to purchase orders with Precedence List designations, the Precedence List designations must be considered as well as the ratings. For example, a purchase order rated AA-1 with a Precedence of A-10 calling for delivery in May may be accepted even though it will interfere with May deliveries on previous AA-1 purchase orders with lower Precedences (e. g., A-20, B-5, C-10, etc.). It must not be accepted, however, if May delivery cannot be made without interference with AAA orders or AA-1 orders with Precedence of A-10 or higher (e. g., A-1, A-2, etc.). Furthermore, it must not be accepted if May delivery cannot be made without interference with May deliveries on previous AAA orders or AA-1 orders which have no Precedence List designation. (Issued Mar. 29, 1944.)

[F. R. Doc. 45-1727; Filed, Jan. 29, 1945; 11:28 a. m.]

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PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 4, Direction 4, as Amended Jan. 29, 1945]

WAREHOUSE STOCK REPLACEMENT ORDERS OF COPPER WIRE MILL WAREHOUSES

The following amended direction is issued pursuant to CMP Reg. 4:

(a) Copper wire mill "Warehouses", as defined in paragraph (e) (3) of CMP Regulation 4, are authorized to enter Warehouse Stock Replacement Orders for copper wire mill products with producers or other warehouses, *Provided:*

(1) Such orders are to replace copper wire mill products (equivalent number of pounds of copper content) previously delivered on authorized controlled material orders from warehouse stock, in accordance with CMP Regulation 4, and not previously ordered from producers or other warehouses.

(2) Each such order is marked "Warehouse Stock Replacement Order pursuant to the provisions of Direction 4 to CMP Regulation 4"

(3) and, effective February 1, 1945, the total amount ordered for delivery in any calendar month does not exceed twenty-five per cent (25%) (equivalent number of pounds copper content) of deliveries from warehouse stock during the second calendar quarter of 1944, as reported to the War Production Board on Form WPB-3009.

(b) Beginning with the first calendar quarter of 1945, a copper wire mill warehouse must file delivery reports on Form WPB-3009, in accordance with the instructions on that form.

(c) "Warehouse replacement" authorization letter WPB 1-1047 (CMPL-485) dated October 21, 1943, is cancelled.

Issued this 29th day of January 1945.

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

[F. R. Doc. 45-1729; Filed, Jan. 29, 1945; 11:28 a. m.]

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PART 3291—CONSUMERS DURABLE GOODS

[Supplementary Limitation Order L-7-c, Schedule X as Amended Jan. 29, 1945]

DOMESTIC ICE REFRIGERATORS

Section 3291.26 Schedule X to Limitation Order L-7-c is amended to read as follows:

§ 3291.26 *Schedule X to Limitation Order L-7-c.* The following revised production quotas for domestic ice refrigerators are established for the period from January 1, 1945 through March 31, 1945, inclusive. This revised Schedule and the quotas assigned in it supersede

the quotas assigned by Schedule X to L-7-c issued January 3, 1945. During that period each manufacturer listed is authorized to make the number of domestic ice refrigerators set forth below opposite his name. Manufacturers listed may make the refrigerators only in their own plants at the location set forth opposite their respective names. Manufacturers listed may not make more domestic ice refrigerators than the number opposite their names, even for orders bearing preference ratings. All domestic ice refrigerators made by each manufacturer must be included in the quotas assigned in this Schedule. The production quotas assigned in this Schedule have been authorized within the approved War Production Board program wherever production will not require materials, components, facilities, or labor needed for war purposes, and will not otherwise adversely affect or interfere with production for war purposes.

| Company and Location: | *Units* |
|---|---|
| American Fixtures & Mfg. Co., St. Louis, Mo | 2,000 |
| Arctic Refrigerator Co., Brooklyn, N. Y | 4,964 |
| Atkins Table & Cabinet Co., Brooklyn, N. Y | 1,649 |
| Brunswick Refrigerator Co., Brooklyn, N. Y | 3,221 |
| Craftbilt Cabinets, Burbank, Calif | 2,000 |
| Doherty-Stirling, Inc., Baton Rouge, La | 402 |
| Dratch's Victory Refrig. Box, Brooklyn, N. Y | 2,279 |
| Fy-Boro Metal Products Co., Brooklyn, N. Y | 6,000 |
| Ice Cooling Appliance Corporation, Morrison, Ill | 16,171 |
| Iceland Refrigerator Co., Brooklyn, N. Y | 2,951 |
| King Refrigerator Corporation, Brooklyn, N. Y | 3,838 |
| Maine Manufacturing Co., Nashua, N. H | 9,900 |
| Modern Refrigerator Works, Glendale, Calif | 1,500 |
| Precision Metal Products Co., Brooklyn, N. Y | 1,875 |
| Sanitary Refrigerator Co., Fond du Lac, Wis | 6,000 |
| Stoddard Manufacturing Co., Mason City, Iowa | 750 |
| Success Manufacturing Co., Gloucester, Mass | 2,000 |
| Ward Refrigerator & Mfg. Co., Los Angeles, Calif | 7,500 |

Issued this 29th day of January 1945.

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

[F. R. Doc. 45-1724; Filed, Jan. 29, 1945; 11:28 a. m.]

## Chapter XI—Office of Price Administration

### PART 1307—RAW MATERIALS FOR COTTON TEXTILES

[RPS 7,[1] Amdt. 16]

COMBED COTTON YARNS AND THE PROCESSING THEREOF

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.*

Revised Price Schedule No. 7 is amended in the following respects:

1. In paragraphs (a) and (b) of § 1307.4, the phrase "for a period of not less than one year" is amended to read "for so long as the Emergency Price Control Act of 1942, as amended, remains in effect."

2. Section 1307.4 (c) is hereby revoked.

This amendment shall become effective February 1, 1945.

NOTE: The reporting and record-keeping requirements in 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 January 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-1671; Filed, Jan. 27, 1945; 11:48 a. m.]

### PART 1316—COTTON TEXTILES

[MPR 11,[1] Amdt. 22]

FINE COTTON GOODS

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

Section 1316.8 (b) is hereby revoked.

This amendment shall become effective February 1, 1945.

NOTE: The reporting requirements in 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 January 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-1656; Filed, Jan. 27, 1945; 11:48 a. m.]

### PART 1330—CONTAINERS

[RMPR 55,[2] Amdt. 2]

SECOND-HAND BAGS

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

Section 1330.55 (a) is amended by deleting the unnumbered paragraph beginning with the phrase "Such persons shall submit" and ending with the phrase "from time to time require or permit."

This amendment shall become effective February 1, 1945.

NOTE: The 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 27th day of January 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-1657; Filed, Jan. 27, 1945; 11:48 a. m.]

### PART 1330—CONTAINERS

[MPR 151,[1] Amdt. 5]

NEW BAGS

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 151 is amended in the following respects:

1. Section 1330.170 (a) is amended by deleting the phrase "for a period of not less than one year" and substituting in place thereof the phrase "for so long as the Emergency Price Control Act of 1942, as amended, remains in effect"

2. Section 1330.170 (c) is hereby revoked.

3. Section 1330.171 (b) is hereby revoked.

This amendment shall become effective February 1, 1945.

NOTE: The 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 27th day of January 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-1662; Filed, Jan. 27, 1945; 11:50 a. m.]

### PART 1338—SILK AND SILK PRODUCTS

[MPR 115,[2] Amdt. 1]

SILK WASTE

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. 115 is amended in the following respects:

1. In paragraph (a) of § 1338.65, the phrase "for a period of not less than 2 years" is amended to read "for so long as the Emergency Price Control Act of 1942, as amended, remains in effect"

2. Section 1338.65 (b) is hereby revoked.

This amendment shall become effective February 1, 1945.

NOTE: The reporting and record keeping requirements in 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 January 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-1661; Filed, Jan 27, 1945; 11:50 a. m.]

[1] 7 F.R. 1221, 2000, 2132, 2277, 2393, 2509, 2737, 3160, 3551, 3664, 5481, 8948, 9732, 10469; 8 F.R. 972, 5755, 9285 11870, 12611, 14004; 9 F.R. 10636, 11903, 12412.

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 2661, 3577, 4879, 5162, 11531, 12020, 13056, 14850.

[2] 7 F.R. 10104, 10554, 10585; 8 F.R. 12404.

[1] 7 F.R. 3693, 4667, 7911, 8948; 8 F.R. 14737; 9 F.R. 7936.

[2] 7 F.R. 2349, 8948.

PART 1339—BURLAP AND BURLAP PRODUCTS

[RPS 18,[1] Amdt. 6]

BURLAP

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

Section 1339.5 is amended by deleting the phrase "for a period of not less than one year" and substituting in place thereof the phrase "for so long as the Emergency Price Control Act of 1942, as amended, remains in effect."

This amendment shall become effective February 1, 1945.

NOTE: The 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 27th day of January 1945.

CHESTER BOWLES,
*Administrator*

[F. R. Doc. 45-1670; Filed, Jan. 27, 1945; 11:48 a. m.]

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PART 1342—ANIMAL HAIR

[RPS 24,[2] Amdt. 1]

WASHED CATTLE TAIL HAIR AND WINTER HOG HAIR

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

Section 1342.4 is amended by deleting the phrase "for a period of not less than one year" and substituting in place thereof the phrase "for so long as the Emergency Price Control Act of 1942, as amended, remains in effect"

This amendment shall become effective February 1, 1945.

NOTE: The 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 27th day of January 1945.

CHESTER BOWLES,
*Administrator*

[F R. Doc. 45-1669; Filed, Jan. 27, 1945; 11:48 a. m.]

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

[MPR 567, Corr. to Amdt. 1[3]]

MANUFACTURERS' PRICES FOR GLASSINE PAPERS AND GREASEPROOF PAPERS

A note preceding the effective date provision is inserted to read as follows:

NOTE: The 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.

This correction to Amendment 1 shall become effective as of January 22, 1945.

Issued this 27th day of January 1945.

CHESTER BOWLES,
*Administrator*

[F. R. Doc. 45-1666; Filed, Jan. 27, 1945; 11:51 a. m.]

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PART 1353—VEGETABLE FIBERS

[RPS 59,[1] Amdt. 1]

KAPOK

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 Price Schedule No. 59 is amended in the following respects:

1. Section 1353.4 is hereby revoked.

2. Section 1353.5 is amended by deleting in the first unnumbered paragraph thereof the phrase "for a period of not less than one year" and substituting in place thereof the phrase "for so long as the Emergency Price Control Act of 1942, as amended, remains in effect" and by deleting the second unnumbered paragraph thereof beginning with the phrase "Persons affected"

This amendment shall become effective February 1, 1945.

NOTE: The 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 27th day of January 1945.

CHESTER BOWLES,
*Administrator*

[F. R. Doc. 45-1672; Filed, Jan. 27, 1945; 11:47 a. m.]

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PART 1381—SOFTWOOD LUMBER

[RMPR 290,[2] Amdt. 2]

SITKA SPRUCE LUMBER

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 Maximum Price Regulation 290 is amended in the following respects:

1. Section 15 (d) is amended to read as follows:

(d) *Combination grades.* Lumber sold on combination grades may not be sold above the maximum price for the lowest grade in the combination. For example, the maximum price for lumber sold as No. 2 and better is the maximum price fixed for No. 2. It is, however, permissible to quote with specified higher or lower grades developed to be shipped at the respective maximum price for each grade actually developed. Where shipments are made in this manner, each piece (or bundle if bundled) shall bear some symbol of grade identification, and each grade shall be separately invoiced and the identification symbol used on the lumber shall be shown opposite the respective grade on the invoice. Alternatively, shipper may separate grades in loading and clearly identify by symbol the grade of each separate lot in the shipment and on the invoice. Shop and box grades and all common grades and select merchantable when sold to millwork manufacturers or box factories are exempt from the requirements of this paragraph (insofar as it pertains to the use of grade symbols on lumber and invoices) when shipments are covered by inspection certificates issued by WCLA, PLIB, or other OPA approved inspection agency.

2. In section 21, the titular paragraph preceding the price tables is amended to read as follows:

SEC. 21. *Sitka spruce lumber* The maximum prices for Sitka Spruce lumber per 1000 feet board measure (or other designated measure where so indicated) shall be as shown in the following price tables, f. o. b. car at mill, f. o. b. normal loading dock for water shipment, or at mill's customary rail shipping point when mill is located away from railroad. Where possession of lumber is acquired f. o. b. truck at a mill not located on railroad, the prices set forth in this section (except on direct retail sales) shall be reduced by the cost of transportation from mill to customary railroad loading out point in accordance with the computation of such costs as set forth under section 7 (b) or (c)

3. Section 21, Table 1, footnotes 4, 12 and 18 are amended to read as follows:

4. No. 4. AWAL green, rough or surfaced $15.00 green weight; Dry, rough or surfaced $17.00, dry weight. Additions generally applicable to this table for lengths, widths, thicknesses and workings do not apply to No. 4.

12. The words "not listed" are added to the sentence "For odd or fractional widths."

18. 3/8" is added to the price lines covering 7/16" and 1/2" in No. 2 and better grades and the grade of No. 3.

4. Section 21, Table 2, footnote 8 is amended to read:

8. No. 4 AWAL rough or surfaced dry or green, $15.00, green weight green, dry weight dry. Additions generally applicable to this table for lengths, widths, thicknesses and workings do not apply to No. 4.

5. Section 21, Table 3, footnote 5 is amended to read:

5. No. 4 AWAL, rough or surfaced dry or green $15.00, green weight green, dry weight dry. Additions generally applicable to this table for lengths, widths, thicknesses and workings do not apply to No. 4.

6. In section 21, Table 5, a new footnote, 6a is added and footnotes 5, 6, 7, 10 and 21 are amended to read as follows:

5. One price line is added:

14' and shorter specified length price.

6. Random lengths longer than 20' add to 4/20' R/L Price:

| | |
|---|---|
| 22 to 30' | $10.00 |
| 32 to 40' | $0.00 |

6a. R/L including 20' and shorter and 22' and/or longer, price at the bracket price (4/20', 22/30' 32/40') in which each length falls. No additions may be made for the elimination of shorts.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1600, 2000, 2132, 5138, 7435, 8948; 8 F.R. 14311; 9 F.R. 7936.

[2] 7 F.R. 1254, 2000, 2132, 8948, 9430.

[3] 10 F.R. 701.

[1] 7 F.R. 1319, 2000, 2132, 8948.

[2] 9 F.R. 5727, 12746.

7. For random lengths where a specified average of not over 20' nor under 14' is required, the price shall be the 4/20' R/L price plus the specified length addition applicable to the length specified as an average. If the average required is longer than 20' the price shall be the 4/20' R/L price plus 75% of the specified length addition applicable to the length specified as an average. No addition may be made for the elimination of shorts in either case.

10. The words "not listed" are added immediately after the words "odd or fractional widths."

21. Shims surfaced or full thickness rough:

3/8" 5/16" 7/16" or 1/2" deduct from 1" price $12.00 9/16" 5/8" or 11/16" deduct from 1" price $10.00.

7. In section 21, Table 6, new footnotes 6a and 8a are added as follows:

6a. Omitting short lengths in R/L loading add to the 4/20' R/L price:

| | |
|---|---|
| 7' and shorter | $0.75 |
| 9' and shorter | 1.00 |
| 10' and shorter | 2.00 |
| 12' and shorter | Specified length price. |

8a. For random lengths in any specified range with an average length 14' or longer required, the price shall be the appropriate bracket price (the bracket in which the average falls) plus 75% of the specified length addition for the length specified as an average. No addition is permissible under footnote 6a.

If an average less than 14' is specified or when a definite average is not specified on order at time of placement, the lengths shipped must be priced at the bracket price in which they fall.

8. In Article VI—Table of Estimated Weights, the first paragraph under the title is amended to read as follows:

Permitted estimated weights. The following estimated weights may be used in computing freight charges even though higher than actual weights.

The second paragraph under the title, concerning moisture content, is deleted.

This amendment shall become effective February 1, 1945.

Issued this 27th day of January 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-1659; Filed, Jan. 27, 1945; 11:49 a. m.]

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PART 1389—APPAREL

[MPR 438,[1] Amdt. 8]

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 438 is amended in the following respects:

1. The date in the third unnumbered paragraph of section 3 is amended to read "March 1, 1945."

2. The date in the fourth unnumbered paragraph of section 4 (a) is amended to read "March 1, 1945."

3. The date in the last sentence of section 6 (b) (1) is amended to read "March 1, 1945."

4. The date in the fifth sentence of section 6 (b) (2) is amended to read "March 11, 1945."

5. The date in the last sentence of the text of section 6 (b) (3) is amended to read "March 21, 1945."

6. The date in the first sentence of the effective date provision is amended to read "March 1, 1945." The date "January 15, 1945" in the third sentence of this provision is amended to read "March 1, 1945."

This amendment shall become effective as of January 15, 1945.

Issued this 26th day of January 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-1616; Filed, Jan. 26, 1945; 4:31 p. m.]

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PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11,[1] Amdt. 5 to Supp. 1]

FUEL OIL

Section 1394.9208 (b) (6) is added as follows:

(6) In Zone D, the value of one unit represented by coupons numbered "4" and "5" on Class 4A coupon sheets, and the value of five units represented by coupons numbered "4" and "5" on Class 5A coupon sheets, and the value of twenty-five units represented by coupons numbered "4" and "5" on Class 6A coupon sheets are hereby fixed at ten (10) gallons, fifty (50) gallons, and two hundred fifty (250) gallons of fuel oil respectively.

This amendment shall become effective January 29, 1945.

Issued this 27th day of January 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-1673; Filed, Jan. 27, 1945; 11:47 a. m.]

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PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[2d Rev. RO 3, Amdt. 7]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 19.3 is amended by deleting item No. 20 and adding new items to read as follows:

| Ration period | Stamp valid during ration period | Weight value of stamp |
|---|---|---|
| No. 20 (Nov. 16, 1944 through February 28, 1945). | Book Four, Sugar Stamp 34. | 5 |
| No. 21 (February 1, 1945 through June 2, 1945). | Book Four, Sugar Stamp 35. | 5 |

This amendment shall become effective February 1, 1945.

Issued this 26th day of January 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-1617; Filed, Jan. 26, 1945; 4:31 p. m.]

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PART 1410—WOOL

[RPS 58,[1] Amdt. 17]

WOOL AND WOOL TOPS AND YARNS

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.*

Revised Price Schedule No. 58 is amended in the following respects:

1. In § 1410.51 (b) (3) the phrase "(iv) such other information as may be required by the Office of Price Administration." is hereby revoked.

2. In paragraph (a) of § 1410.54, the phrase "for a period not less than one year" is amended to read "for so long as the Emergency Price Control Act of 1942, as amended, remains in effect."

3. Section 1410.54 (b) is hereby revoked.

This amendment shall become effective February 1, 1945.

NOTE: The record-keeping requirements in 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 January 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-1668; Filed, Jan. 27, 1945; 11:49 a. m.]

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PART 1410—WOOL

[MPR 106,[2] Amdt. 4]

DOMESTIC SHORN WOOL

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.*

1. In § 1410.4, the phrase "for a period of not less than 2 years" is amended to read "for so long as the Emergency Price Control Act of 1942, as amended, remains in effect"

2. In § 1410.4 the sentence beginning "persons affected by this Maximum Price Regulation No. 106" is hereby revoked.

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* Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 10503, 12712, 13257, 14012; 9 F.R. 172, 2477, 6024, 10861, 14287.

[1] 9 F.R. 2357.

[1] 9 F.R. 7943, 10425.

[2] 7 F.R. 1648, 2245, 2397, 4333, 8348.

This amendment shall become effective February 1, 1945.

NOTE: The reporting and record-keeping requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 27th day of January 1945.

CHESTER BOWLES,
*Administrator*

[F. R. Doc. 45-1660; Filed, Jan. 27, 1945; 11:50 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 183, Amdt. 64]

GROCERY ITEMS IN PUERTO RICO

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 Maximum Price Regulation 183 is amended in the following respects:

1. Section 30, table 16 is amended to read as follows:

TABLE 16

| | Sales to wholesalers | Sales at wholesale (per pound) | Sales at retail (per pound) |
|---|---|---|---|
| All grades of dried beans and dried peas (except garbanzos, red kidney beans and lima beans) imported from the continental United States. | | $0.07 | $0.08 |
| All grades of red kidney beans and lima beans imported from the continental United States. | | $0.08 | .09 |
| Garbanzos | $7.00/110 lbs | $8.00/110 lbs | .09 |
| All grades of red, pink and mottled varieties of dried beans and lentils not imported from the continental United States. | | $0.125 lb | [1] .15 |
| All grades of white varieties of dried beans not imported from the continental United States. | | $0.115 | [1] .14 |
| Pigeon peas not imported from the continental United States | | $0.065 | [1] .08 |

[1] On home delivered sales the maximum price at retail, except for lentils may be increased by 1 cent per pound.

NOTE: The above prices do not apply on sales of seeds to the Federal or Insular Governments or to the agencies of either, which sales are exempted from price control

2. Section 33a, Table 19a is amended by changing the prices of the following items and eliminating the price "to wholesaler" of same to read as follows:

| Items and brand names | Unit | Price at wholesale | Price at retail (per unit) |
|---|---|---|---|
| Pilchards: | | | |
| Tomato | 48/#1 oval can | $5.90 | $0.15 |
| Tomato | 48/#1 tall can | 5.50 | .15 |
| Natural | 96/8 oz. can | 6.30 | .08 |
| Natural | 48/#1 tall can | 5.15 | .14 |
| Tomato (and olive oil). | 48/#1 oval can | 6.20 | .16 |

3. Section 35, Table 22 is amended by changing the prices of the following items and eliminating the price "to wholesaler" of same to read as follows:

| Items and brand names | Unit | Price at wholesale (per 100 pounds) | Price at retail (per pound) |
|---|---|---|---|
| Cornmeal | | $4.15 | $0.05 |
| Cracked corn | | 3.75 | [1] .05 |

[1] Or 2 pounds for 9 cents.

4. Section 45, Table 37 is amended by changing the price of one item to read as follows:

| Item and brand name | Unit | Price at wholesale (per pound) | Price at retail (per pound) |
|---|---|---|---|
| Pork loins, frozen regular | | $0.295 | $0.37 |

5. Section 47, Table 39 is amended by changing the price of the following item to read as follows:

| Item and brand name | Unit | Price at wholesale (per pound) | Price at retail (per pound) |
|---|---|---|---|
| Laundry soap cake | | $0.085 | $0.10 |

6. Section 69, Table 62 is amended to read as follows: "SEC. 69, Maximum Prices for Notebooks."

TABLE 62—MAXIMUM PRICES FOR SCHOOL NOTEBOOKS

| Size [1] | Price at wholesale (per gross) | Price at retail (per notebook) |
|---|---|---|
| 60 pages | $4.82 | $0.05. |
| 72 pages | 5.54 | $0.06 (2 for 11¢). |
| 80 pages | 6.15 | $0.06. |
| 100 pages | 7.69 | $0.08 (2 for 15¢). |

[1] The maximum price for sizes other than those specified above shall be a price authorized by the Director of the Office of Price Administration for the Territory of Puerto Rico. Such authorized prices shall be established in the form of an Order or Amendment prescribing the maximum prices for the applicants or for sellers of such notebooks generally, and shall be a price in line with the maximum prices established above for specific sizes.

This amendment shall become effective as of January 2, 1945.

Issued this 27th day of January 1945.

CHESTER BOWLES,
*Administrator*

[F. R. Doc. 45-1658; Filed, Jan. 27, 1945; 11:49 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373, Amdt. 124]

HOGS AND PORK CARCASSES IN HAWAII

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 373 is amended in the following respects:

1. Section 19 (1) (2) is amended by changing the second sentence thereof to read as follows:

The maximum remuneration which a slaughterer may receive for killing any hog is the retention of the offal plus a fee for slaughtering of one cent per pound live weight, except that the minimum fee for slaughtering any hog may be $1.00 plus the offal.

2. Section 19, Table F, is amended to read as follows:

TABLE F—MAXIMUM PRICES FOR LIVE ISLAND HOGS

GRADE "A" HOGS, EXCLUDING SOWS, STAGS AND BOARS

| Live weight, pounds: | *All Islands (per pound)* |
|---|---|
| Under 175 | ¢0.23 |
| 175-240 | .22 |
| 241-275 | .21 |
| 276-300 | 195 |
| 301-325 | .18 |
| 326-350 | .17 |
| 351-400 | .155 |
| 401-450 | .14 |
| 451-500 | .13 |
| Grade "B" Good Sows and Good Stags | .11 |
| Grade "C", Poor Sows, Poor Stags and All Boars | .05 |

All of the above prices are delivered slaughterhouse.

3. Section 19, Table G, is amended to read as follows:

TABLE G—SLAUGHTERERS' MAXIMUM PRICES FOR ISLAND PORK CARCASSES AND QUARTERS

[All islands—per pound]

| Dressed carcass, weight (pounds) | Shipper style, head on, whole or half carcass | Hindquarter | Forequarter |
|---|---|---|---|
| Grade "A" from top quality young hogs, other than sows, stags, and boars: | | | |
| Under 140 | $0.31 | | |
| 140-180 | .30 | $0.32 | $0.29 |
| 181-210 | .29 | .31 | .28 |
| 211-230 | .27 | .29 | .20 |
| 231-250 | .2475 | .265 | .21 |
| 251-275 | .2325 | .25 | .225 |
| 276-300 | .215 | .23 | .21 |
| 301-340 | .20 | .215 | .195 |
| 341-380 | .185 | .20 | .18 |
| Grade "B" from good sows and stags | .17 | .18 | .165 |
| Grade "C" from poor sows, poor stags, and all boars | .08 | | |

This amendment shall become effective as of January 1, 1945.

Issued this 27th day of January 1945.

CHESTER BOWLES,
*Administrator*

[F. R. Doc. 45-1667; Filed, Jan. 27, 1945; 11:51 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 468 [1] Amdt. 3]

BROOM CORN

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

Section 5 (b) is hereby revoked.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 12514, 14309; 9 F.R. 7169.

This amendment shall become effective February 1, 1945.

Issued this 27th day of January 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-1665; Filed, Jan. 27, 1945; 11:51 a. m.]

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PART 1442—CORDAGE

[MPR 340,[1] Amdt. 3]

JUTE AND ISTLE YARN, ROVE AND ROPE

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

Section 9 (b) is hereby revoked.

This amendment shall become effective February 1, 1945.

Issued this 27th day of January 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-1663; Filed, Jan. 27, 1945; 11:51 a. m.]

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PART 1442—CORDAGE

[MPR 360,[2] Amdt. 2]

BINDER TWINE

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 360 is amended in the following respects:

1. Section 8(a) is amended by inserting after the phrase "keep a record of every sale" the phrase ", except sales at retail,"
2. Section 8 (b) is hereby revoked.

This amendment shall become effective February 1, 1945.

NOTE: The 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 27th day of January 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-1664; Filed, Jan. 27, 1945; 11:51 a. m.]

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PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[3] Amdt. 45 to 2d Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (a) is amended to read as follows:

(a) Processed foods shall have the point values set forth in the Official Table of Point Values (No. 22) (OPA Form R-1313)[4] which is made a part hereof.

This amendment shall become effective 12:01 a. m., January 28, 1945.

Issued this 27th day of January 1945.

JAMES F. BROWNLEE,
*Acting Administrator*

[F. R. Doc. 45-1686; Filed, Jan. 27, 1945; 4:54 p. m.]

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PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[5] Amdt. 29 to 2d Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (a) is amended to read as follows:

(a) Foods covered by Revised Ration Order 16 shall have the point values set forth in the Official Tables of Consumer and Trade Point Values (OPA Form R-1313) No. 22,[4] and in the Official Table of Consumer Point Values for Kosher Meats (OPA Form R-1611) No. 22,[7] which are made a part hereof.

This amendment shall become effective 12:01 a. m. January 28, 1945.

Issued this 27th day of January 1945.

JAMES F. BROWNLEE,
*Acting Administrator.*

[F. R. Doc. 45-1685; Filed, Jan. 27, 1945; 4:54 p. m.]

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PART 1305—ADMINISTRATION

[Gen. RO 5,[6] Amdt. 93]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 15.6 (e) is added to read as follows:

(e) A hospital or other institutional user establishment engaged in the care and treatment of the sick which, during the period between November 10, 1943 and December 15, 1943, applied for and obtained a certificate for the acquisition of a reserve inventory of a rationed food, may acquire, during the January-February 1945 allotment period, in addition to the amount permitted under paragraph (b) an additional amount equal to its allotment of that food for the January-February 1945 allotment period.

This amendment shall become effective January 27, 1945.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1. Supp. Dir. 1-E, 1-M and 1-R, 7 F.R. 562, 2365, 7234, 9634, respectively; WFO 56, 58, 59, 61 and Supp. 1 thereto, and 64, 8 F.R. 2005, 2251, 3471, 7093, 9 F.R. 4319, 9134, 9383)

Issued this 27th day of January 1945.

JAMES F. BROWNLEE,
*Acting Administrator.*

[F. R. Doc. 45-1691; Filed, Jan. 27, 1945; 4:55 p. m.]

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PART 1305—ADMINISTRATION

[Gen. RO 5,[6] Amdt. 94]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Sections 15.6 (d) (1) and (2) are amended by adding the words "and processed foods" after the words "Revised Ration Order 16" wherever they appear therein, and by adding the words "and grapefruit juice and orange-grapefruit juice blended" after the words "salad oils" wherever they appear therein.

This amendment shall become effective January 27, 1945.

Issued this 27th day of January 1945.

JAMES F. BROWNLEE,
*Acting Administrator.*

[F. R. Doc. 45-1689; Filed, Jan. 27, 1945; 4:57 p. m.]

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PART 1305—ADMINISTRATION

[Gen. RO 7,[7] Amdt. 14]

METHOD OF SURRENDER AND DEPOSIT OF RATION STAMPS AND COUPONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1.3 (a) of General Ration Order No. 7 is amended by adding the following at the end thereof: "He must also sign his name on the face of the envelope. His signature shall constitute a certification as to the truth of the statements written on it."

This amendment shall become effective February 2, 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 29th day of January 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-1744; Filed, Jan. 29, 1945; 11:44 a. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 2994, 4347; 9 F.R. 3393.

[2] 8 F.R. 4484, 6182.

[3] 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.

[4] Filed as part of the original document.

[5] 9 F.R. 6772, 6825, 7262, 7438, 8147, 8931, 9266, 9278, 9785, 9896, 10425, 10875, 10370, 10777, 11426, 11513, 11906, 11955, 11961, 12814, 12867.

[6] 8 F.R. 10002, 11479, 11480, 11676, 12403, 12483, 12557, 12744, 14472, 15469, 16787, 17489; 9 F. R. 401, 692, 1810, 2212, 2252, 2267, 2476, 2789, 3030, 3075, 3340, 3577, 3704, 5196, 4393, 4647, 4873, 5041, 5232, 5684, 5919, 6103, 6594, 6628, 6176, 7260, 7703, 7770, 8242, 8815, 9952, 10069, 10578, 12121, 12449, 12919.

[7] 8 F.R. 2335, 2397, 4240, 6365, 11733, 16279, 16939; 9 F.R. 2237, 5216, 7704, 9261, 10578.

PART 1305—ADMINISTRATION

[Supp. Order 102]

EXEMPTION OF CERTAIN RENTALS OF COMMODITIES BY THE NAVY DEPARTMENT

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

§ 1305.130 *Exemption from price control of certain rentals of commodities by the Navy Department.* (a) Notwithstanding the provisions of any price regulation to the contrary leases or rentals of any commodity by the Navy Department where the lease or rental is to a contractor for use in carrying out his prime contract with the Navy Department are exempt from price control.

(b) "Price regulation" as used herein means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation heretofore or hereafter issued by the Office of Price Administration, or any amendment or supplement thereto or order heretofore or hereafter issued thereunder.

This Supplementary Order No. 102 shall become effective February 3, 1945.

Issued this 29th day of January 1945.

CHESTER BOWLES,
*Administrator*

[F. R. Doc. 45-1743; Filed, Jan. 29, 1945; 11:44 a. m.]

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PART 1340—FUEL

[MPR 88, Corr. to Amdt. 24]

FUEL OIL, GASOLINE, AND LIQUEFIED PETROLEUM GAS

Amendment No. 24 to Maximum Price Regulation No. 88 is corrected in the following respects:

1. In sections 4.3 (a) (3) 4.16 (a) (2) 4.16 (b) (2) 4.41 (a) (2) and 4.41 (b) (2) the grades of aviation gasoline listed as 62-65 Octane ASTM, 73 Octane ASTM and 80 Octane ASTM are corrected to read as follows:

62-65 Oct. ASTM (unleaded)
73 Oct. ASTM (leaded)
80 Oct. ASTM (leaded)

2. In sections 4.16 (a) (1) and 4.41 (a) (1) the words "70-74 Oct. ASTM leaded" are corrected to read "70-74 Oct. ASTM."

3. In section 4.5 (c) the bracketed phrase (Cents per gallon) is inserted immediately above the table of prices.

4. The footnote numbered 6 in section 4.16 (a) (2) is corrected to read as follows:

[6] When the product is loaded into tank cars or tank trucks, add 0.125¢ per gallon on sales to Class 1 purchasers.

5. The footnote numbered 5 in section 4.41 (a) (2) is corrected to read as follows:

[5] When the product is loaded into tank cars or tank trucks, add 0.125¢ per gallon on sales to Class 1 purchasers.

This correction shall become effective February 3, 1945.

Issued this 29th day of January 1945.

CHESTER BOWLES,
*Administrator*

[F. R. Doc. 45-1742; Filed, Jan. 29, 1945; 11:43 a. m.]

*Copies may be obtained from the Office of Price Administration.

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PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 296,[1] Amdt. 5]

FLOUR FROM WHEAT, SEMOLINA AND FARINA SOLD BY MILLERS, BLENDERS, PRIMARY DISTRIBUTORS AND FLOUR JOBBERS

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 Maximum Price Regulation No. 296 is amended in the following respects:

1. Subdivision IV (e) of Appendix A is amended to read as follows:

(e) If a container size other than 100 pounds is used, a differential may be added to the prices computed in (a), (b), (c) or (d) above at the rate per hundredweight specified under the heading "Package differentials" in subdivision VIII (d) of this Appendix A.

2. The last table in subdivision VIII (d) of Appendix A is amended to read as follows:

| | | |
|---|---|---|
| Outside Jute Envelopes | (1 to 2 cwt.) | 17½¢ per cwt. additional |
| Outside Jute Envelopes | (1 to cwt.) | 22½¢ per cwt. additional |
| Outside Jute Envelopes | (2 to cwt.) | 30¢ per cwt. additional |
| Outside Cotton Envelopes | (1 to cwt.) | 25¢ per cwt. additional |
| Outside Fibre Containers | (2 to cwt.) | 22½¢ per cwt. additional |
| Outside Paper Envelopes | (1 to cwt.) | 15¢ per cwt. additional |
| Outside Paper Envelopes | (2 to cwt.) | 17½¢ per cwt. additional |
| Outside Paper Envelopes | (4 to cwt.) | 25¢ per cwt. additional |
| Other outside containers | | actual cost |

A. Charge for handling and packing buyer's outside paper, cotton, or Jute envelopes, 5¢ per cwt.

B. Charge for handling and packing buyer's fibre containers, 7½¢ per cwt.

This amendment shall become effective February 3, 1945.

Issued this 29th day of January 1945.

CHESTER BOWLES,
*Administrator*

[F. R. Doc. 45-1741; Filed, Jan. 29, 1945; 11:44 a. m.]

[1] 8 F.R. 16282, 17375; 9 F.R. 576, 2790, 5985, 9425.

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PART 1381—SOFTWOOD LUMBER

[2d Rev. MPR 19, Amdt. 7]

SOUTHERN PINE LUMBER

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.*

Second Revised Maximum Price Regulation 19 is amended in the following respects:

1. In section 11, paragraphs (a), (b) and (c) are deleted.

2. In section 14 (b), paragraph (2) is amended to read as follows:

(2) Refusing to ship except in higher grade or under other circumstances which bring the seller an extra return.

3. In section 14 (b), paragraph (3) is deleted.

4. In Table 1, footnote 10 is deleted.

5. In Table 2, footnotes 12 and 13 are deleted.

6. In Table 3, footnote 12 is deleted.

7. In Table 9, footnote 16 is deleted.

8. In Table 9B, the heading of the table is amended to read as follows:

Table 9B—Car Material, Framing, Specified or Standard.
Lengths 20' and Shorter—Rough Green.

9. In Table 14, footnote 13 is deleted.

10. In Table 15, footnotes 13 and 14 are deleted.

11. In Table 16, footnote 25 is deleted.

12. In Table 16A, footnote 13 is deleted.

13. In Table 22, footnote 14 is deleted.

14. In Table 22B, the heading of the table is amended to read as follows:

Table 22B—Car Material, Framing, Specified or Standard.
Lengths 8' to 14', Rough Green.

This regulation shall become effective January 27, 1945.

Issued this 27th day of January 1945.

JAMES F BROWNLEE,
*Acting Administrator*

[F. R. Doc. 45-1688; Filed, Jan. 27, 1945; 4:57 p. m.]

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PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11,[1] Amdt. 45]

FUEL OIL

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Revised Ration Order 11 is amended in the following respects:

1. Section 1394.5154 (a) is amended to read as follows:

(a) *General.* No ration shall be issued or used for the operation of central heating equipment furnishing heat or hot water or for the operation of separate water heating equipment (for which application is made on OPA Forms R-1100 (Revised) or R-1101 (Revised)), if the

[1] 9 F.R. 2357.

equipment is a new or reinstalled facility, or if there is a standby facility. If the standby facility is not in serviceable operating condition but can be placed in such condition at reasonable expense, an interim ration for the operation of the fuel oil burning equipment may be issued for the period ending on the earliest date when the standby facility can be placed in such condition.

2. Section 1394.5154 (b) is amended to read as follows:

(b) *Exceptions.* The next three (3) sections contain exceptions to the above restrictions. In addition, the restriction against the use of a ration for the operation of a reinstalled facility shall not apply to a ration validly issued for such purpose before February 2, 1945.

3. Section 1394.5156 (a) (4) (5) and (6) is added as follows:

(4) *Interim rations previously issued.* An interim ration was issued for the facility pursuant to § 1394.5159 (a) (9) before February 2, 1945.

(5) *Reinstallations before February 2, 1945.* In Zones other than A-3, B-3 or C-3, the premise is a private dwelling, or if not a private dwelling the ration for the entire heating year would be less than 10,000 gallons, and the facility was altered (or substantially altered) to the use of fuel oil during the period November 4, 1944 through February 2, 1945.

(6) *Additional rations.* The ration is an additional ration and a ration for the operation of the facility for the current heating year was validly issued to the applicant.

This amendment shall become effective on February 2, 1945.

Issued this 29th day of January 1945.

CHESTER BOWLES,
*Administrator*

[F. R. Doc. 45-1745; Filed, Jan. 29, 1945; 11:44 a. m.]

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PART 1418—TERRITORIES AND POSSESSIONS

[Restriction Order 11, Amdt. 1]

CIGARETTE RESTRICTION ORDER FOR PUERTO RICO

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Restriction Order No. 11 is amended in the following respect:

1. Sections 1.1 (a) 1.2 (a) and 2.1 are amended by deleting the phrases "months of May and June of the year 1944" and "months of May and June 1944" wherever they appear, and inserting in lieu thereof, in each instance, the phrase "months of March, April, May and June, 1944"

This amendment shall become effective as of January 15, 1945.

*Copies may be obtained from the Office of Price Administration.

Issued this 29th day of January 1945.

R. GARCIA CRITTON,
*Acting Territorial Director,*
*Puerto Rico.*

Approved:

JAMES P. DAVIS,
*Regional Administrator,*
*Region IX.*

[F. R. Doc. 45-1748; Filed, Jan. 29, 1945; 11:45 a. m.]

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PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 183, Amdt. 65]

NEEDLEWORK IN PUERTO RICO

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

Section 76 is added to read as follows:

SEC. 76 *Maximum prices for contractors in specified branches of the needlework industry*—(a) *What this section covers.* This section covers the maximum prices that may be charged for contractors' services in the following branches of the needlework industry in Puerto Rico:

Hand sewing operations:
- Cotton Underwear and Infants' Underwear
- Gloves:
  - Leather
  - Woven and Knitted Fabric
- Handkerchief and Household Art Linen
- Infants' Wear
- Miscellaneous Handwork
- Needlepoint and Hand Hooked Rugs
- Rayon Underwear (except infants)
- Silk Underwear (except infants)
- Wearing Apparel

Other operations:
- Cotton Underwear and Infants' Underwear
- Gloves:
  - Leather
  - Woven and Knitted Fabric
- Handkerchief and Household Art Linen
- Infants' Wear
- Miscellaneous Handwork
- Needlepoint and Hand Hooked Rugs
- Rayon Underwear (except infants)
- Silk Underwear (except infants)
- Wearing Apparel

(b) *Relation to other regulations.* This section shall not apply to contractors' charges which are subject to the provisions of Maximum Price Regulation No. 157—Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes.

(c) *Definitions.* (1) The term "contractor" includes any person who performs one or more processes of manufacturing in the production of an article of apparel, on materials supplied by a principal, and who receives payment for the process or processes so performed and for the furnishing of materials, if any, that are incidental to such operations: *Provided,* That the contractor who furnishes materials, the value of which constitutes 30 percent or more of the price charged for his services or who furnishes more material than is customary in services of the type rendered, is excluded hereunder. It shall also include any person engaged in examining, shrinking and sponging of woolen or worsted fabrics.

(2) A material shall be deemed "supplied" by a principal to a contractor if:

(i) It is consigned, or,

(ii) It is sold pursuant to an agreement providing that the articles of apparel to be processed from the material shall be sold only to the principal, at a price based upon the cost of material to the contractor plus a charge for his services and for any materials incidentally supplied by the contractor.

(3) A "principal" includes any person who engages the services of a contractor, as defined in paragraph (c) of this section, in the procurement, manufacture, or production of an article of apparel for the purposes of resale by the principal. A principal may or may not perform processes of manufacture on the article of apparel in addition to those performed by the contractor, and may himself be a contractor, as defined in subparagraph (1) of this section.

(4) An "article of apparel" shall include all apparel, apparel furnishings and accessories made by cutting and selling methods or knitting processes, except men's fur-felt, wool-felt, and silk hats and bodies, and men's, women's and children's footwear.

(5) "Consigned" means consigned, loaned, charged on memorandum or other agreement whereby title to the goods transferred is retained by the principal.

(6) "Same dollar and cents charge made by the contractor" is determined by subtracting the actual cost of direct labor in March 1942 from the highest price charged in March, 1942 for a purchaser of the same class by the contractor for his services. If the contractor made no charge in March, 1942 to a purchaser of the same class, then the same dollar and cents charge made to a purchaser of a different class shall be adjusted to reflect the contractor's customary differential between the two classes of purchasers.

(7) "Articles of the same type" are articles of apparel having the same use and which customarily sell in the same departments at retail (for example: infants' underwear, gloves, household linen, wearing apparel, etc.)

(8) "Seller of the same class" means a seller (i) performing the same function, (ii) of similar type, (iii) dealing in the same type of commodities or services, and (iv) selling to the same class or classes of purchaser. A seller's "most closely competitive seller of the same class" shall be a seller of the same class who (*a*) is selling the same or a similar commodity or service, and (*b*) is closely competitive in the sale of such commodities or services, and (*c*) is located nearest to the seller.

(*d*) *Maximum contractor's charges.* The seller's maximum price for any service governed by this section shall be as follows:

(1) *Where the material is consigned to the contractor* The total of the following:

(i) The direct labor cost of the services;

(ii) A charge equivalent to the dollars-and-cents charge made by the contractor for the same or similar services in March 1942.

Direct labor cost shall be computed on the basis of wage rates ordered by the Wage and Hour Division of the United States Department of Labor for the needlework industries in Puerto Rico, effective January 1, 1945, and actually paid by the contractors.

(2) *Where the material is sold to the contractor* The total of the following:

(i) The direct labor cost of the service, which shall be computed according to subparagraph (1) above;

(ii) A charge equivalent to the dollars-and-cents charge made by the contractor for the same or similar services in March 1942;

(iii) The actual cost to the contractor of the material sold to the contractor by the principal.

(3) *Where the contractor cannot determine his price under (1) or (2)* If the contractor cannot determine the maximum price for a service pursuant to subparagraphs (1) or (2) above, the maximum price for such service shall be the total of the following:

(i) Direct labor cost of the service, which shall be computed as in subparagraph (1),

(ii) A charge equivalent to the dollars-and-cents charge made by the contractor in March 1942:

(*a*) For the services rendered in connection with the manufacturing of the most closely related article of the same type; or

(*b*) If the contractor did not furnish services in connection with the manufacture of articles of the same type, then the same dollars-and-cents charge over direct labor cost made by his most closely competitive contractor of the same class in March 1942 for services performed on the manufacture of articles of the same type.

(e) *Records and reports.* (1) Every person making any charges subject to this section on or after January 1, 1945, shall keep for inspection by the Office of Price Administration for a period so long as the Emergency Price Control Act of 1942, as amended, remains effective, complete and accurate records of:

(i) Each charge made, showing the date thereof, the principal, the nature of the service rendered, the price charged or received, and the method of computing such charge.

(ii) Such person shall keep such records in addition to or in lieu of the records required by this section as the Office of Price Administration may from time to time require.

(iii) Such persons shall submit such reports to the Office of Price Administration as it may from time to time require.

(iv) A contractor furnishing services in connection with the production of an article of apparel which the principal is required to price under Maximum Price Regulation 287, or Maximum Price Regulation 570, shall within five days after request by the principal, furnish all information needed by the principal to prepare the records required by those regulations.

This amendment shall become effective as of January 1, 1945.

Issued this 29th day of January 1945.

CHESTER BOWLES,
*Administrator*

[F. R. Doc. 45-1747; Filed, Jan. 29, 1945; 11:45 a. m.]

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PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 573]

SOYBEANS OF THE 1944 CROP

In the judgment of the Price Administrator the maximum prices herein established are generally fair and equitable and will reflect to producers of soybeans the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

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

So far as practicable the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

Sec.
1. Applicability.
2. Sales at other than maximum prices.
3. Addition of transportation tax to maximum prices.
4. Records and reports.
5. Evasion.
6. Enforcement.
7. Licensing.
8. Protests and petitions for amendment.
9. Definitions.
10. Maximum prices for sales of soybeans.
Appendix A—Base prices.

AUTHORITY: § 1439.15 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. *Applicability.* Except as provided in paragraph (a) of this section this regulation shall apply to all sales within the 48 states and the District of Columbia of the United States of raw and unprocessed soybeans of the 1944 crop.

(a) *Sales excepted.* This regulation shall not apply to

(1) Any sale or delivery of soybeans sold for use as seed for planting in 1945;

(2) Any sale or delivery of soybeans specially cleaned for use in the production of any products for human consumption not involving the extraction of soybean oil;

(3) Any sale or delivery of soybeans to the Commodity Credit Corporation (pursuant to processors' contracts under the Commodity Credit Corporation soybean program for 1944),

(4) Any sale or delivery of soybeans by the Commodity Credit Corporation;

(5) Any export sale of soybeans. The maximum price at which any person may export soybeans of the 1944 crop shall be determined in accordance with the provisions of the Second Revised Export Price Regulation;[1] or

(6) This regulation shall have no application to any purchase by the United States or any of its agencies under such circumstances of emergency as to make immediate delivery imperative, and as to render it impossible to secure, or unfair to require immediate delivery at the maximum price which would otherwise be applicable, if such purchases and deliveries are made pursuant to the provisions of section 4.3 (f) of Revised Supplementary Regulation No. 1 to the General Maximum Price Regulation, as amended; *Provided, however,* That the Administrator may, by order, waive the reporting of any part of the information required by section 4.3 (f) in connection with a particular purchase or group of purchases, upon determining that such information may not reasonably be required under all the circumstances, and he may, in lieu thereof, require the reporting of other information more suited to the circumstances.

SEC. 2. *Sales at other than maximum prices.* (a) Regardless of any contract or obligation, no person shall sell or deliver, and no person shall, in the course of trade or business, buy or receive any soybeans whose transfer is covered by this regulation at a price above the maximum price established by this regulation, nor shall any person, agree, solicit, offer or attempt to do any of the foregoing except as provided in the following subparagraph (1) of this paragraph (a)

(1) 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. Such authorization shall be given by an order issued 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.

(b) Prices lower than the maximum prices established by this regulation may be charged or paid.

SEC. 3. *Addition of transportation tax to maximum prices.* Whenever a maxi-

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4132, 7662, 5987, 9998.

mum price is determined by the addition of transportation charges, the seller may include as a part of such transportation charges the 3 percent transportation tax, when incurred, as provided for under section 620 of the Revenue Act of 1942.

SEC. 4. *Records and reports.* (a) Every seller subject to this regulation shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect his customary records including, if any, all bills, invoices and other documents relating to every sale or delivery of soybeans after the effective date of this regulation.

(b) Upon demand every such seller shall submit such records to the Office of Price Administration and shall keep such further records as the office of Price Administration may from time to time require, subject to the approval of the Bureau of the Budget.

SEC. 5. *Evasion.* The maximum prices set forth in this regulation shall not be evaded in any manner whatsoever in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to soybeans alone, or in conjunction with any other charge, discount, premium or privilege, or by tying agreement or other trade understanding or by changing a previous business practice.

SEC. 6. *Enforcement.* Persons violating any provision of this regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for treble damages and criminal penalties as provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 7. *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. 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. These provisions do not apply to any producer selling soybeans produced by him.

SEC. 8. *Protests and petitions for amendment.* Any person desiring to file a protest against or seeking an amendment to any provision of this regulation may do so in accordance with the provisions of Revised Procedural Regulation No. 1[3] issued by the Office of Price Administration.

SEC. 9. *Definitions.* The definitions set forth in the General Maximum Price Regulation shall apply to this regulation except as follows:

"Producer" means, with respect to any lot of soybeans, a person who grows or harvests the soybeans, whether land owner, landlord or tenant.

"Trucker-merchant" means, with respect to any lot of soybeans, a person who purchases soybeans at the farm from the producer and delivers them to a buyer by truck without warehousing.

"Actual lawful transportation charges necessarily incurred" includes a reasonable charge for transportation, not in excess of any lawful maximum price therefor, when such transportation service is furnished by a seller who owns or controls the means of transportation.

"Supplier" means, as to any seller, the person from whom he purchased the soybeans being priced.

"Country shipper" means, with respect to any lot of soybeans, a person who has received the soybeans from a producer or a trucker-merchant, and who has placed them in country storage facilities, such as in an elevator or warehouse located at a country shipping point.

"Storage facilities" means an elevator, warehouse or other facility used for the storage of soybeans.

"Country storage facilities" means an elevator, warehouse or other facility used for the storage of soybeans, located at a country shipping point, the term being intended to designate storage facilities through which a country shipper makes his sale.

SEC. 10. *Maximum prices for sales of soybeans*—(a) *Sales by a producer.* The maximum price for a sale by the producer of soybeans, bulk, shall be the applicable price set forth in Appendix A, regardless of where the purchaser takes delivery from the producer.

(b) *Sales by a trucker-merchant.* The maximum price for the sale by a trucker-merchant of soybeans, bulk, delivered to the purchaser, shall be the applicable price set forth in Appendix A, plus 1 cent per bushel plus a transportation charge for the transportation service rendered by him not exceeding the lowest common carrier rate between the points applicable to the shipment, or, if no such rate exists, the reasonable charge for such service.

(1) A trucker-merchant shall, with respect to every sale of soybeans by him, render an invoice to his purchaser stating separately the price for the soybeans and the transportation charge being made; the invoice shall also show the name and address of the producer, the quantity secured at that point, the date of purchase, and the name and address of the trucker-merchant.

(c) *Sales by a country shipper.* The maximum price for the sale of soybeans, bulk, by a country shipper, shall be the applicable price set forth in Appendix A, plus 5 cents per bushel, plus actual lawful transportation charges necessarily incurred by the seller in delivering to his purchaser from his storage facilities.

(d) *All other sales.* The maximum price for the sale of soybeans by any seller not specifically provided for in paragraphs (a) through (c) of this section, shall be the maximum price which the seller's supplier could lawfully have charged the seller, plus actual lawful transportation charges necessarily incurred by the seller in delivering to his purchaser, plus, to the extent permitted under subparagraph (1) of this paragraph, the appropriate one of the following markups:

If the seller owns or maintains storage facilities, except country storage facilities, and he unloads the lot into them, a maximum markup of 2½ cents per bushel; or

In all other cases, a maximum markup of 1 cent per bushel.

(1) The aggregate markup for all sales by all sellers whose maximum prices are established under this paragraph (d) shall not exceed the applicable maximum markup specified in this paragraph, and the markup which a subsequent seller may add on resale is reduced or eliminated, as the case may be, by the amount of the markups taken by prior sellers establishing a maximum price under this paragraph (d)

APPENDIX A—BASE PRICES

All prices herein are for a bushel of 60 pounds of soybeans after deducting the weight of foreign material and dockage in excess of 2 percent.

(a) *Base prices for soybeans of grade 2.* The base prices per bushel for soybeans of grade 2 as set forth in the Handbook of Official Grain Standards of the United States, issued by the United States Department of Agriculture, are as follows:

| | *Per bushel* |
|---|---|
| U. S. No. 2, classes I (yellow) and II (green) | $2.10 |
| U. S. No. 2, classes III (brown), IV (black), and V (mixed) | 1.90 |

For the purpose of determining the applicable base price, all mixtures of green soybeans in class I and yellow soybeans in class II shall be disregarded, and the base price of $2.10 shall be applicable to all such soybeans unless they contain more than five percent of brown, black, and/or bi-colored soybeans, either singly or in any combination.

(b) *Premiums and discounts.* The following premiums and discounts apply to the applicable base price:

(1) Test Weight—½ cent per bushel discount for each pound under 54 pounds. For the purpose of computing this discount, test weight determinations shall be rounded to the nearest pound.

(2) Moisture—1 cent premium for each ½ percent under 14 percent down to, and including, 11 percent, 1½ cents per bushel discount for each ½ percent in excess of 14 percent up to, and including 18 percent and 2 cents per bushel for each ½ percent in excess of 18 percent. For the purposes of computing these premiums and discounts, moisture determinations shall be rounded to the nearest ½ percent.

(3) Splits—¼ cent per bushel discount for each 5 percent or fraction thereof in excess of 15 percent.

(4) Damage (other than green damage[4])—½ cent per bushel discount for each 1 percent in excess of 3 percent, but not in excess of 25 percent. 1 cent per bushel for each 1 percent in excess of 25 percent, but not in excess of 60 percent. 1½ cents per bushel for each 1 percent in excess of 60 percent.

(5) Green damage[4]—2/10 cent per bushel discount for each 1 percent of green damage in excess of 3 percent total damage.

(6) Dockage and Foreign Material—The total weight of foreign material and dockage combined in excess of 2 percent shall be deducted from the total gross weight of soy-

[2] 8 F.R. 13240.

[3] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

[4] When soybeans contain total damage in excess of 3 percent, the first 3 percent of total damage shall be considered to be damage other than green damage. For the purpose of computing these discounts, total damage and green damage shall be rounded to the nearest whole percent before computing damage other than green.

beans delivered when determining the net number of bushels of soybeans. For the purpose of this determination, dockage shall be expressed in whole percentages and fractional percentages shall be disregarded. Foreign material percentages shall be rounded to the nearest 1/10 percent.

In rounding to the nearest whole number of percent, a fraction of one-half or less shall be disregarded and a fraction of more than one-half shall be considered a whole number or whole percent.

This regulation shall become effective January 27, 1945, except the provisions of this regulation shall not apply to deliveries prior to September 30, 1945, of soybeans of the 1944 crop made pursuant to contracts entered into on or before January 27, 1945.

NOTE: The record-keeping provisions 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 January 1945.

CHESTER BOWLES,
*Administrator*

Approved: January 26, 1945.

GROVER B. HILL,
*First Assistant War Food Administrator*

[F. R. Doc. 45-1690; Filed, Jan. 27, 1945; 4:56 p. m.]

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## PART 1450—TRANSPORTATION

[MPR 571]

### RENTAL OF CERTAIN TYPES OF COMMERCIAL MOTOR VEHICLES

In the judgment of the Price Administrator, the maximum prices established by this regulation are, and will be, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act, as amended, and Executive Orders 9250 and 9328. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

ARTICLE I—EXPLANATION OF THE REGULATION

Sec.
1. General statement.
2. Services covered.
3. Definitions.

ARTICLE II—MAXIMUM PRICES

4. When service furnished by lessor during base date.
5. When the same or similar service not furnished by lessor during base date period.
6. Partial exemption of "rental option agreements"
7. Exemption of United States Government as lessor.
8. When price previously authorized by the Office of Price Administration.
9. Multiple establishments and transfer of business.
10. Customary services.
11. Taxes.
12. Rate base.
13. Application for adjustments and adjustable pricing.
14. Pricing authority.

ARTICLE III—GENERAL PROVISIONS

15. Records and reports.
16. Relation to other regulations.
17. Geographical applicability.
18. Compliance with the regulation.
19. General amendments.

AUTHORITY: § 1450.2 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78 Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

### ARTICLE I—EXPLANATION OF THE REGULATION

SECTION 1. *General statement.* The purpose of this regulation is to establish maximum prices for the lease or rental of "commercial motor vehicles." Generally, the rental of a "commercial motor vehicle" does not include the furnishing of a driver and except as hereinafter provided in section 2, the rental of a "commercial motor vehicle" with driver is covered as a transportation service by the General Maximum Price Regulation or any applicable regulation subsequently issued.

SEC. 2. *Services covered*—(a) *General applicability.* This regulation applies to the lease or rental, without driver, except as hereinafter provided, of the types of "commercial motor vehicles" defined in section 3 (d) It includes rentals known as bare truck rentals as well as other types in which the lessor furnishes some or all of the operating and maintenance service.

(b) *Special applicability.* (1) Leases or rentals of school buses and funeral cars, including hearses, are subject to this regulation, regardless of whether drivers are furnished or not.

(2) The applicability of this regulation may be extended to include other rentals of a "commercial motor vehicle" with driver only by individual authorization from the Director of the Transportation and Public Utilities Division of the Office of Price Administration, acting upon the written request of the lessor and where the lessor satisfactorily establishes that the furnishing of the driver is:

(i) A transaction severable from the rental of the "commercial motor vehicle."

(ii) Performed for the accommodation of the lessee, and under arrangement whereby the lessee assumes the status of employer of the driver and also assumes responsibility and liability for the operation of the vehicle.

(iii) Performed by the lessor at no profit to himself.

(c) *Exceptions.* This regulation shall not apply to:

(1) The rental or lease of any dump truck used on construction or road maintenance projects.[1]

(2) Any transaction which is a sale of a "commercial motor vehicle," as in the case of a lease which is a substitute for a conditional sales contract, and in connection with which no maintenance or operating services are furnished.[2] However, a lease containing an option to purchase is subject to the provisions of this regulation.

(3) Any service which has been classified by a municipal, state, or federal regulatory body as a for-hire carrier service.

(4) Leasing of trucks between carriers pursuant to directions of the Office of Defense Transportation under the provisions of the Administrative Order O. D. T. 10, issued March 10, 1944, General Order O. D. T. 3, Revised, as amended March 10, 1944 and General Order O. D. T. 17, amended March 10, 1944.

SEC. 3. *Definitions.* As used in this regulation:

(a) "Same or similar service" means the rental or lease of the same or substantially the same type of vehicle, equipment and service on the same rate base. For example, similarity does not exist between hourly, daily, weekly or monthly rental rates; nor does similarity exist between the rental of vehicles where there is a substantial difference in maintenance or operating items furnished by the lessor.

(b) "Base date" means March 1942.

(c) "Rate base" means the mileage or time or combination mileage-time charge established for the rental of a commercial motor vehicle. Although these rates may be on a straight or graduated scale, generally, rates decrease with the increased use of a vehicle.

(d) "Commercial motor vehicle" means any passenger automobile, funeral car, hearse, taxicab, bus, truck, tractor, trailer, or semi-trailer or any combination thereof propelled or drawn by mechanical power and constructed for the purpose of transporting property or persons.

(e) "Rental option agreement" means any "commercial motor vehicle" rental arrangement wherein the lessee has an option upon termination of the contract by either party to purchase the leased "commercial motor vehicle" at a stipulated price[3] from which all or a portion of the rental installments paid by the lessee are deducted.

(f) "Establishment" means any location from which a lessor engages in the rental of "commercial motor vehicles."

(g) "Operating ratio" means the percentage relationship of the cost of material and labor used in supplying a rental service to the revenue derived from such rental service.

### ARTICLE II—MAXIMUM PRICES

SEC. 4. *When the "same or similar service" was furnished by lessor during "base date."* The maximum price for the rental or lease of any "commercial motor vehicle" shall be the highest price charged by the lessor during March 1942 for the "same or similar service," or as authorized by Office of Price Administration orders.

SEC. 5. *When the "same or similar service" was not furnished by lessor during "base date"*—(a) *Services furnished subsequent to January 1, 1945.* In the case of services furnished on and after January 1, 1945, which are not similar to

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*Copies may be obtained from the Office of Price Administration.

[1] Such leases or rentals are subject to the provisions of Maximum Price Regulation 134.

[2] Such transactions are subject to the provisions of Maximum Price Regulations 341 and 540.

[3] Regardless of the stipulated price, the actual sale price may not exceed the maximum price established by Maximum Price Regulations 341 or 540.

any furnished by the lessor during the "base date" the lessor shall compute a proposed price in accordance with his usual pricing method. Such proposed price shall be reported to the Transportation and Public Utilities Division, Office of Price Administration, Washington 25, D. C. The price report shall set forth in detail a description of the "commercial motor vehicle" to be furnished, the maintenance and operating supplies to be furnished, the proposed price, a detailed breakdown of the estimated fixed and variable expenses, the rate charged for the most comparable service, the pricing formula normally used by the lessor in establishing his prices, and any other information which the lessor deems necessary to justify the proposed price.

When a complete price report is filed, the Price Administrator may thereafter modify, approve or disapprove the proposed prices. If within 30 days from the date that the complete price report is received, the proposed price has not been disapproved or modified, it shall be deemed to be the approved maximum price for such service.

The service may be furnished during the period pending consideration of the price and may be charged for on open billing. However, no charge may be collected until the price has been approved or the 30-day period has expired without adverse action by the Price Administrator. If any charge not permitted by this paragraph is collected by the lessor pending consideration of the price report by the Office of Price Administration, such collection constitutes a price violation of this regulation.

(b) *Service furnished prior to January 1, 1945.* Where the lessor has, before January 1, 1945, established, by reference to the maximum price of his closest competitor, a maximum price for a service not furnished by him in March 1942, he must file a price report for such service setting forth the price thus established, the name and address of the competitor, and the date on which the service was instituted.

SEC. 6. *Partial exemption of rental option agreements.* (a) The provisions of sections 4 and 5 are not applicable to those rental option agreements—(1) in which the portion of the rental installment that is credited toward the purchase price of the "commercial motor vehicle" is not less than the minimum depreciation of the vehicle during that rental installment period, or (2) where, as a result of payments such as described in Item (1) above, the purchase price of the "commercial motor vehicle" has been reduced to or below the residual value customarily placed by the lessor upon such "commercial motor vehicle"

(b) Under the rule stated in paragraph (a) "minimum depreciation" for each 30-day period shall be not less than 1% of the original cost when new in the case of funeral cars, hearses, trucks, tractors, trailers, semi-trailers and busses, nor less than 2% in the case of passenger automobiles and taxicabs.

(c) Rental option agreements containing lower depreciation rates than those prescribed in paragraph (b) are not exempted under this section except upon specific approval by the Director of the Transportation and Public Utilities Division, Office of Price Administration, acting upon written application by the lessor; which application shall contain satisfactory explanation and justification of such minimum depreciation rates and residual values.

SEC. 7. *Exemption of United States Government as lessor* Neither the provisions of this regulation nor any other maximum price regulation shall be applicable to any transaction in which the United States or any agency thereof is the lessor of any "commercial motor vehicle" as defined in section 3 (d).

SEC. 8. *When price previously authorized by the Office of Price Administration.* A lessor may continue to charge a maximum price established prior to the effective date of this regulation if such price has been established as a result of:

(a) A price determination made in accordance with either Maximum Price Regulation 165, as amended, or Revised Maximum Price Regulation 165, and properly reported to the Office of Price Administration.

(b) Any order of adjustment.

(c) Any order of general applicability.

(d) Orders G-12 and G-13, issued by the Regional Administrator, Region VIII (San Francisco Regional Office) under § 1499.102 (d) of Maximum Price Regulation 105, as amended.

SEC. 9. *Multiple establishments and transfer of business*—(a) *Multiple establishments.* Each establishment operated by a lessor shall be treated separately for the purpose of computing maximum prices under this regulation.

(b) *Transfer of business.* If a person purchases, leases or otherwise acquires the business, assets or equipment of a "commercial motor vehicle" lessor, and the purchaser continues in the rental of "commercial motor vehicles" from an establishment thus acquired, the maximum prices for services furnished from any such establishment shall be the same as those of the predecessor.

SEC. 10. *Customary services.* (a) The lessor shall provide the same maintenance and operating supplies furnished in the "base period" for the "same or similar service" If in the "base period" for example, the lessor provided all maintenance, garaging, gasoline, and the like, the service cannot be reduced by eliminating any part of those services, such as discontinuing the furnishing of gasoline or other items previously furnished, unless a corresponding reduction in price is made. The reduction in price shall be concurrent with the reduction in service and failure to so reduce constitutes a price violation of this regulation.

Upon written request supported by a satisfactory explanation, the Director of the Transportation and Public Utilities Division may approve a reduction in service where it appears that (1) the reduction in service is caused by conditions beyond the control of the lessor, and (2) such reduction in service does not accrue as a savings to the lessor. However, a lessor who during March 1942 required a minimum period of rental or mileage or collected a service charge, may continue the same practice or charge.

SEC. 11. *Taxes.* Any tax upon or incidental to the rental of "commercial motor vehicles" covered by this regulation, imposed by any statute of the United States or statute, regulation or ordinance of any State or subdivision thereof, may be collected by the lessor in addition to the maximum price established by this regulation, *Provided,* That such statute or ordinance does not prohibit the lessor from collecting such tax.

SEC. 12. *Rate base.* The charges for the rental of any "commercial motor vehicle" shall be computed upon the lowest applicable "rate base"

SEC. 13. (a) *Application for adjustment.* The Price Administrator may adjust the maximum prices of services covered by this regulation if:

(1) The adjustment is necessary in order to permit the continuance of the supply of an essential service, and

(2) The requested maximum price will not result in a higher ratio of net income to revenue than in the base period.

(b) Applications for adjustment under this section shall be filed with the Transportation and Public Utilities Division, Office of Price Administration, Washington 25, D. C., and shall be submitted on and contain the information called for by O. P. A. Form 644-2187, which is set forth as Appendix A to this regulation.

(c) *Adjustable pricing.* Any lessor who has applied or is about to apply for an adjustment under this section may agree to rent or lease any "commercial motor vehicle" from the date on which the application or petition is filed with the Office of Price Administration at a price no higher than the maximum price for which he has applied. However, no payment above the existing maximum price may be made or received until a higher price has been authorized by an order of the Office of Price Administration containing no restriction against such payment. A lessor wishing to make any such agreement shall advise the lessee that he has applied or is about to apply to the Office of Price Administration for a specified increase in his existing maximum price.

SEC. 14. *Pricing authority.* Notwithstanding the foregoing provisions of this Article II, the Price Administrator may on his own motion or at the request of any lessors or lessees, or upon recommendation of any Regional Administrator, by appropriate order establish maximum prices or pricing methods modifying the general provisions of this Article II.

ARTICLE III—GENERAL PROVISIONS

SEC. 15. *Records and reports*—(a) *Records.* All persons engaged in the rental of "commercial motor vehicles" covered by this regulation shall preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, a record of all rentals or leases subject to this regulation, including as to each contract the names and addresses of lessees, description of "commercial motor vehicle",

rental charges, revenues actually received and, where applicable, mileage involved.

(b) *Reports.* On or before April 1, 1945 each lessor shall report to the Transportation and Public Utilities Division of the Office of Price Administration on the rates charged for the lease or rental of (1) all taxicabs and passenger automobiles and (2) all other "commercial motor vehicles" leased or rented on a short term or transient basis. This report shall show separately, the rate in effect during the "base date" and the rate in effect on the date this regulation becomes effective. Where such report has previously been filed it shall be sufficient if a statement is furnished setting forth the date and place such report was filed. If no such report has been filed, the following specific information should be furnished:

(i) Description of vehicle (or vehicle group)

(ii) Maintenance and operating supplies furnished.

(iii) Rate on "base date"

(iv) Present rate.

SEC. 16. *Relation to other regulations.* This regulation supersedes the General Maximum Price Regulation and Revised Maximum Price Regulation 165 with respect to all services covered by this regulation.

SEC. 17. *Compliance with the regulation*—(a) *No renting or leasing above maximum prices.* Regardless of any contract, agreement or other obligation, no person shall rent or lease any "commercial motor vehicle" subject to this regulation at rates higher than the maximum prices established by this regulation. Lower rates than the maximum however, may be charged or paid.

(b) *Evasion.* No person shall evade this regulation directly or indirectly, whether by payment of charges for commissions or extra services, by decreasing the services, by tying agreements or other trade understandings, or by refusing to rent the "commercial motor vehicle" to the lessee for the period for which it is requested in order that a higher "rate base" may be used in computing the charge; or in any other way.

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

(d) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all lessors subject to this regulation. A lessor's license may be suspended for violations of the license of one or more applicable price schedules or applicable price schedules or regulations. A lessor whose license is suspended may not, during the period of suspension, furnish any service for which his license has been suspended.

SEC. 19. *General amendments.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with Revised Procedural Regulation No. 1, as amended, issued by the Office of Price Administration.

APPENDIX A

NOTE. Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

OPA Form 044-2187

Form Approved
Budget Bureau No. 08-R-1243

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

APPLICATION FOR ADJUSTMENT IN RATE CHARGED BY LESSORS OF COMMERCIAL MOTOR VEHICLES WITHOUT DRIVERS

NOTE.—Instructions should be read carefully before entering the data requested.

1. Name of Lessor Address—Street and Number City and State

2. A. Do you hold operating authority issued by any Regulatory Commission for this operation? ☐ Yes ☐ No

B. List the Official Title and Number of such Certificates or Permits applicable only to the operations covered by this application and State the Type of Operating Authority issued.

3. Do you either directly or indirectly furnish drivers for this operation? ☐ Yes ☐ No

If the answer is "yes" describe in detail the arrangements under which the drivers are furnished.

4. Requests Permission to Increase Ceiling Rates as Follows.

A. From Present Rates.

1. $____ per vehicle per (check one) ☐ day, ☐ week, ☐ month, ☐ mile
2. and _____ cents per mile.

B. To Proposed Rates:

1. $____ per vehicle per (check one) ☐ day, ☐ week, ☐ month, ☐ mile
2. and _____ cents per mile.

NOTE.—If the rate is not based on a combined charge per vehicle per day (or week or month) plus a charge per mile, or on a flat charge per day (or week or month) or on a flat charge per mile, give below the basis of the proposed rate.

| 5. Vehicle operations | Number of vehicle | | | Miles of operation | Other base (if shown in note to item 4) |
|---|---|---|---|---|---|
| | Days | Weeks | Months | | |
| a. Total during the base period [1] | | | | | |
| b. Total during the current year | | | | | |

c. State the amount of additional revenue (in dollars and cents) which the proposed increased rates would have produced had they been in effect during the "Current period."

6. State the Maintenance and Operating Supplies Furnished in Connection with This Service at Ceiling Rate and Proposed Rate.

7. Describe the Type of Commercial Vehicle Used in the Service for Which an Adjustment is Sought.

8. Statement of Operating Expense and Revenue

| Part A—fixed expense | Base period [1] Beginning ____194 Through ____194 | Current year [1] Beginning ____194 Through ____194 | Do not use this column |
|---|---|---|---|
| Depreciation | | | |
| Insurance | | | |
| License | | | |
| Personal property tax | | | |
| Garaging | | | |
| Washing | | | |
| Anti-freeze | | | |
| Skid-chains | | | |
| Painting | | | |
| Interest on investment | | | |
| Supervision and overhead | | | |
| Other | | | |
| Total | | | |
| Part B—variable expense | | | |
| Maintenance—(labor and materials) | | | |
| Tires | | | |
| Gasoline | | | |
| Oil and grease (labor and materials) | | | |
| Accessories and miscellaneous | | | |
| Other | | | |
| Total variable expense | | | |
| Total fixed and variable expense | | | |
| Part C—total revenue from vehicles | | | |

[1] The Base Period is March 1, 1942 through February 1943. If the service was not performed during the base period, use the 12 months period following the establishment of the service. The Current Period is the 12 months immediately prior to the date of this application.

9 Answer Item 9 only if increased expenses include increases in wage or salary rates for this service

A. Do you employ in your entire firm more than eight individuals? ☐ Yes ☐ No

B Are you now paying wages or salaries higher than those paid on September 15, 1942? ☐ Yes ☐ No

C If the answer to "B" is "Yes", was the increase approved by the National War Labor Board or the Treasury Department? ☐ Yes ☐ No

D If the National War Labor Board has issued an order approving wage or salary increases for your employees after October 3, 1942, what is the title and date of such order? Title _____ Date (Month Day Year)

E If you base this application in whole or in part on salary increases which still require the approval of the National War Labor Board and such increases are voluntary or agreed upon, when and where did you file an application for wage or salary adjustment with that agency? City and State _____ Date (Month, Day, Year)

F If you base this application in whole or in part on wage or salary increases which still require the approval of the National War Labor Board and such increases are disputed rather than voluntary or agreed upon, when were you notified of the proposed National War Labor Board Decision? Notification of Proposed Action Date _____

10 To be executed by Lessor:

Name _____ Hereby Certifies that:

A. It cannot continue to supply commercial motor vehicles without drivers at present ceiling rates:

B It is not paying more for material and labor than the legally authorized ceiling prices and wages: and

C. The requested maximum price will not result in a higher ratio of net income to revenue than in the "base period"

Signed: _____ Title: _____ Date: _____

11. To be filled in by Lessee:

Name of Lessee: _____ Hereby Certifies that:

A. It is willing to pay the lessor's requested price:

B It cannot supply the service itself, and cannot secure satisfactory service from any other source at a price lower than the requested price:

C. The requested increase if granted, will not be passed on in the form of a price increase to any of its own customers:

D It will not include the increased price as a cost increase in any application to the Office of Price Administration for an adjustment of its own prices

Signed: _____ Title: _____ Date: _____

INSTRUCTIONS

*Purpose and use.*—This form must be submitted by any person who leases or rents commercial motor vehicles, without drivers, to obtain authority to increase the maximum price established pursuant to Maximum Price Regulation No. 571

A separate application should be submitted for each type of commercial vehicle for which an adjustment is sought For example, if you wish to apply for an adjustment of rates applicable to ½ ton pick-ups, 1½ ton vans and 1½ ton stakes you must file three separate applications. However, one application may be filed for any number of vehicles providing the vehicles are the same type and are leased or rented at the same rate.

*Base date.*—The base date means March 1942. (Section 3 (b) Maximum Price Regulation 571.)

*Base period.*—The base period is the 12 month period beginning March 1, 1942. If, however, the service was not performed during this period, the base period will be the first full 12 month period following the establishment of the service. The base period of twelve months is used in order to establish average costs and to take out seasonal variations.

*Current period*—The current period is the 12 months immediately prior to the date of this application.

Item 4. Applicant must state clearly its legal maximum rates and the rates it proposes to charge. These rates should be expressed as a charge per vehicle per day, or week, or month, plus a charge per mile However, if a flat rate per day, or per mile is charged indicate in the proper space Describe any other charge basis

Item 5 Vehicle operation.

For the base period and for the current year enter number of vehicle days, weeks, or months of operation. This item should agree with the rate base given in Item 4

*Example.*—If the vehicles are rented for a period of a month, compute vehicle months by multiplying each vehicle by the number of months in the year it was offered for rent Example: Ten trucks were offered for twelve months of the year; three trucks for nine months; six trucks for seven months

Trucks, months, and vehicle months

10×12=120
3× 9= 27
6× 7= 42

Total 180

Enter the total miles of operation for vehicle in the base period and in the current year.

If the rate is not based on vehicle rental for a period of time plus a charge for "miles of operation," enter under "Other base" the method of rental charges

Item 6. The maintenance and operating supplies furnished at the ceiling rate and the proposed rate should be fully explained. For example, the ceiling rate included the furnishing, by the lessor, of all maintenance and operating supplies necessary to operate the vehicle, except mileage tax and the same maintenance and operating supplies will be furnished at the proposed rate.

Item 7. Give a complete description of the vehicle for which an adjustment is sought. For example, 1½ ton International Model K-5-150 inch Wheelbase equipped with a 12 foot van body

Item 8 Statement of Operating Expense and Revenue

In the heading of the column "Base Period" enter the beginning and ending date of the base period. Ordinarily these dates are from March 1 1942 through February 28, 1943. If the service was not offered during the above base period, use the 12 month period following the establishment of the service.

In the heading of the column "Current Year," enter the beginning and ending date of the latest 12 month period prior to this application

NOTE: The vehicle renting service may be only a part of the applicant's business. If the application is to cover only a part of the applicant's business, the cost data should relate only to that portion of the business for which an adjustment is sought. If specific cost allocations are not maintained for that portion of the business for which the increase is sought, the cost should be allocated. This allocation should be made in the same manner for each of the periods reported. An explanation of the method of allocation should be given with the application

Part A: *Fixed expense.* For each cost item enter the actual expense incurred for the vehicles for which the adjustment is sought.

Part B: *Variable expense* For each cost item enter the actual expense incurred for the vehicles for which the adjustment is sought.

Part C: *Total revenue from vehicles.* Enter the actual revenue received.

Item 9. The purpose of Item 9 is to ascertain what wage or salary increases have been put into effect by the applicant since September 15 1942. In general applicants who employ eight individuals or less are not required to obtain approval for wage increases which were made subsequent to September 15 1942 Applicants who employ more than eight individuals have not been permitted to increase wages since September 15, 1942 without the specific authority of the National War Labor Board. The principal exceptions to required approval by the National War Labor Board are (1) increases in the wages of employees who are subject to the Railway Labor Act; (2) increases in the salaries paid to those employed in an executive, administrative or professional capacity, provided they are not represented by a collective bargaining agency; and (3) increases in the salaries of those who draw a base salary in excess of $5,000 per year. In cases (2) and (3) increases in salary must be approved by the Bureau of Internal Revenue of the Treasury Department.

In the event that proposed wage increases are submitted to the National War Labor Board as a result of a voluntary agreement between the employer and the employees, an application for authority to increase maximum rates based upon the wage increases sought must be filed with the Office of Price Administrative within fifteen days after such an application for approval of a voluntary or agreed upon wage or salary adjustment has been filed with the War Labor Board, or such agency as has been designated by the National War Labor Board to receive such applications.

If a request for authority to increase maximum rates is based upon wage increases under advisement by the National War Labor Board as a result of a wage dispute, the lessor's application to increase maximum rates based upon such wage increases must be filed within fifteen days after the lessor has received notification of the Hearing Officer's or a tripartite panel's recommendations to the National War Labor Board

Item 11 The lessee should execute this part of the application. However, if the number of lessees renting such commercial vehicle or vehicles are too numerous to make such certification impracticable, the lessor need not submit the certification required by this section

This regulation shall become effective February 3, 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 29th day of January 1945.

CHESTER BOWLES,
*Administrator*

[F. R. Doc. 45-1746; Filed, Jan. 29, 1945; 11:45 a. m.]

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## PART 1499—COMMODITIES AND SERVICES

[2d Rev. SR 14]

MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN MISCELLANEOUS COMMODITIES AND SERVICES

On July 13, 1943 Revised Supplementary Regulation 14 was issued to simplify Supplementary Regulation 14, which has served as a repository for modifications of maximum prices for commodities and services otherwise governed by the General Maximum Price Regulation. Revised Supplementary Regulation 14 set forth the modifications under certain subject headings, thus providing a more logical and convenient arrangement. Because of the many modifications necessitated, a further breakdown of the regulation is deemed advisable and the provisions contained in Revised Supplementary Regulation 14 are therefore being broken down by subjects and reissued under separate supplementary regulations.

Second Revised Supplementary Regulation 14 continues the provisions relating to miscellaneous commodities and services heretofore contained in sections 4.4, 4.7, 6.1, 6.5–6.7, 6.17, 6.20, 6.22, 6.23, 6.25, 6:28, 6.30, 6.31, 6.35, 6.37–6.39, 6.46, 6.47, 6.58, 6.60, 6.61, 9.1–9.4. The remaining provisions are grouped according to classes of commodities. They are continued in effect as of their original effective dates and, with respect to those heretofore amended, as of the effective dates of such amendments, with no change in application or meaning and with only such minor changes in form or language as have been necessary in order to accommodate them to the new arrangement. Obsolete provisions have also been deleted and all references have been brought up to date. New provisions will be added to the appropriate supplementary regulation.

Appendix A of this Second Revised Supplementary Regulation 14 consists of a table of cross references which shows the present counterparts of the former provisions of Supplementary Regulation 14 or Revised Supplementary Regulation 14, their effective dates and the amendments by which they were originally added or later amended.

A statement of the considerations involved in the issuance of this Second Revised Supplementary Regulation 14, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

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AUTHORITY: § 1499.73 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

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*Copies may be obtained from the Office of Price Administration.

ARTICLE I—MISCELLANEOUS COMMODITIES AND SERVICES UNDER THE JURISDICTION OF THE FOOD PRICE DIVISION

SECTION 1.1 *Fat-bearing and oil-bearing animal waste materials.* (a) The maximum prices for fat-bearing and oil-bearing animal waste materials which are subject to the General Maximum Price Regulation, including but not limited to butcher shop fats, suets, and trimmings; slaughter-house fats, suets, and trimmings; breast fats or rattles; offal; bones; cooked grease, clear, rough or mixed; interceptor or trap grease, shall be computed in accordance therewith, except that November, 1941, shall be substituted for March, 1942, in computing the highest price which may be charged in accordance with § 1499.2 of the General Maximum Price Regulation.

(b) The maximum prices of grease collected under the War Production Board salvage campaign shall be:

(1) Four cents per pound on sales by the housewife or similar person to a butcher or grocer.

(2) Four cents per pound on sales by a group of housewives or similar persons to a renderer or independent collector. If the grease is not picked up by the renderer or independent collector but is shipped to the renderer or independent collector with the cost of transportation being paid by the group of housewives or similar persons, the actual cost of transportation may be added to the maximum price of four cents per pound.

(3) Five cents per pound on sales by a butcher or grocer to a renderer or independent collector. If the grease is not picked up by the renderer or independent collector at the place of business of the butcher or grocer but is shipped to the renderer or independent collector with the cost of transportation being paid by the butcher or grocer, the actual cost of transportation may be added to the maximum price of five cents per pound.

(4) Six cents per pound on sales by an independent collector to a renderer of grease collected in those areas in which an independent collector or renderer collected fat-bearing or oil-bearing waste materials during the period from May 1, 1942, to July 6, 1942, inclusive. This maximum price of six cents per pound shall be the maximum price of the grease delivered to the renderer, except that where the grease is shipped to the renderer by common carrier, the maximum price shall be six cents per pound f. o. b. point of shipment.

(5) Seven cents per pound on sales by an independent collector to a renderer of grease collected in those areas in which no independent collector or renderer collected fat-bearing or oil-bearing waste materials during the period from May 1, 1942, to July 6, 1942, inclusive. If the grease is not picked up by the renderer at the place of business of the independent collector but is shipped to the renderer with the cost of transportation being paid by the independent collector, the actual cost of transportation may be added to the maximum prices herein specified.

SEC. 1.2 *Maximum prices for sales and deliveries of pancreas glands*—(a) *Applicability.*- This section applies to any person who sells or delivers hog, calf and cattle pancreas glands.

(b) *Definitions of hog, calf, and cattle pancreas glands.* As used in this section 1.2, hog, calf and cattle pancreas glands means pancreas glands obtained from the slaughter of hogs, calves (produced from dressed veal carcasses of a weight not in excess of 275 pounds, hide off), and cattle, and selected in accordance with standard commercial practices. The glands shall be trimmed, free from fat and tissue, and shall be individually frozen and packed in suitable shipping containers.

(c) *Maximum prices.* For sales and deliveries, after November 27, 1944, of hog, calf and cattle pancreas glands, the applicable maximum selling prices shall be as follows:

| | *Cents per pound* |
|---|---|
| Hog pancreas glands | 12 |
| Calf pancreas glands | 28 |
| Beef pancreas glands | 16 |

These maximum prices are f. o. b. the seller's place of business, or in the event that the pancreas glands are frozen elsewhere than the seller's place of business, the maximum selling prices shall be f. o. b. the freezing plant.

(d) *Notification.* At the time of or prior to the first invoice on or after November 28, 1944, covering the sale of hog, calf and/or cattle pancreas glands, each seller shall notify in writing each purchaser, of the maximum prices set forth by this section. This notice may be given in any convenient form.

SEC. 1.3 *Dog and cat foods; manufacturers' maximum prices of new packages.* Any manufacturer of any dog or cat food desiring to sell new packages (whether of different sizes and/or of different containers) of the same commodity shall determine his maximum price for such new packages as follows:

(a) Take the maximum price of the fastest selling old package of said dog or cat food to a given class of purchasers;

(b) Where a change to different containers is made deduct therefrom the actual cost of the old containers and of packing therein and add to the resultant figure the actual cost of the new containers and of packing therein;

(c) Where a size change is made divide said maximum price of the fastest selling old package of said dog or cat food to a given class of purchasers by the net weight number of ounces (or other unit of measurement) in the old size package and multiply that quotient by the net weight number of ounces (or other unit of measurement) in the new size package.

In like manner determine the new size maximum price to other classes of purchasers, using as the base, however, the same old package of dog or cat food but as sold to different classes of purchasers.

SEC. 1.4 *Superphosphate*—(a) *Bulk sales of ordinary superphosphate.* The maximum price a producer may charge for ordinary superphosphate (containing less than 22 per cent available phosphoric acid) for sale in bulk to fertilizer manufacturers or mixers shall be:

(1) *Pulverized superphosphate.* (i) For sales of run-of-pile, basis f. o. b. cars at each producing point, the price specified for that point as listed below:

| Point of production: | *Maximum price per unit of available phosphoric acid* |
|---|---|
| Little Rock, Ark | $0.70 |
| Texarkana, Ark | 70 |
| Stege, Calif | .84 |
| Vernon, Calif | .84 |
| East Tampa, Fla | .59 |
| Jacksonville, Fla | .53 |
| Nichols, Fla | .59 |
| Pierce, Fla | .59 |
| Calumet City, Ill | .63 |
| Chicago Heights, Ill | .63 |
| East Saint Louis, Ill | 63 |
| Fort Wayne, Ind | .63 |
| Indianapolis, Ind | 63 |
| New Albany, Ind | 65 |
| Searsport, Me | .82 |
| Baltimore, Md | 64 |
| Hagerstown, Md | 63 |
| Lowell, Mass | 75 |
| North Weymouth, Mass | 75 |
| Woburn, Mass | 75 |
| Detroit, Mich | 70 |
| Lansing, Mich | 70 |
| Joplin, Mo | 73 |
| Carteret, N. J | .65 |
| Paulsboro, N. J | .67 |
| Buffalo, N. Y | 70 |
| Acme, N. C | 62 |
| Charlotte, N. C | 62 |
| Durham, N. C | .62 |
| Greensboro, N. C | 62 |
| Laurinburg, N. C | 62 |
| Navassa, N. C | 59 |
| Selma, N. C | .62 |
| Wadesboro, N. C | .62 |
| Wilmington, N. C | .59 |
| Wilson, N. C | .62 |
| Cincinnati, Ohio | 65 |
| Cleveland, Ohio | .63 |
| Columbus, Ohio | .63 |
| Lockland, Ohio | .65 |
| Sandusky, Ohio | .63 |
| Silica, Ohio | .63 |
| Toledo, Ohio | .63 |
| Washington Court House, Ohio | .63 |
| Philadelphia, Pa | .67 |
| Anderson, S. C | 62 |
| Charleston, S. C | 55 |
| Columbia, S. C | .60 |
| Greenville, S. C | .62 |
| Hartsville, S. C | .62 |
| Lancaster, S. C | .62 |
| Spartanburg, S. C | .62 |
| Dallas, Tex | 70 |
| Houston, Tex | .68 |
| Alexandria, Va | .64 |
| Lynchburg, Va | .64 |
| Norfolk, Va | .63 |
| Portsmouth, Va | .63 |
| Richmond, Va | .64 |

(ii) For sales of run-of-pile, basis f. o. b. cars at buyer's destination within a delivery area as described below from any producing point listed as a price basing point for that area, a price equal to the price f. o. b. the one of the price basing points listed, plus the cost of transportation by rail in carload lots from that price basing point to the buyer's destination which will result in the lowest net delivered cost to the buyer, such transportation cost to include the three per cent tax thereon imposed by section 620 of the Revenue Act of 1942:

DELIVERY AREA

AREA 1

STATE OF GEORGIA

| *Price basing points* | *Maximum price per unit of available phosphoric acid* |
|---|---|
| Albany, Ga | $0.61 |
| Americus, Ga | .61 |
| Athens, Ga | .61 |
| Atlanta, Ga | .61 |
| Augusta, Ga | .61 |
| Columbus, Ga | .61 |
| East Point, Ga | .61 |
| La Grange, Ga | .61 |
| Macon, Ga | .61 |
| Pelham, Ga | .61 |
| Rome, Ga | .61 |
| Savannah, Ga | .55 |
| Tifton, Ga | .61 |
| Valdosta, Ga | .61 |

AREA 2

STATES OF ALABAMA AND FLORIDA WEST OF THE APALACHICOLA RIVER

| | |
|---|---|
| Bessemer, Ala | $0.60 |
| Birmingham, Ala | .60 |
| Dothan, Ala | .60 |
| Florence, Ala | .60 |
| Mobile, Ala | .60 |
| Montgomery, Ala | .60 |
| Roanoke, Ala | .60 |
| Troy, Ala | .60 |
| Pensacola, Fla | .60 |
| Nashville, Tenn | .60 |

AREA 3

STATES OF LOUISIANA AND MISSISSIPPI

| | |
|---|---|
| Pensacola, Fla | $0.60 |
| Harvey, La | .625 |
| New Orleans, La | .625 |
| Shreveport, La | 70 |
| Shrewsbury, La | .625 |
| Gulfport, Miss | .625 |
| Hattiesburg, Miss | .625 |
| Jackson, Miss | .625 |
| Tupelo, Miss | .625 |
| Nashville, Tenn | .60 |

AREA 4

STATES OF KENTUCKY AND TENNESSEE

| | |
|---|---|
| Chattanooga, Tenn | $0.63 |
| Greenville, Tenn | .63 |
| Knoxville, Tenn | .63 |
| Memphis, Tenn | 62 |
| Mt. Pleasant, Tenn | .60 |
| Nashville, Tenn | .60 |
| Wales, Tenn | .60 |

A producer, selling for delivery outside an area for which his producing point is listed as a price basing point, or selling to a buyer who does not specify a point of destination at the time of the sale, may charge a price, basis f. o. b. cars at producing point, no higher than the price specified for that producing point.

(iii) For sales of superphosphate guaranteed by the producer to contain 18 per cent, 19 per cent or 20 per cent available phosphoric acid, with no charge for over-run, the maximum price as established under (i) or (ii) plus one and one-half cents per unit of available phosphoric acid guaranteed.

(2) *Granulated superphosphate.* The maximum price, as established under (i) (ii) or (iii) above, plus two cents per unit of available phosphoric acid.

(b) *Bulk sales of triple superphosphate.* The maximum price a producer may charge for triple superphosphate (containing 40 per cent or more available phosphoric acid) for sale in bulk to fertilizer manufacturers or mixers shall be:

(1) In the states of Washington, Oregon, California, Nevada, Utah, Idaho, Montana, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Arizona, and New Mexico, a price of 88½ cents per unit of available phosphoric acid, basis delivered to the point of destination designated by the buyer, except that the actual cost of transportation and the three per cent tax thereon imposed by section 620 of the Revenue Act of 1942, from Anaconda, Montana, to the point of destination, in excess of $8.03 per ton of 2000 pounds may be charged to the account of the buyer.

(2) In the other states of the United States and in the District of Columbia, a price per unit of available phosphoric acid, basis, f. o. b. railroad cars at the point of production of:

(i) 70 cents for any producing point in Montana, and 74 cents for any producing point in Tennessee;

(ii) 65 cents for any producing point in South Carolina;

(iii) 62 cents for any producing point in Florida; and

(iv) For any producing point located in the District of Columbia or in any state other than Montana, Tennessee, South Carolina or Florida, 62 cents, plus the cost per unit, of transportation by rail in carload lots, of 48 per cent superphosphate from East Tampa, Florida, to that producing point, such transportation cost to include the three per cent tax thereon imposed by section 620 of the Revenue Act of 1942.

(3) *Granulated triple superphosphate.* The maximum price as established under (1) or (2) above, plus $1.00 per ton of 2000 pounds except for sales in bags to Government departments and agencies.

(c) *Bulk sales of double superphosphate.* The maximum price per ton which a producer may charge, basis f. o. b. railroad cars at his plant, for double superphosphate (containing 22 per cent or more but less than 40 per cent available phosphoric acid) for sale in bulk to fertilizer manufacturers or mixers shall be:

(1) The product of 20 units of available phosphoric acid times the price per unit for a guaranteed grade of ordinary superphosphate, basis f. o. b. cars at producing point (a) (1) (iii) plus

(2) The product of the number of units contained therein in excess of 20 units times the applicable maximum price per unit for triple superphosphate, basis f. o. b. cars at the producing point

(b) If the producer of such double superphosphate is not a producer of triple superphosphate, his applicable maximum price, for calculations required in this paragraph, shall be his actual delivered cost of triple superphosphate, or if none was purchased, the maximum price as established in (b) (2) (iv)

(d) *Sales of superphosphate in bags.* The maximum price a producer may charge for superphosphate for sales in bags to fertilizer manufacturers or mixers shall be the applicable maximum price for bulk sales as determined under (a) (b) or (c) above, plus $1.00 per ton of 2000 pounds, plus the producer's actual cost of the bags used to package 2000 pounds.

(e) *Sales of superphosphate to Government departments and agencies.* The maximum price a producer may charge for sales of superphosphate to the United States Treasury, the United States Department of Agriculture, or any agency of the United States shall be the applicable maximum price as established under (a), (b) (c) or (d) above, plus, in the case of such sales of triple superphosphate in bags, $1.00 per ton of 2000 pounds, in addition to $1.00 per ton of 2000 pounds allowed for bagging under (d) above.

(f) *Sales of superphosphate for export.* The maximum price a producer may charge for sales of superphosphate for export shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration.

(g) *Resales of double or triple superphosphate.* The maximum price which one fertilizer manufacturer or mixer may charge another fertilizer manufacturer or mixer for the sale of double or triple superphosphate not produced by the seller shall be his delivered cost of such superphosphate, plus $3.00 per ton of 2000 pounds.

SEC. 1.5 *Maximum prices for sales of defluorinated phosphate.* The maximum prices for sales and deliveries of defluorinated phosphate shall be as follows:

(a) *Sales by processors.* (1) The maximum price for all sales and deliveries by processors of defluorinated phosphate packed in 100 pound paper bags f. o. b. processor's plant shall be $34.25 per net ton.

(2) The maximum delivered price for such sales and deliveries by processors of defluorinated phosphate shall be the maximum price f. o. b. processor's plant, plus the lowest freight rate per net ton for deliveries from said processor's plant to the point designated by his buyer as the receiving point.

(3) For all other sales and deliveries of defluorinated phosphate by processors, the maximum price shall be the same as for sales and deliveries in 100 pound paper bags plus or minus the difference in cost of packing in other than 100 pound paper bags.

(b) *Sales by jobbers.* The maximum price that a jobber may charge for the sale or delivery of defluorinated phosphate in carload lots shall be 50 cents per ton (maximum markup) and in less than carload lots shall be $1.00 per ton (maximum markup) over the maximum price which he could lawfully have paid a processor for the quantity and quality purchased together with actual or reasonable transportation charges incurred by the seller in respect to the lot sold.

(c) *Sales by wholesalers.* The maximum price that a wholesaler may charge for the sale or delivery of defluorinated phosphate shall be $2.00 per ton (maximum markup) over the maximum price which he could lawfully have paid the processor or jobber from whom he purchased (or if he purchased from any other class of person, over the maximum price which he could lawfully have paid a processor) for the quantity or quality purchased together with actual or reasonable transportation charges incurred by the seller in respect to the lot sold.

(d) *Sales by retailers.* The maximum price that a retailer may charge for the sale or delivery of defluorinated phosphate shall be $5.00 per ton (maximum markup) over the maximum price which he could lawfully have paid to the processor, jobber or wholesaler from whom he purchased (or if he purchased from any other class of persons, over the maximum price which he could lawfully have paid a processor (for the quantity and quality purchased together with actual or reasonable transportation charges incurred by the seller in respect to the lot sold.

(e) *Sales by any other persons.* The maximum price for the sale of defluorinated phosphate by any other person of a class of seller not hereinbefore specifically provided for shall be the maximum price which his seller could lawfully have charged for a like sale. Notwithstanding any other provision of this regulation, sales between persons of one of the class of sellers hereinbefore specifically provided for shall be permissible: *Provided,* That no such sales, nor sales to a person of a different class, shall be at a higher price than the maximum price hereinbefore prescribed for said class of sellers.

(f) *Geographical applicability.* Section 1.5 shall apply to all sales, whether for immediate or future delivery, within the 48 states and the District of Columbia of the United States of imported and domestic defluorinated phosphate whether produced from domestic or imported phosphate.

(g) *Definitions.* (1) "Defluorinated phosphate" shall mean that product obtained by processing phosphate so that the flourine content is reduced below a toxic level.

(2) "Per net ton" shall mean a quantity of at least 2000 pounds.

(3) "Jobber" means a person other than a retailer why buys defluorinated phosphate and resells the same without unloading into a warehouse.

(4) "Wholesaler" means a person who buys defluorinated phosphate and unloads his purchase into a warehouse and resells the same, except at retail.

(5) "Retailer" means a person who buys defluorinated phosphate and resells the same to an ultimate consumer.

(6) "Ultimate consumer" means a person who buys defluorinated phosphate for feeding and not for resale or processing.

(7) "Transportation charges" shall be computed at:

(i) The lowest common carrier rate (including the 3 percent tax provided for in section 620 of the Revenue Act of 1942, as amended) for the billing or shipment in question; or

(ii) If there is no such rate, the reasonable value of the service (including said 3 percent tax, if any) not exceeding any maximum price established therefor.

SEC. 1.6 *Imported pyrethrum flowers; sales under War Production Board directive*—(a) *Maximum price.* The maximum price for the sale by an importer of imported pyrethrum flowers, sold to any purchaser in accordance with an order or directive of the Director of Industry Operations of the War Production Board, shall be the total landed costs of the pyrethrum flowers to the importer, plus any actual transportation costs incurred by the importer with respect to shipment of the pyrethrum flowers within the continental United States. This maximum price shall apply whether or not the seller normally sells pyrethrum flowers in the ordinary course of his business, but shall not apply to any sale which is not made in accordance with an order or directive of the Director of Industry Operations of the War Production Board.

(b) *Effect on other regulations.* The provisions of this section supersede the provisions of Revised Supplementary Regulation No. 12 and of Maximum Price Regulation No. 204 with respect to sales for which maximum prices are established herein.

(c) *Definitions.* (1) "Total landed costs" means the sum of the price paid to or for the account of the foreign seller plus all the costs, expenses, and charges, including customs duties or entry fees, and dock charges, if any, incurred by the importer with respect to the shipment of the pyrethrum flowers from the point of shipment outside the continental United States to the point in the continental United States where delivery is made.

(2) "Importer" means any person who is the ultimate consignee in the United States of pyrethrum flowers entering into the continental United States.

SEC. 1.7 *Antiseptically treated poultry litter* The maximum price for antiseptically treated poultry litter sold and delivered by any seller, whether producer, distributor or retailer, shall be determined by adding $7.00 per ton to the maximum price as determined under § 1499.2 of the General Maximum Price Regulation by any such seller and the sum resulting shall be the adjusted maximum price for such seller.

ARTICLE II—RUBBER

SEC. 2.1 *Vulcanized vegetable oil*—(a) *Maximum prices for types of vulcanized vegetable oil delivered or offered for delivery during March, 1942*—(1) *Molded vulcanized vegetable oil.* The maximum price for a sale by a manufacturer of a kind of molded vulcanized vegetable oil (other than truss pads) of a kind which is the same as a kind which was delivered or offered for delivery in March, 1942, by the manufacturer shall be the highest price charged for it by the manufacturer during March, 1942 (as defined in paragraph (c) of this section)

(2) *Unmolded vulcanized vegetable oil.* The maximum price for a sale by a manufacturer of a grade of unmolded vulcanized vegetable oil which is the same as a grade which was delivered or offered for delivery in March, 1942, by the manufacturer shall be the highest price charged for it by the manufacturer during March, 1942 (as defined in paragraph (c) of this section) adjusted by adding a certain percentage, named below, of the amount by which the replacement cost to the manufacturer, at July 25, 1942, maximum prices, for the vegetable oil used to produce the product being priced is greater than the inventory cost during March, 1942, of the same quantity of vegetable oil. For the purposes of this subparagraph and subparagraph (b) (4) of this section the "July 25, 1942, maximum price" for a particular vegetable oil means the maximum price for that oil when purchased in the quantity normally purchased by the manufacturer. The inventory cost during March, 1942, shall be determined by multiplying the quantity of the kind of vegetable oil used to produce the product being priced by the average cost of that oil charged to production during March, 1942, or, if it was not charged to production during that month, by the average cost at which it was in the manufacturer's inventory on March 1, 1942. The following named manufacturers shall use the specified percentages in calculating the amount of the adjustment to be made: Stamford Rubber Supply Company, 70 per cent; Carter Bell Manufacturing Company, 80 per cent; all other manufacturers, 100 per cent.

(3) *Transportation costs.* No seller shall require any purchaser, and no purchaser shall be permitted to pay a larger proportion of transportation costs incurred in the delivery of a type of vulcanized vegetable oil delivered by the seller during March, 1942, than the seller required purchasers of the same class to pay during that month on deliveries of the same type.

(b) *Maximum prices for types of vulcanized vegetable oil not delivered or offered for delivery during March, 1942.* The maximum f. o. b. price for the sale by a manufacturer of a grade of unmolded vulcanized vegetable oil which is not the same as a grade which was delivered or offered for delivery by the manufacturer during March, 1942, shall be the sum total of direct labor costs, direct materials costs, gross margin, and an adjustment, determined in accordance with subparagraphs (1) (2), (3), and (4) of this paragraph. The maximum f. o. b. price for a sale by a manufacturer of a kind of molded vulcanized vegetable oil (other than truss pads) which is not the same as a kind which was delivered or offered for delivery by the manufacturer during March, 1942, shall be the sum total of the same components with the exception that it shall not contain an adjustment. The maximum delivered price for a type of vulcanized vegetable oil (other than truss pads) not delivered or offered for delivery during March 1942, shall be the maximum f. o. b. price, plus the cost of transportation to the place of delivery.

(1) *Computation of direct labor costs.* Direct labor costs shall be determined by finding the average cost per pound of direct labor employed during the first quarter of 1942 in producing the type (unmolded white, unmolded brown or molded) of vulcanized vegetable oil which includes the particular grade being priced and multiplying that figure by the number of pounds being priced; except that for any kind of molded vulcanized vegetable oil (other than truss pads) which is individually molded and requires special hand labor which results in direct labor costs higher than the figure which would be obtained by computing the direct labor costs on the basis of average cost per pound as required by this subparagraph (1) for molded vulcanized vegetable oil generally, direct labor costs may be determined each time a quantity of such molded vulcanized vegetable oil is to be priced by multiplying the estimated number of hours of each type of labor required in the manufacture of the quantity being priced by the following wage rates: The wage rates to be used shall be the highest wage rates, in effect in the manufacturer's plant for any substantial portion of March, 1942, for each class of labor involved in the production of the kind of molded vulcanized vegetable oil being priced. If the manufacturer did not employ a given class of labor in March, 1942, he shall use the highest wage rate paid for any substantial portion of March, 1942, by the nearest employer operating under comparable conditions who employed that class of labor during that month.

(2) *Computation of direct materials costs.* Direct materials costs shall be determined by multiplying the quantity of each material used in the manufacture of the vulcanized vegetable oil being priced by materials prices determined as follows:

The price of any material used in the manufacture of the vulcanized vegetable oil being priced shall be the first applicable among the following:

(i) The average cost at which the material was charged into production during March, 1942;

(ii) The average cost at which it was in the manufacturer's inventory on March 1, 1942;

(iii) The highest price charged during March, 1942, (as defined in paragraph (c) of this section) by the manufacturer's supplier. The manufacturer's supplier shall be (*a*) his March, 1942, supplier of the material, or (*b*) lacking a March, 1942, supplier of the material, his most recent supplier of the material. If neither of these exists, it shall be his potential supplier.

(iv) The first price at which the manufacturer's supplier offered to sell the material to a purchaser of the same class as the manufacturer after March 31, 1942. However, if the first applicable of those prices is higher than the maximum price established by the Office of Price Administration for the sale of the material to the manufacturer by his supplier, that maximum price shall be used as the price of the material.

(3) *Computation of gross margin.* The gross margin shall be determined as follows:

(i) Determine the total sales value for the first quarter of 1942 of each grade of the particular type (unmolded white, unmolded brown or molded) of vulcanized vegetable oil which includes the grade being priced, at its March, 1942, highest price, by multiplying the quantity of each grade of that type produced during that quarter by the highest f. o. b. price for which the grade was sold during March, 1942, or, if it was not sold during that month, by the highest f. o. b. price for which it was offered for sale during March, 1942. Add the resulting figures to determine the total sales value for the quarter at March, 1942, highest prices, for the particular type of vulcanized vegetable oil.

(ii) Subtract from that figure the total direct labor and materials costs for the particular type to determine the gross margin. Direct labor costs for this purpose shall be computed by multiplying the average direct labor costs per pound of the particular type of vulcanized vegetable oil produced during the first quarter of 1942, by the total quantity of that type produced during that period. Direct materials costs shall be computed by multiplying the quantity of each material, used in the manufacture of the particular type by the average cost at which the material was charged into production during March, 1942, or, if it was not charged into production in that month, by the average cost at which it was in the manufacturer's inventory on March 1, 1942.

(iii) Divide the figure resulting from subtracting direct costs from total sales value by the total direct costs figure to determine the gross margin percentage of direct costs. That percentage shall be applied to the direct costs of the grade being priced (computed in accordance with subparagraphs (b) (1) and (2) of this section) to determine the gross margin for that grade.

(4) *Adjustment.* The sum total of direct labor costs, direct materials costs, and gross margin for a grade of unmolded white or unmolded brown vulcanized vegetable oil, computed as required by this paragraph (b) shall be adjusted by adding the percentage, designated for the particular manufacturer in subparagraph (a) (2) of this section, of the amount by which the replacement cost to the manufacturer, at July 25, 1942, maximum prices for the vegetable oil used to produce the product being priced is greater than the inventory cost during March, 1942, of the same quantity of vegetable oil. The inventory cost during March, 1942, shall be determined by multiplying the quantity of the kind of vegetable oil required to produce the product being priced by the average cost of that oil charged to production during March, 1942, or, if it was not charged to production during that month, by the average cost at which it was in the manufacturer's inventory in March, 1942. No adjustment shall be made in the case of molded vulcanized vegetable oil.

(c) *Definitions.* (1) "Brown vulcanized vegetable oil" means vulcanized vegetable oil produced by hot vulcanization.

(2) "Highest price charged during March, 1942" means:

(i) The highest price which the seller charged to a purchaser of the same class for delivery of the commodity during March, 1942;

(ii) If the seller made no such delivery during March, 1942, such seller's highest offering price to a purchaser of the same class for delivery during that month;

(iii) If the seller made no such delivery and had no such offering price to a purchaser of the same class, the highest price charged by the seller during March, 1942, to a purchaser of a different class, adjusted to reflect the seller's customary differential between the two classes of purchasers.

(3) "Manufacturer" when referring to molded vulcanized vegetable oil means a person who makes the molded product from vulcanized vegetable oil manufactured by him.

(4) "Molded vulcanized vegetable oil" means a vulcanized vegetable oil in which the vulcanization reaction takes place substantially in molds which give shape utility to the production.

(5) "Type of vulcanized vegetable oil" means one of the three classifications of that product, namely, unmolded white, unmolded brown and molded.

(6) "Vulcanized vegetable oil" means the solid reaction product of unsaturated fatty oils and vulcanizing agents.

(7) "White vulcanized vegetable oil" means vulcanized vegetable oil produced by cold vulcanization.

(d) *Geographical applicability.* This section applies only to the 48 states of the United States and the District of Columbia.

SEC. 2.2 *Used bicycle tires, tubes and rim strips.* The maximum prices for used bicycle tires, tubes and rim strips shall be those established by the General Maximum Price Regulation, except that in no case shall the maximum price of a used bicycle tire, tube or rim strip exceed the maximum price set for such item new by Maximum Price Regulation 435, New Bicycle Tires and Tubes.

SEC. 2.3 *Servicing of raw rubber*—(a) *Applicability and terms of sale.* This section covers the servicing of all raw synthetic, plantation, guayule and wild rubbers and balata, when performed by any person. The servicing covered is that servicing of raw rubber for manufacturers which has normally been performed by members of the Rubber Trade Association of New York, Inc. In order to be entitled to the maximum prices in this section, any person who offered such service to manufacturers on June 15, 1943 shall continue to supply all services which he offered and included in the price which he had in effect on that date. Any other person shall supply all services that his most closely competitive supplier is required to supply. If any person reduces in any way the service so required or makes his terms less favorable to purchasers than those in effect on June 15, 1943, there shall be a proportionate reduction in the maximum prices here set.

(b) *Maximum prices.* The maximum price for the servicing of raw rubber, not including the consolidation of less than carload lots, shall be the price in the following table. On all less than carload lots which are consolidated, ⅛ cent per pound may be added to the price in the table.

| Long tons | Plantation, guayule and wild rubbers | Synthetic rubbers | Balata |
|---|---|---|---|
| | *Cts. per lb.* | *Cts. per lb.* | *Cts. per lb.* |
| 750 tons and over | 1/10 | 3/10 | ½ |
| 100 tons up to 750 tons | 3/10 | ⅜ | ¾ |
| 30 tons up to 100 tons | ¼ | 5/10 | ½ |
| 10 tons up to 30 tons | ½ | ⅝ | 1¼ |
| 1 ton up to 10 tons | ¾ | ⅞ | 2 |
| Less than 1 ton | 2 | 1¾ | 4 |

SEC. 2.4 *Lumberman's overs*—(a) *Coverage.* This section applies to lumberman's overs released by the War Department for use by civilians.

(b) *Maximum prices.* The maximum prices for sales of these lumberman's overs shall be as follows:

| Seller | Maximum price per pair | |
|---|---|---|
| | 10" Yukon | 16" Yukon |
| War Department | $4.15 | $5.59 |
| Defense Supplies Corporation | 4.35 | 6.79 |
| Wholesalers other than Defense Supplies Corporation and the War Department | 5.74 | 7.05 |
| Retailers | 8.01 | 11.48 |

(c) *Transportation expenses*—(1) *War Department and Defense Supplies Corporation.* The War Department and Defense Supplies Corporation may add transportation costs to the maximum prices established by this section.

(2) *Wholesalers and retailers.* Wholesalers and retailers may add to the maximum prices established by this section the same proportion of transportation costs that they added on sales of footwear to a purchaser of the same class during March, 1942.

(d) *Notification of maximum prices*—(1) *By Defense Supplies Corporation.* Before or at the time of the first delivery after January 17, 1944, of any lumberman's overs covered by this section to a wholesaler, the Defense Supplies Corporation shall notify the wholesaler of the maximum wholesale and retail prices established by this section.

(2) *By a wholesaler* Before or at the time of the first delivery after January 17, 1944, of any lumberman's overs covered by this section to a retailer, the wholesaler shall notify the retailer of the maximum retail prices established by this section.

SEC. 2.5 *Passenger car tire reliners made from scrap tires.* The maximum retail price for a passenger car tire reliner made from scrap tires, regardless of size or ply, shall be $2.25, or the maximum retail price fixed pursuant to other provisions of the General Maximum Price Regulation, whichever is higher.

ARTICLE III—LUMBER

SEC. 3.1 *Contract logging services in Oregon and Washington west of the crest of the Cascade Mountains.* The maximum prices of any contract logging service rendered in the states of Oregon and Washington west of the crest of the Cascade Mountains, determined in accordance with the provisions of § 1499.2 of the General Maximum Price Regulation, may be increased under the following conditions:

(a) Persons rendering contract logging service for any owner of stumpage, which results in the production of logs of the species described in Revised Maximum Price Regulation No. 161—West Coast Logs, and who operate 48 or more hours per week, may make additions to the maximum prices established for them by the General Maximum Price Regulation, in the same amounts provided for sellers of West Coast logs in § 1381.156 of Revised Maximum Price Regulation No. 161.

(b) The right to make the additions provided for by this section are subject to all the provisions and conditions of § 1381.156 of Revised Maximum Price Regulation No. 161, which is incorporated herein by reference, and may be made only after the contract logger has filed the application required and has been authorized by order of the Administrator to make the addition in the manner provided in that section. In filing such an application, the contractor shall submit the name of the person or persons for whom the contract service is rendered and a statement of the maximum price on his contract logging service as computed under § 1499.2 of the General Maximum Price Regulation.

SEC. 3.2 *Dogwood and persimmon shuttle blocks*—(a) *Maximum prices for certain sizes and specifications.* The maximum prices for dogwood and persimmon shuttle blocks in the following sizes and specifications shall be as set forth below. These prices are f. o. b. mill, and apply to all sellers.

(1) *Maximum prices for dogwood shuttle blocks.*

| Dry size (inches) | *Price per block* |
|---|---|
| 12½ x 1½ x 1¼ | $0.0489 |
| 12½ x 1⅝ x 1¼ | .0528 |
| 13½ x 1⅝ x 1¼ | .0570 |
| 12½ x 1⅝ x 1⅜ | 0776 |
| 13½ x 1⅝ x 1⅜ | .0840 |
| 14½ x 1⅝ x 1⅜ | .0900 |
| 12½ x 1¾ x 1⅜ | .0836 |
| 13 x 1¾ x 1⅜ | .0868 |
| 13½ x 1¾ x 1⅜ | .0904 |
| 14½ x 1¾ x 1⅜ | .0968 |
| 15½ x 1¾ x 1⅜ | .1036 |
| 16½ x 1¾ x 1⅜ | .1104 |
| 14½ x 1⅞ x 1⅜ | .1040 |
| 15½ x 1⅞ x 1⅜ | .1112 |
| 13½ x 1⅞ x 1½ | .1452 |
| 14 x 1⅞ x 1½ | .1502 |
| 14½ x 1⅞ x 1½ | .1557 |

(2) *Maximum prices for persimmon shuttle blocks.* The maximum prices for persimmon shuttle blocks in the sizes mentioned in (1) above shall be 60 percent of the maximum price for dogwood shuttle blocks of the same size.

(3) *Specifications.* The specifications for dogwood and persimmon shuttle blocks priced in (1) and (2) above shall be as follows:

"Quality" shall be dense wood, 100% sap wood, straight flat grain free of heartwood, pith, checks, dote, worm or grub holes, wane, and discoloration (stain) Shall be free of knots or other visible defects within 3 inches of either end, and within ½ inch of either wide face, or any defect combinations which render a piece unfit for a serviceable shuttle.

"Manufacture" shall be evenly sawed, squarely butted and of sufficient over-all sizes (anticipating dimensional shrinkage) to assure the full net specified dimensions when later thoroughly dried. Shall be sufficiently air dried before preparation for shipment to prevent staining while in transit. Ends shall be waxed.

(b) *Maximum prices for all other sizes or specifications not covered in (a) above.* The maximum prices for all sales of dogwood and persimmon shuttle blocks in sizes or specifications not covered in (a) above shall be the seller's maximum price for blocks of the particular size and specification established under the General Maximum Price Regulation, excepting that sales for export or to Lend-Lease may be made at the same prices as would apply to domestic sales.

SEC. 3.3 *Baled Southern pine wood excelsior*—(a) *Maximum prices for sales by manufacturers and by Virginia Excelsior Mills, Incorporated, Doswell, Virginia.* The maximum price f. o. b. mill per net ton for sales of baled Southern pine wood excelsior by Virginia Excelsior Mills, Incorporated, Doswell, Virginia and by manufacturers in the States named in paragraph (d) shall be as follows:

| Grade: | *Maximum price for carload lots shipped to jobbers and distributors per net ton f. o. b. mill* |
|---|---|
| XX | $23.50 |
| XXXX | 25.50 |
| Wood wool | 36.50 |
| Fine wood wool | 44.50 |

*Addition for less than carload shipments.* 1 to 10 tons, add $2.00 per ton to above prices. Less than 1 ton, add $4.00 per ton to the above prices.

*Addition for shipments direct to consumer.* Add $2.00 per ton to above prices.

(b) *Maximum price for sales by jobbers or distributors of baled Southern pine wood excelsior manufactured in Virginia.* The maximum prices per net ton for sales by jobbers and distributors, of baled Southern pine wood excelsior produced in Virginia shall be the seller's maximum price established under the General Maximum Price Regulation for the particular grade of excelsior, and class of consumer, plus $2.50 per ton.

(c) *Maximum prices for sales by jobbers or distributors of baled southern pine wood excelsior manufactured in the States of Delaware, Maryland, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Texas and Tennessee.* (1) The maximum price per net ton for sales by jobbers or distributors of baled southern pine wood excelsior produced in the States of Delaware, Maryland, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Texas and Tennessee shall be the net price determined by applying to the seller's net invoice cost of baled southern pine wood excelsior, not to exceed the applicable maximum price, the average dollars and cents markup, weighted by volume of sales, over net invoice cost realized during March 1942 for all baled southern pine wood excelsior of the same class sold by the seller to purchasers of the same class during March 1942, or, if no such sales were made during March 1942, during the first month preceding March 1942 in which such sales were made.

(2) If a jobber or a distributor cannot compute a maximum price for baled southern pine wood excelsior in accordance with subparagraph (1) above, he shall apply to the Lumber Branch of the Office of Price Administration, Washington, D. C. for authorization to establish a maximum price pursuant to a pricing method proposed in writing by the jobber or distributor.

(d) *Grade.* The grades used in this section refer to the standards and specifications set forth in Federal Specification No. NN-E-911, as generally understood in the trade.

(e) This section 3.3 applies to baled Southern pine wood excelsior produced in the States of Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Texas and Tennessee.

SEC. 3.4 *Laminated wood structural members*—(a) *Products covered.* This section covers sales of all frame structural members such as rafters, joists, arches, and roof trusses, which are fabricated by laminating two or more pieces of lumber by gluing, scarf-jointing, or otherwise.

(b) *Maximum f. o. b. factory prices; sales by manufacturers.* The maximum f. o. b. factory price for laminated wood structural members shall be computed on the basis of the individual manufacturer's price-determining method during the month of March 1942, using rates and costs as provided in the following formula:

(1) *Materials.* Lumber material costs for the particular item shall not be higher than the current maximum price as established by the appropriate "mill ceiling" regulation plus the average inbound freight cost for the particular item during the six months period from June 1, 1943 through November 30, 1943. In the case of a manufacturer using lumber produced by him, the material costs that may be used for such lumber shall be at least $2.00 per MBM below the maximum mill price for that lumber.

(2) *Labor.* Labor costs shall include only labor that was treated as direct labor in the March 1942 price-determining method. To determine direct labor cost for a particular item, use the March 1942 direct labor cost plus the percentage increase in average hourly earnings between March 1942 and September 30, 1943. In computing average hourly

earnings only the earnings of workers whose wages are computed on an hourly or piece-work basis shall be used.

| | |
|---|---|
| *Example:* Average hourly earnings | |
| March 1942 | $0.50 |
| September 30, 1943 | $0.60 |
| Increase | 20% |
| Direct labor cost for item per MBM | |
| March 1942 | $15.00 |
| Increase 20% | 3.00 |
| Cost to be used | $18.00 |

(3) *All other expenses and profit.* To the out-of-pocket cost of the particular item determined as specified in (1) and (2) above, there may be added for all other expenses and for profit the same dollars-and-cents margin that was applied for such expenses and profit under the March 1942 price-determining method. The addition for "all other expenses and profit" it should be noted, is a fixed dollars-and-cents addition rather than a percentage addition and is the difference between the March 1942 price of the particular item and the March 1942 out-of-pocket cost (as determined by (1) and (2) using March 1942 costs.)

(c) *Maximum delivered prices; sales by dealers.* The maximum delivered price shall be a price computed by increasing the March 1942 delivered price by the amount of increase in current delivered cost (f. o. b. factory price of manufacturer plus the actual transportation charges paid or incurred by the seller in making shipments directly from the factory to the point of delivery required by the purchaser) over the March 1942 delivered cost. If the dealer did not sell the item in March 1942 he must request the factory to inform him of the March 1942 mark-up of his nearest competitive seller and use this dollars-and-cents mark-up for his current sales.

(d) Sellers must maintain trade discounts and credit terms no less onerous to buyers than the March 1942 discounts and terms given the same buyer or class of buyer.

(e) The provisions of this section shall be applicable to the 48 States of the United States and to the District of Columbia.

SEC. 3.5 *Continuance of manufacturers' and wholesalers' maximum prices for portable prefabricated farm buildings established under Maximum Price Regulation No. 246.* The manufacturers' and wholesalers' maximum prices established under Maximum Price Regulation No. 246 prior to December 27, 1943, for portable prefabricated farm buildings shall continue in effect under the coverage of the General Maximum Price Regulation in the same manner as if such prices had been established under that regulation instead of under Maximum Price Regulation No. 246.

SEC. 3.6 *Luggage frames*—(a) *Products and persons covered.* This section applies to all sales and deliveries of luggage frames in the sizes specified in paragraph (b) below, manufactured in the States of New York, New Jersey and Pennsylvania. As used in this section, the term "luggage frames" means the complete frame no matter whether it is made of plywood upson board, fibreboard or any other material.

(b) *Maximum prices.* The maximum price for a complete luggage frame for the respective size shall be as follows:

| Size | 18" | 21" | 26" | 29" | "Two-suiters" |
|---|---|---|---|---|---|
| Price | $0.66 | $0.76 | $1.14 | $1.21 | $1.13 |

These prices include all commissions, delivery and all other charges.

Luggage frames in all other sizes shall remain subect to the General Maximum Price Regulation.

ARTICLE IV—PAPER

SEC. 4.1 *Light weight book paper writing paper and certain other fine papers sold by merchants to purchasers in Washington, Oregon, California, Nevada, Idaho, Arizona and Utah.* Merchants selling book paper, writing paper and certain other fine papers in lighter than standard weights to purchasers located in Washington, Oregon, California, Nevada, Idaho, Arizona and Utah may increase their maximum prices determined in accordance with the other provisions of the General Maximum Price Regulation to the following extent:

(a) *Writing paper and certain other fine papers.* The difference between the maximum prices for light weight papers and for standard weight papers specified in Maximum Price Regulation No. 450—Writing Paper and Certain Other Fine Papers—may be added.

(b) *Book paper* The difference between the upcharge permitted in Maximum Price Regulation No. 451—Book Paper—for light weight papers covered by that regulation and the upcharge for such light weight papers used by the seller in computing his maximum prices under the other provisions of the General Maximum Price Regulation may be added.

SEC. 4.2 *Unspun fibre reinforced waterproofed paper including all grades of Fibreen and Sisalkraft.* (a) The maximum prices of The Sisalkraft Co., Chicago, Illinois for sales of unspun fibre reinforced waterproofed paper including all grades of Fibreen and Sisalkraft shall be:

(1) The maximum prices as established under the General Maximum Price Regulation, plus

(2) The increase in raw material costs between March, 1942 and September, 1943.

(b) The Sisalkraft Co. shall file with the Office of Price Administration, Washington, D. C., within 10 days after December 1, a statement of the raw material costs as of March, 1942 and as of September, 1943, the maximum prices as established under the General Maximum Price Regulation, and the modified maximum prices. Such modified maximum prices shall be subject to the non-retroactive adjustment by the Office of Price Administration at any time.

(c) Before charging the modified maximum prices, The Sisalkraft Co. shall notify the purchaser as follows:

The Office of Price Administration has authorized the addition of certain raw material cost increases to our maximum prices of unspun fibre reinforced waterproofed paper including all grades of Fibreen and Sisalkraft. You and your subsequent purchasers are also authorized to add to your March, 1942 prices the exact amount of the increase which you have been charged.

(d) Each subsequent reseller shall be permitted to add the amounts authorized in paragraph (a) above to his maximum prices under the General Maximum Price Regulation.

ARTICLE V—MISCELLANEOUS COMMODITIES AND SERVICES UNDER THE JURISDICTION OF THE BUILDING MATERIALS PRICE BRANCH

SEC. 5.1 *Maximum prices for sales of used beer ale, and other domestic malt beverage bottles.* (a) On and after November 1, 1943, no person shall sell and no person in the course of trade or business shall buy used beer, ale, and other domestic malt beverage bottles at prices in excess of the following maximum prices:

| | *Per gross* |
|---|---|
| 7 or 8 oz. returnable pony bottle | $2.50 |
| 11 or 12 oz. returnable export, stubby or steinie beer or ale bottles | 2.50 |
| 11 or 12 oz. non-returnable or throw-away beer or ale bottles | 1.90 |
| 32 oz. returnable export beer or ale bottles | 5.50 |
| 32 oz. stubby or steinie beer or ale bottles | 4.00 |
| 32 oz. non-returnable or throw-away beer or ale bottles | 3.50 |
| 64 oz. returnable export bottles | 7.50 |

These maximum prices are f. o. b. the seller's accustomed place of business.

(b) *Minimum requirements of condition.* The maximum prices established in paragraph (a) above shall apply to used beer, ale, and other domestic malt beverage bottles free from chips, cracks, or other defects, defacement or pollution which render them unsuitable for refilling by brewers. Domestic malt beverage bottles which are not suitable for reuse shall be deemed to be broken glass or cullet.

(c) As used herein, the term "beer bottle", "ale bottle" and "domestic malt beverage bottle" means a glass container of the type or color customarily used by brewers in bottling beer, ale, stout and porter. Such bottles are generally designated as returnable or non-returnable (or throw-away) export, stubby, or steinie.

(d) *Prohibited practices.* Any practice which is a device to secure the effect of a higher-than-ceiling price even though executed without actually raising the dollars-and-cents prices of the used bottles themselves is a violation of this regulation. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, trade understandings, service or collection charges, tying agreements, and the like.

The following are among the specific practices prohibited by this regulation:

The acceptance by the seller or offer by the purchaser of a price for a regular "case" or "shell" for beer bottles, or for any sack, crate, box, carton, or any other type or kind of bottle container or for any article or commodity used for the

purpose of containing, holding, shipping or transferring beer, ale and other domestic malt beverage bottles, higher than the proper maximum price established for such commodity under the applicable Maximum Price Regulation issued by the Office of Price Administration;

The requirement by the seller that the purchaser buy a case or "shell" or any other commodity as a condition to the sale of the bottles (this is a violation even though the price demanded for the commodity is a lawful maximum price)

The requirement that the purchaser pay any fee, service charge, collection charge, or any other charge, in addition to the maximum prices herein established for the used beer, ale, or other domestic malt beverage bottles, for the finding, assembling, collecting, or sorting of those bottles.

(e) This section shall be applicable only to the 48 states of the United States and the District of Columbia.

SEC. 5.2 *Modification of maximum prices for vitrified clay sewer pipe and allied products sold by jobbers, dealers, and distributors.* (a) On and after April 26, 1944, any person purchasing vitrified clay sewer pipe and allied products, including extra strength vitrified clay sewer pipe, for the purposes of resale may increase his f. o. b. warehouse or delivered price, established by the General Maximum Price Regulation, by an amount not in excess of the actual dollars-and-cents increased cost to him resulting from the upward adjustment in maximum prices by the manufacturer pursuant to Amendment No. 2 to Revised Maximum Price Regulation No. 206 (Vitrified Clay Sewer Pipe and Allied Products) and Amendment No. 32 to Order A-1 under Maximum Price Regulation No. 188 (Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel)

(b) The maximum prices fixed herein shall be subject to at least the same extension of cash, quantity, and other discounts, transportation allowances, and the same rendition of transportation and other services as the seller extended or rendered on comparable sales to purchasers of the same class during the month of March 1942.

(c) *Definitions.* When used in this amendment the term: "Vitrified clay sewer pipe and allied products" means any sewer pipe, sewer pipe fittings, flue lining, including chimney pipe and fittings, and wall coping made from surface clay, fire clay, shale or combinations of these materials.

"Extra strength vitrified clay sewer pipe" means a vitrified clay sewer pipe complying with the specifications set forth in War Production Board Order L-316, as amended. Prior to the issuance of War Production Board Order L-316 a similar product was known to the trade in the Eastern Area as triple strength pipe.

SEC. 5.3 *Modification of maximum prices for jobbers and retailers of glass cloth*—(a) *Sales by jobbers.* On and after September 27, 1943, the maximum price for the sale of glass cloth by jobbers shall not be more than the actual cost of such cloth (figured at prices not higher than the maximum prices permitted by Maximum Price Regulation No. 127 (Finished Piece Goods) plus a mark-up over such cost of 33⅓ percent.

(b) *Sales by retailers except mail order houses.* (1) On and after September 27, 1943, the maximum price for the sale of glass cloth by retailers except mail order houses shall not be more than the actual cost of such glass cloth (figured at prices not higher than those permitted by the applicable maximum price regulation) plus a mark-up over cost of 50 percent.

(2) *Sales by mail order houses.* On and after September 27, 1943, the maximum price for the sale of glass cloth by mail order houses shall not be more than the maximum price permitted under the provisions of the General Maximum Price Regulation.

(c) *Definitions.* For the purpose of this section the term:

(1) "Glass cloth" means fabrics coated or impregnated with paraffin wax or similar substance, and used as a substitute for glass.

(2) "Jobber" means any person who buys glass cloth direct from the manufacturer for resale to retail stores.

(3) "Retailer" means any person who maintains a store or similar establishment and sells primarily to the ultimate consumer.

ARTICLE VI—GENERAL PRICING PROVISIONS

SEC. 6.1 *Packers' maximum prices for commodities packed in new container types and sizes*—(a) *Explanation.* The purpose of the new method of pricing provided by this section is to permit the packer who is now packing certain commodities in containers of new types and sizes (that is, types and sizes which he did not deliver or offer for delivery during March, 1942) to establish maximum prices for those items. The method permits him to account for differences in container costs, and for differences in transportation costs caused by the difference in containers, without permitting him to increase the price per unit of the commodity packed in the new container. The new method, however, applies only where a previous maximum price of the commodity has been set for a container size not more than 50 per cent larger or smaller than the new size, and only in cases where both containers are of the nonreturnable, single-use type. Packers must refigure every maximum price set under the General Maximum Price Regulation for a commodity packed in a new container type or size to which the rules of this section are applicable. However, packers who before January 25, 1943, had figured the maximum price for a commodity under § 1499.2 (b) or § 1499.3 (b) of the General Maximum Price Regulation, or under the rules theretofore provided by § 1499.73 (a) (7) of Supplementary Regulation No. 14, may, if they wish, keep that price or instead figure a new maximum price using the new pricing method where it is applicable. The new pricing method applies to the following commodities:

(1) Food commodities, excepting coffee and coffee compounds (see section 1.3 of 2nd Revised Supplementary Regulation 14C) and dog and cat foods (see section 1.3 of this regulation)

(2) Granite grit.

(b) *Pricing method.* To figure the maximum price to any class of purchasers for the commodity in the new container type or size, the packer shall:

(1) *Determine the base container.* The packer shall first determine the most similar container type in which he has already established a maximum price for the commodity to that class of purchasers without using the former provisions of § 1499.73 (a) (7) of Supplementary Regulation No. 14 (even though he no longer sells that container type). From that container type he shall choose the nearest size which is 50 per cent or less larger or, if there is no such size, 50 per cent or less smaller (even though he no longer sells those sizes). This will be the "base container." If there is no such smaller size, he shall go to the next most similar container type and proceed in the same manner to find the base container.

NOTE: In most cases "the most similar container type" will be merely the container type which the packer is adding to or replacing, like the tin which he may be replacing with glass. Where there has been only a size change, "the most similar container type" will, of course, be the same container type. This is also true in the reverse situation; where there has been a change only in container type, the "nearest size" will be the same size.

(2) *Find the base price.* The packer shall take as the "base price" the maximum price which he may charge that class of purchasers for the commodity in the base container. However, if this maximum price is a price delivered to the purchaser or to any point other than the packer's factory, the packer shall first convert it to a base price f. o. b. packer's factory simply by deducting whatever transportation charges were included in it.

(3) *Deduct the container cost.* Taking his base price f. o. b. factory, 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 factory, of the container, cap, label, and proportionate part of the outgoing shipping carton, but it does not include costs of filing, closing, labeling or packing.

(4) *Adjust for any difference in contents.* The figure gotten by this deduction shall then be adjusted, in the case of a size change, by dividing it by the number of ounces or other units in the base container and multiplying the result by the number of the same units in the new container.

(5) *Add to new container cost to get the price f. o. b. factory.* Next, the packer shall add to the adjusted figure the "direct cost of the container" in the new type and size. If his maximum price for the commodity in the base container is an f. o. b. factory price, the resulting figure is the packer's maximum

price to that class of purchasers, f. o. b. factory.

(6) *Convert to a maximum delivered price, if the maximum price for the base container is on a delivered basis.* If the packer's maximum price for the commodity in the base container is a delivered price, he shall figure transportation charges to be added, as follows: The packer shall take the transportation charges which he first deducted to get his base price and adjust them in exact proportion to the difference in shipping weight. However, if for any reason the commodity in the new container will move under a different freight tariff classification, he shall figure his transportation charges (by the same means of transportation and to the same destination) on the basis of the new shipping weight, but at the rate in effect for that freight tariff classification on March 17, 1942. Increases in tariff rates or transportation taxes made since March 17, 1942, shall not be taken into account. (Similar principles shall apply where shipping volume is the measure of the transportation charge.) The packer shall then add these transportation charges to his f. o. b. factory price for the commodity in the new container. The resulting figure is the packer's maximum delivered price to that class of purchasers.

(c) *Units of sale and fractions of a cent.* The packer shall figure each maximum price, and the costs that enter into it, in terms of the same general units (like pounds, dozens, etc.) in which he has customarily quoted prices for the commodity in the base container. If any maximum price includes a fraction of a cent, the packer shall adjust the price to the nearest fractional unit (like 1 cent, ½ cent, ¼ cent, etc.) in which he has customarily quoted prices for the commodity in the base container.

(d) *Records.* Packers shall keep records showing how they figured each maximum price under this section.

(e) *Examples showing how the pricing method is to be applied.*

Case 1. *The maximum price f. o. b. factory if the base container is the same in size as the new container but different in type.* Assume the base container is a 16 oz. tin and the new container is a 16 oz. glass (pork and beans).

| | |
|---|---|
| Maximum price per doz. f. o. b. factory in base container ("base price") | $0.55 |
| Subtract "direct cost" of base container | −.20 |
| | .35 |
| Add "direct cost" of new container | +.34 |
| New maximum price (f. o. b. factory) | $0.69 |

Case 2. *The maximum price f. o. b. factory if the base container is different in size from the new container and either the same or different in type.* Assume the base container is a 10½ oz. tin and the new container is an 8 oz. tin or glass (spaghetti sauce).

| | |
|---|---|
| Maximum price per doz. f. o. b. factory in base container ("base price") | $1.20 |
| Subtract "direct cost" of base container | −.15 |
| | 1.05 |
| Adjust to new container: Divide by number of ounces of commodity in base container | $1.05 −.10½ |
| | .10 |
| Multiply by number of ounces of commodity in new container | ×8 |
| | .80 |
| Add "direct cost" of new container (glass) | .26 |
| New maximum price (f. o. b. factory) | $1.06 |

Case 3. *Maximum delivered price if the base container is the same in size as the new container but different in type.* Assume the base container is a 16 oz. tin and the new container is a 16 oz. glass (pork and beans).

| | |
|---|---|
| Maximum delivered price per doz. in base container (figured carload) | $0.60 |
| Subtract transportation charges | −.05 |
| Price f. o. b. factory ("base price") | .55 |
| Subtract "direct cost" of container | −.20 |
| | .35 |
| Add "direct cost" of new container | +.34 |
| Add new transportation charges: $.05 (old transportation charges) × 40 lb. (new shipping weight/case) / 34 lb. (old shipping weight/case) = | .058 |
| New maximum delivered price | $0.75 |

Case 4. *Same except that the new container type puts the commodity in a different freight tariff classification.* Assume the base container is a 16 oz. tin and the new container is a 16 oz. glass (pork and beans).

| | |
|---|---|
| Maximum delivered price per doz. in base container (figured less than carload) | $0.60 |
| Subtract transportation charges | −.05 |
| Price f. o. b. factory ("base price") | .55 |
| Subtract "direct cost" of container | −.20 |
| | .35 |
| Add "direct cost" of new container | +.34 |
| Add new transportation charges: 40 lb. (new shipping weight) / 100 × $.185 (rate per cwt. under new classification) = | .074 |
| New maximum delivered price (doz.) | $0.76 |

SEC. 6.2 *Distributors' maximum prices for commodities covered by section 6.1 (packed in new container types and sizes)*—(a) *Explanation.* This section establishes distributors' maximum prices for commodities, covered by section 6.1, which are packed in container types or sizes which the distributor did not deliver or offer for delivery during March 1942. However, it does not apply to commodities for which distributors' maximum prices are established by other regulations. A "distributor" is one who purchases all he sells (for his own account) of the kind and brand of product being priced and who resells it without processing or packaging any part of it.

(b) *Pricing method.* The distributor's maximum price to any class of purchasers for such a commodity shall be figured as follows: He shall (1) select from the same general classification and price range as the item being priced the most closely comparable item for which a maximum price is established under any regulation; (2) divide his current selling price for that item by its actual cost, delivered to him; and (3) multiply the figure so obtained by the current cost, delivered to him, of the item being priced. The resulting figure shall be his maximum price for the item. Where the distributor established a maximum price for the commodity in the new container prior to December 1, 1943, he may, if he wishes, retain that price as his maximum price instead of figuring a price under this section. However, prices established on and after December 1, 1943, for new container types and sizes must be established according to the pricing method of this section.

(c) *Units of sale and fractions of a cent.* The distributor shall figure each maximum price in terms of the same general units (like pounds, jars, or dozens) in which he has customarily quoted prices for the comparable item which he used as a base. If the maximum price includes a fraction of a cent, a distributor other than a retailer shall adjust the price to the nearest fractional unit (like 1¢, ½¢, ¼¢, etc.) in which he has customarily quoted prices for the comparable item which he used as a base; a retailer shall adjust any fraction of one-half cent or more to the next higher cent and a fraction of less than one-half cent to the next lower cent.

SEC. 6.3 *Accommodation sales at retail.* (a) The maximum price for an accommodation sale at retail of any commodity by a seller who, in March, 1942, had the fixed practice of making such accommodation sales, shall be the seller's maximum price for such commodity determined in accordance with the provisions of § 1499.2 of the General Maximum Price Regulation or the actual cost of the commodity whichever is higher.

(b) "Accommodation sale" means a sale made entirely without profit, solely for the benefit or convenience of the purchaser—for example, a sale by an employer to his employees, or by a school to its students—and not for the purpose of promoting trade. It does not include sales by cooperative, non-profit or other organizations which make sales, initially above cost, but later give refunds, bonuses, dividends or other allowances to purchasers.

(c) If the seller manufactures or produces the commodity, "cost" means the actual cost of manufacturing or producing the commodity, determined in the same manner as the seller normally determines his actual costs. If the seller does not manufacture or produce the commodity, "cost" means invoice cost, plus any transportation charges paid by the seller, less any discounts allowed to the seller, in connection with his purchase of the commodity. But in no case shall "cost" exceed the seller's lowest maximum price for such commodity for sales other than accommodation sales.

SEC. 6.4 *Sales covered by orders issued under regulations covering manufacturers' sales.* Maximum prices for

wholesale and retail sales covered by the General Maximum Price Regulation may be set by orders issued under regulations covering manufacturers' sales of the commodities

This regulation shall become effective January 29, 1945

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 29th day of January 1945*

CHESTER BOWLES,
*Administrator*

APPENDIX A—TABLE OF CROSS REFERENCES

| Former sub-paragraph of Supp Reg No 14 § 1499 73 (a) | Effective date | Added to Supp. Reg No. 14 by amendment No | Other relevant amendments | Corresponding section in Rev Supp Reg No 14 |
|---|---|---|---|---|
| (1) | 7/10/42 | | 6 22, 34 39 43, 50, 56, 57, 60, 63, 77, 78, 79, 83, 89, 95, 101, 121 125 133 134, 152, 163, 170, 181, 185, 188, 189 193 194 | [Supp Reg 14A] |
| (1a) | 2/27/43 | 110 | 184 | [Supp Reg. 14A]. |
| (2) | 7/27/42 | 1 | 66 | Sec. 1.1 [Superseded in part by MPR 219 and 220] |
| (3) | 8/1/42 | 2 | 62 97 150 | Sec. 6.1. |
| (4) | 7/30/42 | 3 | 164... ... | [Revoked] |
| (5) | 8/3/42 | 4 | 36 72 149 | Sec 7 1 |
| (6) | 8/10/42 | 5 | .. .... | Sec 7 2 |
| (7) | 8/21/42 | 7 | 96 144... | Sec. 9.1. |
| (8) | 8/14/42 | 8 | 26, 41 50 | [Revoked; superseded by Supp Reg 15]. |
| (9) | 8/31/42 | 9 | ... | Sec. 8.2. |
| (10) | 8/31/42 | 10 | 178 | [Revoked] |
| (11) | 9/2/42 | 11 | .. ..... | [Expired] |
| (12) | 9/3/42 | 12 | 48, 68 103 | Sec. 5 4 |
| (13) | 9/3/42 | 13 | .. | Sec. 2 1 |
| (14) | 8/25/42 | 14 | 40 | Sec. 8 2 |
| (15) | 8/31/42 | 15 | 31 | Sec 5 5 |
| (16) | 9/8/42 | 16 | | Sec. 1 2 |
| (17) | 9/8/42 | 17 | | Sec 1 2 |
| (18) | 9/1/42 | 18 | .. .. ... ... ..... | Sec 7 3 |
| (19) | 9/10/42 | 19 | 37, 51, 67, 101, 114, 136 | Sec. 6.3. |
| (20) | 9/19/42 | 20 | | [Superseded by MPR 336] |
| (21) | 9/10/42 | 21 | | Sec 6 2 |
| (22) | 9/29/42 | 23 | | Sec 3.3 |
| (23) | 9/21/42 | 24 | | Sec 3 4 |
| (24) | 9/17/42 | 25 | .. | Sec 3 1 |
| (25) | 9/22/42 | 27 | 42 | Sec. 5.1 |
| (26) | 9/29/42 | 28 | .. | [Superseded by MPR 237, 238 and 311] |
| (27) | 9/22/42 | 29 | 64 | Sec. 8 3 |
| (28) | 9/21/42 | 30 | | Sec 8 3 |
| (29) | 9/22/42 | 32 | | Sec. 3 2. |
| (30) | 10/3/42 | 33 | | [Superseded by MPR 168] |
| (31) | 9/30/42 | 35 | 65 | Sec. 1 3 |
| (32) | 10/16/42 | 38 | | Sec. 5.2. |
| (33) | 10/29/42 | 44 | | [Superseded by MPR 239] |
| (34) | 10/31/42 | 45 | | Sec. 1.4. |
| (35) | 11/5/42 | 46 | .. | [Superseded by MPR 339 and 391] |
| (36) | 11/6/42 | 47 | 75 | [Revoked] |
| (37) | 11/11/42 | 49 | | Sec 3 5. |
| (38) | 11/1/42 | 52 | | Sec 2 12. |
| (39) | 11/1/42 | 53 | .. | Sec. 2.14. |
| (40) | 11/1/42 | 54 | 94 | Secs. 2.2; 2 3; 2 4; 2 5; 2 6; 2 7; 2 8; 2 9; 2 10; 2.11 |
| (41) | 11/1/42 | 55 | 69 | Sec. 2.13. |
| (42) | 11/13/42 | 58 | .. ..... ... | [Superseded by MPR 399 and 391]. |
| (43) | 11/13/42 | 59 | 90 122, 129 146 | Sec 1 6 |
| (44) | 11/12/42 | 61 | 71 | Sec. 1.5. |
| (45) | 12/8/42 | 70 | | [Superseded by MPR 409] |
| (46) | 12/1/42 | 73 | | [Expired] |
| (47) | 12/5/42 | 74 | . | Sec 6 4 |
| (48) | 12/9/42 | 76 | .. | Sec 8 2 |
| (49) | 12/21/42 | 80 | 168 .... | Sec 1 7 |
| (50) | 12/29/42 | 81 | 123 172 | Sec 1 8 |
| (51) | 12/29/43 | 83 | | Sec 6 2 |
| (52) | 1/9/43 | 84 | | Sec 7 4 |
| (53) | 1/18/43 | 85 | | Sec 1 9 |
| (54) | 1/19/43 | 86 | ... ... | Sec. 8.2 |
| (55) | 1/22/43 | 87 | 147 160 | [Revoked; see MPR 378] |
| (56) | 1/22/43 | 88 | 155 | Sec 4 1 |
| (57) | 1/20/43 | 91 | | Sec 8 1 |
| (58) | 1/25/43 | 92 | | Sec 6 6 |

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| Former sub paragraph of Supp Reg No 14 § 1499 73 (a) | Effective date | Added to Supp. Reg No 14 by amendment No | Other relevant amendments | Corresponding section in Rev Supp Reg No 14 |
|---|---|---|---|---|
| (59) | 1/10/43 | 93 | 135 139 | Sec 6 5 |
| (60) | 2/5/43 | 98 | ... | Sec 7 5. |
| (61) | 2/5/43 | 99 | 112 | Sec 2,15 |
| (61a) | 2/8/43 | 100 | | Sec 1 10 |
| (62) | 2/6/43 | 102 | | Sec 6 7. |
| (63) | 2/15/43 | 105 | | Sec 2 16 |
| (64) | 2/15/43 | 106 | | Sec. 9.3 |
| (65) | 2/16/43 | 107 | | [Superseded by MPR 407] |
| (66) | 2/16/43 | 108 | | Sec 8 4 |
| (67) | 2/17/43 | 109 | | Sec 1 2 |
| (68) | 2/19/43 | 110 | | Sec 6 8. |
| (69) | 2/12/43 | 111 | | Sec 1 11 |
| (70) | 2/22/43 | 113 | | Sec 1 12 |
| (71) | 3/8/43 | 115 | | Sec 2 17 |
| (72) | 2/27/43 | 116 | ... | Sec. 5.3 |
| (73) | 3/1/43 | 117 | 120 | [Revoked] |
| (74) | 2/19/43 | 118 | | Sec 7 6 |
| (75) | 3/4/43 | 120 | | Sec 4 3 |
| (76) | 3/6/43 | 121 | ... | Sec 6 9. |
| (77) | 3/12/43 | 123 | 158 | Sec 1 14 |
| (78) | 3/13/43 | 126 | | Sec 7 7. |
| (79) | 3/5/43 | 127 | | Sec 1 13 |
| (80) | 3/20/43 | 131 | | Sec 8 2 |
| (81) | 3/22/43 | 132 | | Sec 3 6. |
| (82) | 3/27/43 | 137 | ... .... | Sec 1 15 |
| (83) | 3/27/43 | 138 | 163 182 | Sec 6 10 |
| (84) | 3/30/43 | 140 | 187 | Sec. 4.4 |
| (85) | 3/30/43 | 141 | | [Exempted by Supp Order No 45] |
| (86) | 3/31/43 | 142 | | Sec 6 11 |
| (87) | 4/3/43 | 143 | ... ... | Sec 4.5. |
| (88) | 3/31/43 | 145 | 150 152 | Sec. 1 16 |
| (89) | 4/5/43 | 148 | | Sec. 6 12 |
| (90) | 4/8/43 | 151 | | Sec 6 13 |
| (91) | 3/31/43 | 154 | ... | Sec. 7.4. |
| (92) | 4/3/43 | 156 | 160 | [Revoked] |
| (93) | 4/3/43 | 157 | | Sec. 1,17 |
| (94) | 4/10/43 | 159 | | Sec 6 15 |
| (95) | 4/12/43 | 160 | | Sec. 6 11. |
| (96) | 4/20/43 | 161 | | Sec. 1 18 |
| (97) | 5/1/43 | 162 | | Sec. 6 16 |
| (98) | 5/5/43 | 165 | ... | Sec. 6 17 |
| (99) | 5/10/43 | 167 | 193 | Sec 1 19 |
| (100) | 5/11/43 | 169 | | Sec. 6 18 |
| (101) | 5/21/43 | 171 | | Sec 1 20 |
| (102) | 5/13/43 | 173 | | Sec 7 9. |
| (103) | 5/14/43 | 174 | | Sec 7 10 |
| (104) | 5/24/43 | 175 | | Sec. 7 11 |
| (105) | 6/1/43 | 176 | | Sec 8 4 |
| (106) | 5/27/43 | 177 | | Sec 4 6. |
| (107) | 6/12/43 | 179 | | Sec 6 19 |
| (108) | 6/29/43 | 183 | | Sec 4 7 |
| (109) | 7/8/43 | 191 | | Sec. 4 8 |

| Former section of Rev. Supp Reg 14 | Added by Amendment No | Effective date | Relevant amendments to Rev Supp Reg 14 | Corresponding section in new supplementary regulation |
|---|---|---|---|---|
| 1 1 | | | 3 | [Revoked; see MPR 219, 220 and 1 314] |
| 1 2 | | | | Sec 2 1 of Supp Reg 14C |
| 1 3 | | | | Sec 1 1 of Supp Reg 14C |
| 1 4 | | | | Sec 2 2 of Supp Reg 14C |
| 1 5 | | | 13... | Sec. 5.1 of Supp. Reg. 14C. |
| 1 6 | | | 9,114 | [Revoked; covered by MPR 291] |
| 1 7 | | | 154 | Sec. 1.2 of Supp Reg 14C |
| 1 8 | | | 13 | [Revoked]. |
| 1 9. | | | | Sec 1 3 of Supp Reg 14C |
| 1 10 | | | | Sec 5 2 of Supp Reg 14C |
| 1 11 | | | | Sec. 5.4 of Supp. Reg. 14C. |
| 1 12 | | | 65. | [Revoked; see Supp. Reg 14B] |
| 1 13 | | | 109 | [Revoke l; see MPR 355]. |
| 1 14 | | | 65 | [Revoked; see Supp. Reg. 14B] |
| 1 15 | | | 0. | Sec 3 1 of Supp Reg 14C |
| 1 16 | | | 68 | Sec 1 4 of Supp Reg 14C |
| 1 17 | | | .. ... | Sec 5 3 of Supp Reg 14C |
| 1 18 | | | 176 198 | Sec 4 1 of Supp Reg 14C |

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|---|---|---|---|---|
| 1 19 | | | 19 65 | [Revoked; see Supp. Reg. 14B] |
| 1 20 | | | 66 | Sec. 2.3 of Supp. Reg. 14C |
| 1 21 | 8 | 8/6/43 | 62 158 | [Revoked; see MPR 495]. |
| 1 22 | 16 | 8/17/43 | | Sec. 3.2 of Supp. Reg. 14C |
| 1 23 | 31 | 9/29/13 | 65 | [Revoked; see Supp Reg 14B] |
| 1 24 | 32 | 9/30/13 | 65 | Do |
| 1 25 | 59 | 11/21/43<br>11/27/43<br>2/15/44 | 79 173 | Sec 2 4 of Supp Reg 14C |
| 1 26 | 80 | 1/17/44 | | Sec 2 5 of Supp Reg 14C |
| 1 27 | 121 | 4/10/44 | 179 | Sec 4 2 of Supp Reg 14C |
| 1 28 | 126 | 4/20/44 | 161 | Sec 1 5 of Supp Reg 14C |
| 1 29 | 178 | 10/9/44 | | Sec 1 6 of Supp Reg 14C |
| 1 30 | 180 | 11/16/44 | 105 | Sec 3 3 of Supp Reg 14C |
| 2 1 | | | 140 | Sec. 6.1 of Supp. Reg 14C. |
| 2 2 | | | 197 | [Revoked; see MPR 415] |
| 2 3 | | | 197 | Do |
| 2 4 | | | 204 | Do |
| 2 5 | | | 197 | Do |
| 2 6 | | | 197 | Do |
| 2 7 | | | 197 | Do |
| 2 8 | | | 197 | Do |
| 2 9 | | | 197 | Do |
| 2 10 | | | 197 | Do |
| 2 11 | | | 197 | Do |
| 2 12 | | | 204 | Do |
| 2 13 | | | 201 | Do |
| 2 14 | | | 112, 197 | Do |
| 2 15 | | | 112 197 | Do |
| 2.16 | | | 112 | Do |
| 2 17 | | | 112 | Do. |
| 2 18 | 12 | 8/11/43 | | Sec 6.2 of Supp Reg 14C |
| 3 1 | | | | [Obsolete] |
| 3 2 | | | | Sec 2 1 of Supp Reg 14E |
| 3 3 | | | | Sec 3 1 of Supp Reg 14E |
| 3 4 | | | 125 136 148 | Sec 3 2 of Supp Reg 14E |
| 3 5 | | | | Sec 1 1 of Supp Reg 14E |
| 3 6 | | | | Sec 2 2 of Supp Reg 14E |
| 3 7 | 25 | 9/16/43 | | Sec 2 3 of Supp Reg 14E |
| 3 8 | 71 | 1/11/44 | 81 100 | Sec 3 3 of Supp Reg 14E |
| 3 9 | 77 | 1/14/44 | | Sec 3 4 of Supp Reg 14E |
| 3 10 | 78 | 1/14/44 | | Sec. 2.4 of Supp Reg 14E. |
| 3 11 | 93 | 2/12/44 | 205 | [Revoked; see section 2 7 of & S R 14E] |
| 3 12 | 125 | 6/23/44 | 148 | [Revoked] |
| 3 13 | 127 | 4/27/44 | 151 | [Obsolete] |
| 3 14 | 130 | 5/9/44 | 169 206 | Sec 1 2 of Supp Reg 14E |
| 3 15 | 136 | 6/5/44 | | Sec 3 5 of Supp Reg 14E |
| 3 16 | 147 | 6/29/44 | | Sec 2 5 of Supp Reg 14E |
| 3 17 | 167 | 8/26/44 | | Sec 3 6 of Supp Reg 14E |
| 3 18 | 193 | 12/1/44 | | Sec 3 7 of Supp Reg 14E |
| 3 19 | 200 | 1/2/45 | | Sec 3 8 of Supp Reg 14E |
| 3 20 | 205 | 1/17/45 | | Sec 2 7 of Supp Reg 14E |
| 3 21 | 207 | 1/18/45 | | Sec 2 8 of Supp. Reg. 14E |
| 4 1 | | | | Sec 2 of Supp Reg 14F |
| 4 2 | | | 124 203 | Sec. 3 of Supp. Reg. 14F. |
| 4.3 | | | 33 | [Revoked; see MPR 472] |
| 4 4 | | | 37, 64 132 | Sec 1 4 of 2d Rev. Supp Reg 14 |
| 4 5 | | | 141 | Sec 4 of Supp Reg 14F |
| 4 6 | | | | Sec 5 of Supp. Reg. 14F |
| 4 7 | | | 20 | Sec 1 5 of 2d Rev. Supp Reg 14 |
| 4 8 | | | | Sec. 6 of Supp Reg 14F |
| 4 9 | 4 | 7/30/43 | | Sec 7 of Supp Reg 14F |
| 4 10 | 18 | 8/23/43 | 24 | Sec 8 of Supp Reg 14F |
| 4 11 | 28 | 9/21/43 | 152 | Sec 9 of Supp. Reg. 14F. |
| 4 12 | 34 | 10/1/43 | 105 196 | Sec 10 of Supp Reg 14F |
| 4 13 | 36 | 10/13/43 | | Sec 11 of Supp Reg 14F |
| 4 14 | 38 | 10/1/43 | | Sec 12 of Supp Reg 14F |
| 4 15 | 43 | 11/1/43 | | Sec 13 of Supp Reg 14F |
| 4 16 | 49 | 11/1/43 | 88, 107 | Sec 14 of Supp Reg 14F. |
| 4 17 | 70 | 12/29/43 | 103 155 | Sec. 15 of Supp Reg 14F |
| 4 18 | 75 | 1/11/44 | | Sec 16 of Supp Reg 14F |
| 4 19 | 83 | 1/20/44 | 160 | Sec. 17 of Supp Reg 14F. |
| 4.20 | 89 | 2/8/44 | | Sec 18 of Supp Reg 14F. |
| 4.21 | 96 | 3/1/44 | | Sec 19 of Supp Reg 14F |
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| 4.23 | 109 | 4 3 44 | | Sec. 21 of Supp Reg. 14F. |
| 4.24 | 113 | 4 8.44 | 187 | Sec. 22 of Supp Reg. 14F |
| 4.25 | 119 | 4/22/44 | | Sec. 23 of Supp Reg. 14F. |
| 4.26 | 132 | 5/20/44 | | Sec. 24 of Supp Reg. 14F. |
| 4.27 | 142 | 6 20 44 | 176 188 | Sec. 25 of Supp Reg. 14F. |

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|---|---|---|---|---|
| 4 28 | 145 | 6/26/44 | | Sec 26 of Supp Reg 14F |
| 4 29 | 177 | 10/3/44 | | Sec 27 of Supp Reg 14F |
| 4 30 | 183 | 11/8/44 | | Sec 28 of Supp Reg 14F |
| 4 31 | 191 | 11/29/44 | | Sec 29 of Supp. Reg 14F |
| 5 1 | | | | Sec 1 of Supp Reg 14F |
| 5 2 | | | 15 | Sec 1 of Supp Reg 14G |
| 5 3 | | | | Sec. 2 of Supp. Reg. 14G. |
| 5 4 | | | 5 11 14 137 | [Revoked; see MPR 198] |
| 5 5 | | | 5 11 14 137 | Do. |
| 5 6 | 110 | 4/3/44 | 1 | Sec 3 of Supp Reg 14G |
| 5 7 | 163 | 8/22/44 | | Sec 4 of Supp. Reg. 14G |
| 6 1 | | | | Sec 1 1 of 2d Rev. Supp. Reg 14 |
| 6 2 | | | | Sec 4 3 of Supp Reg 14J. |
| 6 3 | | | 87 115 | Sec 1 1 of Supp Reg 14K |
| 6 4 | | | | Sec 1 1 of Supp. Reg. 14J. |
| 6 5 | | | | Sec 2 1 of 2d Rev Supp Reg 14 |
| 6 6 | | | | Sec 1 6 of 2d Rev Supp Reg 14 |
| 6 7 | | | | Sec 1 3 of 2d Rev. Supp. Reg 14 |
| 6 8 | | | 123 | Sec 7 1 of Supp. Reg. 14J |
| 6 9 | | | | Sec. 1 5 of Supp Reg. 14D |
| 6 10 | | | 47 | [Revoked; see MPR 483]. |
| 6 11 | | | | Sec 3.2 of Supp Reg 14J |
| 6 12 | | | | Sec. 30 of Supp. Reg 14F |
| 6 13 | | | 63 | [Revoked; see MPR 501]. |
| 6 14 | | | | Sec 2 6 of Supp Reg 14E |
| 6 15 | | | | Sec 5 1 of Supp Reg 14J |
| 6.16 | | | | Sec 2 1 of Supp. Reg. 14J. |
| 6 17 | | | | Sec 3 1 of 2d Rev. Supp. Reg 14 |
| 6 18 | | | | Sec 2 2 of Supp. Reg. 14K |
| 6 19 | | | | Sec 2 of Supp. Reg. 14D |
| 6 20 | 2 | 7/29/43 | | Sec 2.2 of 2d Rev. Supp Reg 14 |
| 6 21 | 22 | 9/ 4/43 | | Sec 3 of Supp. Reg. 14D |
| 6 22 | 26 | 9/20/43 | | Sec 4 1 of 2d Rev Supp Reg 14 |
| 6 23 | 30 | 9/27/43 | | Sec 5 3 of 2d Rev. Supp. Reg 14 |
| 6.24 | 35 | 10/ 7/43 | 175 | Sec. 3 4 of Supp. Reg. 14J. |
| 6 25 | 42 | 11/ 1/43 | | Sec 5 1 of 2d Rev. Supp. Reg 14 |
| 6 26 | 44 | 10/20/43 | | Sec 6 1 of Supp Reg 14J |
| 6 27 | 50 | 11/10/43 | | Sec 2 4 of Supp. Reg. 14J. |
| 6 28 | 51 | 11/22/43 | | Sec 2.3 of 2d Rev. Supp. Reg 14 |
| 6 29 | 52 | 11/24/43 | | Sec 4 4 of Supp Reg. 14J. |
| 6 30 | 54 | 11/20/43 | | Sec 3 2 of 2d Rev. Supp Reg 14 |
| 6 31 | 56 | 12/ 1/43 | | Sec 4 2 of 2d Rev. Supp. Reg 14 |
| 6 32 | 67 | 12/27/43 | 180 | Sec 5 2 of Supp Reg 14J. |
| 6 33 | 69 | 12/29/43 | 92, 123 | Sec 4 1 of Supp Reg 14K. |
| 6 34 | 72 | 1/ 8/44 | 106 | Sec. 1 2 of Supp Reg. 14K. |
| 6 35 | 73 | 1/ 8/44 | 108 131 | Sec 3 3 of 2d Rev. Supp. Reg. 14. |
| 6 36 | 76 | 1/13/44 | | Sec 2 5 of Supp Reg. 14J. |
| 6 37 | 82 | 1/19/44 | | Sec 3 4 of 2d Rev Supp Reg 14 |
| 6 38 | 84 | 1/25/44 | | Sec 3 5 of 2d Rev. Supp Reg 14 |
| 6 39 | 86 | 1/18/44 | | Sec 2 4 of 2d Rev Supp. Reg 14 |
| 6 40 | 90 | 2/11/44 | | Sec 3 10 of Supp. Reg. 14E |
| 6 41 | 91 | 2/ 9/44 | 111 139, 162 | Sec 4 3 of Supp Reg 14C |
| 6 42 | 98 | 2/29/44 | | Sec 4 5 of Supp Reg 14J |
| 6 43 | 101 | 3/13/44 | 133 164 | Sec 2 1 of Supp Reg 14J. |
| 6 44 | 102 | 3/ 7/44 | | Sec. 1 3 of Supp. Reg 14K |
| 6 45 | 120 | 4/22/44 | 159 | [Expired 12/31/44] |
| 6 46 | 122 | 4/23/44 | | Sec 5 2 of 2d Rev Supp Reg 14 |
| 6 47 | 129 | 5/ 8/44 | | Sec 2 5 of 2d Rev. Supp. Reg 14 |
| 6 48 | 134 | 5/29 44 | | Sec 3 3 of Supp Reg. 14J |
| 6 49 | 143 | 6/24/44 | | Sec 3 1 of Supp Reg 14J. |
| 6.50 | 144 | 6/23/44 | | Sec 3 1 of Supp Reg 14K |
| 6.51 | 146 | 6/23/44 | | Sec 4 1 of Supp Reg. 14J |
| 6 52 | 146 | 6/23/44 | | Sec 4 2 of Supp. Reg. 14J |
| 6.53 | 153 | 7/15/44 | | Sec 5 of Supp. Reg 14G. |
| 6.54 | 157 | 8/12/44 | | Sec 2 2 of Supp Reg 14J |
| 6 55 | 165 | 8/24/44 | 192 | Sec. 2.3 of Supp. Reg. 14J |
| 6 56 | 168 | 9/4/44 | 172 | Sec 4 of Supp. Reg. 14D. |
| 6 57 | 170 | 9/12/44 | | Sec 3.9 of Supp. Reg. 14E. |
| 6.58 | 182 | 10/20/44 | | Sec. 3 6 of 2d Rev. Supp Reg 14 |
| 6.59 | 184 | 11/8/44 | | Sec 5 of Supp. Reg. 14D |
| 6.60 | 190 | 11/28/44 | | Sec. 1.2 of 2d Rev Supp Reg 14 |
| 6 61 | 194 | 12/11/44 | | Sec. 1.7 of 2d Rev. Supp. Reg 14. |
| 7 1 | | | 41 | Sec. 1 of Supp Reg. 14H |
| 7.2 | | | | Sec. 2 of Supp. Reg 14H |
| 7.3 | | | 116 | [Deleted; see MPR 576] |
| 7.4 | | | | Do. |
| 7.5 | | | | Sec. 3 of Supp Reg. 14H. |
| 7.6 | | | 1 48 60, 118 | Sec. 4 of Supp Reg. 14H. |
| 7 7 | | | | Sec. 5 of Supp. Reg. 14H. |
| 7.8 | | | 133 | Sec. 6 of Supp Reg. 14H. |

APPENDIX A—TABLE OF CROSS-REFERENCES—Continued

| Former section of Rev. Supp. Reg. 14 | Added by Amendment No. | Effective date | Relevant amendments to Rev. Supp. Reg. 14 | Corresponding section in new supplementary regulation |
|---|---|---|---|---|
| 7.9 | | | | Sec. 7 of Supp. Reg. 14H. |
| 7.10 | | | | Sec. 8 of Supp. Reg. 14H. |
| 7.11 | | | 10, 46, 61, 116 | Sec. 9 of Supp. Reg. 14H. |
| 7.12 | 23 | 9/11/43 | | [Expired 10/31/43.] |
| 7.13 | 29 | 9/21/43 | | Sec. 10 of Supp. Reg. 14H. |
| 7.14 | 53 | 12/1/43 | | [Expired 12/31/43.] |
| 7.15 | 55 | 11/27/43 | | Sec. 11 of Supp. Reg. 14H. |
| 7.16 | 58 | 12/2/43 | | [Expired 12/31/43.] |
| 7.17 | 85 | 1/29/44 | | [Deleted; see MPR 599.] |
| 7.18 | 97 | 3/3/44 | | Do. |
| 7.19 | 117 | 4/20/44 | | Sec. 12 of Supp. Reg. 14H. |
| 7.20 | 149 | 7/6/44 | | [Deleted; see MPR 599.] |
| 7.21 | 150 | 7/12/44 | | Do. |
| 8.1 | | | 17 | Sec. 7 of Supp. Reg. 14I. |
| 8.2 | | | 7, 21, 39, 45, 74, 94, 95, 104, 166, 171, 174, 181, 185, 189, 199, 201, 202. | Secs. 2, 4 and 5 of Supp. Reg. 14I. |
| 8.3 | | | | Sec. 3 of Supp. Reg. 14I. |
| 8.4 | | | | Sec. 6 of Supp. Reg. 14I. |
| 8.5 | 40 | 11/1/43 | | Sec. 7 of Supp. Reg. 14I. |
| 9.1 | | | 57 | Sec. 6.1 of 2d Rev. Supp. Reg. 14. |
| 9.2 | | | | Sec. 6.3 of 2d Rev. Supp. Reg. 14. |
| 9.3 | | | | Sec. 6.4 of 2d Rev. Supp. Reg. 14. |
| 9.4 | 57 | 12/1/43 | | Sec. 6.2 of 2d Rev. Supp. Reg. 14. |

[F. R. Doc. 45-1731; Filed, Jan. 29, 1945; 11:40 a. m.]

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## PART 1499—COMMODITIES AND SERVICES

[SR 14C]

MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN FOODS AND BEVERAGES

This Supplementary Regulation No. 14C to the General Maximum Price Regulation contains the provisions heretofore embodied in sections 1.2–1.5, 1.7, 1.9, 1.10, 1.11, 1.15–1.18, 1.20, 1.22, 1.25–1.30, 2.1, 2.18 and 6.41 of Revised Supplementary Regulation 14 relating to certain foods. Second Revised Supplementary Regulation 14, which is issued simultaneously with this regulation, continues the provisions relating to miscellaneous commodities and services and includes a table of cross references which shows the present counterparts of the former provisions of Supplementary Regulation 14 and Revised Supplementary Regulation 14, their effective dates and the amendments by which they were originally added or later amended.

A statement of the considerations involved in the issuance of this Supplementary Regulation 14C has been issued simultaneously herewith and filed with the Division of the Federal Register.*

ARTICLE I—IMPORTED FOODS

Sec.
1.1 Vanilla beans.
1.2 Roasted chicory.
1.3 Coffee and coffee compounds sold in new containers.
1.4 Tea bags and packaged tea changed to weights and sizes required by Food Distribution Order No. 18; tea packers' maximum prices.
1.5 Imported packed pineapple.
1.6 Maximum prices for bulk ground black pepper.

ARTICLE II—SUGAR AND SUGAR PRODUCTS

2.1 Holiday candy and chocolate covered cherries; sales by manufacturers.
2.2 Halvah.
2.3 Sales of 5 cent retail confectionery items to and by owners, operators or lessors of vending machines.
2.4 Special assortments of domestically manufactured hard candy and all imported hard candy.
2.5 Pure raspberry syrup.

ARTICLE III—SPECIALTY FOODS

3.1 Certain food and beverage specialty products.
3.2 Enzymatically-treated syrups manufactured from cereals and converted by the use of malt for use in the domestic malt brewing industry.
3.3 Certain liquid and dry malt syrups sold in bulk.

ARTICLE IV—GROCERY PRODUCTS

4.1 Edible cornstarch and blended corn syrup; maximum prices on sale to United States Government Procurement Agencies.
4.2 Packaged and bulk rolled oats.
4.3 Certain wet corn milling products.

ARTICLE V—MEATS, FISH, FATS AND OILS

Sec.
5.1 Oil meals and oil cakes.
5.2 Salt lake herring.
5.3 Canned fish flakes.
5.4 Oleomargarine sold in Oklahoma.

ARTICLE VI—BEVERAGES

6.1 Soft drinks.
6.2 Domestic wines: Records and reports required from brand owners.

AUTHORITY: § 1499.76 issued under 56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

ARTICLE I—IMPORTED FOODS

SECTION 1.1 *Vanilla beans*—(a) *Maximum prices.* The maximum prices for vanilla beans shall be as follows:

| | *Dollars per pound f. o. b. New York or Philadelphia* |
|---|---|
| Mexican—Superior to Extra (Prime) | $11.00 |
| Mexican—Cuts—First Quality | 10.00 |
| West Indies—Regular | 10.00 |
| Java—Firsts | 9.50 |
| Bourbons—Firsts | 10.00 |
| Tahiti—White Label | 6.00 |
| Tahiti—Yellow Label | 5.75 |

In all cases the above descriptions apply to the best quality of each type and grade named. The maximum prices for grades and types not named shall be determined by applying the seller's differentials in effect during the period July–August 1941, or the differentials of the most closely competitive seller of the same class, if the seller had no established differentials during July–August 1941, for any grade or type of vanilla beans.

(1) The maximum prices quoted above are f. o. b. New York or Philadelphia. The maximum price f. o. b. any other point of entry will be determined by subtracting from the above prices the transportation charges per pound via the lowest cost available means of transportation from such point of entry to New York or Philadelphia, whichever is lower.

(2) The maximum delivered cost to the buyer shall be:

(i) If the beans are shipped from New York or Philadelphia, the maximum prices quoted above, plus actual transportation charges from New York or Philadelphia to the buyer's destination, or

(ii) If the beans are shipped to the buyer from a point of entry other than New York or Philadelphia, the f. o. b. point of entry price as determined under (1) above, plus actual transportation charges from such point of entry to the buyer's destination.

(iii) If the beans are resold, the maximum price at the point of resale, as determined in (i) or (ii) above, plus actually incurred transportation charges to the ultimate buyer's destination.

(3) The maximum prices herein established shall include all commissions and other charges.

(4) Premiums shall be allowed on small quantity sales of 50 pounds or less as follows:

(i) A primary dealer may add one per cent to the maximum price for beans established in paragraph (a) above on all sales of quantities of 50 pounds or less. "Primary dealer" means a person who buys for shipment from a producing country or one who acts as consignee or agent of a foreign shipper.

(ii) A person other than a primary dealer may add 10 per cent to the maximum price established by paragraph (a) above on all sales of quantities of 50 pounds or less.

(b) *Permission to carry out contracts made prior to September 30, 1942.* Notwithstanding the provisions of paragraph (a) hereof, contracts entered into prior to September 30, 1942, may be carried out at contract prices: *Provided,* That these prices shall not exceed the maximum prices for vanilla beans as established by the General Maximum Price Regulation prior to the adoption of this section. Before delivering any vanilla beans under such contracts, persons shall file with the Office of Price Administration, Washington, D. C., the following information: (1) date of the contract, (2) the name and address of the buyer and seller, (3) the quantity, type, and grade of vanilla beans involved, (4) the cost of the vanilla beans to the seller, (5) the price contracted for with the buyer, and (6) the delivery date provided for in the contract.

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* Copies may be obtained from the Office of Price Administration.

(c) *Less than maximum prices.* Lower prices than the maximum prices established by this section may be charged, demanded, paid or offered.

(d) *Evasion.* The price limitations set forth in this section shall not be evaded, whether by direct or indirect methods in connection with the purchase, sale, delivery or transfer of vanilla beans, or by way of premium, commission, service, transportation or other charge, or by changing grade standards, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on September 30, 1942, or by any other means.

SEC. 1.2 *Roasted chicory.* (a) "Roasted chicory in bulk" means any roasted chicory, ground to any degree of fineness sold in containers of more than one pound capacity.

(b) *Maximum prices of roasted chicory in bulk.* The maximum prices, of the best grade and quality roasted chicory in bulk, per roasted pound, in any quantity, to all classes of purchasers, shall be as follows:

(1) For sellers whose total bulk sales during the fiscal year 1941–42 did not exceed 4,000,000 pounds:

(i) F. o. b. seller's factory shipping point, Port Huron, Michigan ..... $0.1200
(ii) F. o. b. seller's factory shipping point, New Orleans, Louisiana ..... .1265

(2) For sellers whose total bulk sales during the fiscal year 1941–42 exceeded 4,000,000 pounds:

(i) F. o. b. seller's factory shipping point ..... $0.1150

(3) *Delivered maximum prices.* Maximum prices for roasted chicory in bulk, per roasted pound, delivered to any point shall be determined by adding to the maximum prices specified for the appropriate factory shipping point the amount actually paid for transportation of the quantity delivered, not to exceed the cost at the cheapest available freight rate from that factory shipping point to the buyer's receiving point.

(c) *Maximum prices for roasted chicory in packages of one pound or less.* The maximum price for the best grade and quality roasted chicory in packages of one pound or less, when sold by the processor or one other than a wholesaler or retailer as defined in Maximum Price Regulations Nos. 421,[1] 422[2] and 423,[3] in any quantity, to any class of purchaser, shall be as follows:

(1) If prepared in granulated or powdered form at the rate of 18 cents per pound delivered at the buyer's customary point of acceptance, except that when transportation expenses from processor's customary shipping point to such place exceeds one cent per pound, this price may be increased by the amount over one cent actually paid for such expenses not to exceed the cost for transportation at the cheapest available freight rate.

(2) If prepared other than in granulated or powdered form, such as in compressed tablets or rolls, the seller shall determine his maximum price by applying to the maximum prices established for granulated or powdered form above his same dollars-and-cents differential per pound charged for sales of compressed tablets or rolls in March 1942.

(3) If the total maximum price for the amount in the seller's customary shipping case results in a fraction of one-half cent or more, it may be raised to the next higher cent. If it results in a fraction of less than one-half cent, it shall be lowered to the next lower cent.

(d) *Discounts.* The specific maximum prices set out in any of the paragraphs of this section shall be reduced by the amount of the seller's customary discounts or allowances for cash or prompt payment.

(e) *Maximum prices obtainable by order.* Sellers who cannot determine their maximum prices for roasted chicory under this section shall obtain an order from the Price Administrator, Washington, D. C. establishing their maximum prices, upon application explaining why they are unable to determine a maximum price and furnishing an itemized statement of manufacturing and selling costs. After the application is filed deliveries of the item may be made, but no payment shall be made or received for it until the maximum price is authorized.

(f) *Notification to wholesalers and retailers of authorized change in maximum price.* With the first delivery of roasted chicory after July 18, 1944, the seller shall supply each purchaser with a written statement showing that price and for each wholesaler and retailer who purchases from him, the statement shall be as follows:

(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for roasted chicory (describe item by variety, grade, brand, if any, container type and size) has been established 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 with this notification on or after (insert effective date of the applicable amendment). 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 the seller has established his maximum price under this section, and with his first shipment after the 60-day period to each purchaser who has not made a purchase within that time, the seller shall include the notice set forth above in each case or carton containing the item, or securely attach it to the case or carton, or insert it on or attach it to the invoice accompanying the shipment.

SEC. 1.3 *Coffee and coffee compounds sold in new containers.* This section establishes maximum prices for brands of coffee or "coffee compounds" which were delivered or offered for delivery during March, 1942, in a metal or glass container but not in a paper or cardboard container, and which now or in the future are sold in a paper or cardboard container. A "coffee compound" is a blend of coffee with any other ingredient or ingredients in any proportions.

This section takes precedence over section 6.1 of Second Revised Supplementary Regulation 14 as to coffee and coffee compounds sold in new containers.

"Maximum price," as used in this section, means the maximum price to a purchaser of the same class for the seller's customary unit of sale whether per case, per dozen or per can, jar, bag or the like.

(a) *Sales by manufacturers.* Manufacturers shall compute their maximum prices by applying either subparagraph (1) or subparagraph (2) which follow:

(1) The manufacturer shall subtract from his maximum price for coffee packed in metal or glass container two and three-fourths cents per pound; or

(2) The manufacturer shall (i) subtract from his maximum price for the coffee in the metal or glass container the "direct cost" of that container, and (ii) add to this figure the "direct cost" of the new paper or cardboard container. "Direct cost" means delivered cost of the container, label, cap, and outgoing shipping carton, but it does not include cost of filling, closing, labeling or packing. If this addition results in a fraction, it shall be raised or lowered to the nearest quarter cent.

The higher of these resulting figures shall be the manufacturer's maximum price for coffee or coffee compound in the new container.

(b) *Sales by wholesalers and retailers.* A seller at wholesale or retail of coffee or coffee compound for which the maximum price has been determined by the roaster in accordance with the provisions of this section shall determine his maximum price by applying the provisions of Maximum Price Regulation No. 421, if he is a wholesaler, and Maximum Price Regulations No. 421, 422 and 423, if he is a retailer.

(c) *Report of prices.* Within 30 days after determining a maximum price under the provisions of this section, the manufacturer shall report this price to the Imported Foods Section, Office of Price Administration, Washington, D. C., in a statement which shall set forth (1) the brand and size of the coffee for which a maximum price is determined; (2) a brief description of the container in which the brand was delivered or offered for delivery in March, 1942, and a description of the new paper container, and (3) the maximum price or prices to each class of purchaser for the brand in metal or glass delivered in March, 1942, and the maximum price or prices to each class of purchaser for the brand in the new container.

If the manufacturer computes his price by applying (a) (2) above, his statement shall contain the following additional information: (4) the "direct cost" of the metal or glass container and (5) the "direct cost" of the new paper or cardboard container.

[1] 9 F.R. 5648, 9719, 10257, 10982, 11537, 11711, 11901, 13974.

[2] 9 F.R. 5656, 6828, 6951, 7339, 7520, 7937, 9354, 9719, 10258, 10982, 11537, 11711, 11901, 12343, 12593, 12589, 12590, 12746, 12972, 14600, 14493.

[3] 9 F.R. 5671, 6829, 7340, 7520, 7937, 9354, 9720, 10259, 10982, 11537, 11711, 11902, 12340, 12593, 12746, 12972, 14600, 14494.

SEC. 1.4 *Tea bags and packaged tea changed to weights and sizes required by Food Distribution Order No. 18; tea packers' maximum prices*—(a) *For tea bags changed to 200 and 250 to the pound.* Packers who formerly packed tea in weights other than 200 to 250 tea bags to the pound and have changed them to those new sizes shall determine their maximum prices for such new weights of tea bags by calculating as follows

(1) Calculate the total weight of tea in the shipping case containing the old size tea bags (tea bags packed other than 200 or 250 to the pound)

(2) Calculate the total weight of tea for the same number of *new size* tea bags (tea bags packed 200 or 250 to the pound)

(3) Subtract the smaller weight from the larger weight determined in (1) and (2)

(4) Multiply the difference in weight of tea found in (3) by the "cost per pound of tea." "Cost per pound of tea" shall mean the delivered maximum price per pound of bulk tea, used in the manufacturer's blend, determined in accordance with the provisions of §§ 1351.261 and 1351.262 of Revised Price Schedule No. 91[4] with ocean freight, war risk insurance and marine insurance computed at the lowest rates available on March 31, 1943.

(5) If the new size tea bags weigh more than the old size tea bags, add the figure obtained in (4) above, to the maximum price for the shipping case containing the old size tea bags. If less, subtract the figure obtained in (4)

(6) If the shipping case containing the new size bags does not contain the same number of tea bags as the shipping case containing the old size tea bags, the figure obtained in (5) above shall be changed in the exact proportion that the number of new size tea bags bears to the number of old size tea bags.

(7) If the price results in a fraction of one-half cent or more, it shall be raised to the next higher cent. If it results in a fraction of less than one-half cent, it shall be lowered to the next lower cent. The result of the above calculation shall be the maximum price for a shipping case of the new size tea bags.

*Example:* A tea packer desires to obtain a new maximum price on "XX" Brand Tea Bags formerly packed 175 to the pound of tea, in packages containing 25 tea bags each and sold in shipping cases of 24 packages at a ceiling price of $5.40, which he intends to pack 200 to the pound of tea, 25 bags to the package, 12 packages to the shipping case. He intends to use a blend of bulk tea which cost at maximum prices determined according to §§ 1351.261 and 1351.262 of Revised Price Schedule No. 91, 46½ cents per pound. He makes the following calculation:

(1) Weight of tea in the old size case of tea bags.
25 tea bags in packages multiplied by 24 packages in case=600 tea bags.
600 tea bags divided by 175 tea bags to the pound=342 lbs. of tea.

(2) Weight of tea in the same number of new size tea bags. 600 tea bags divided by 200 tea bags to the pound=3 lbs. of tea.

(3) Subtract from the weight of the tea in the old size tea bags (the larger figure) ..... 3.42 lbs.
the weight of the tea in the new size tea bags (the smaller figure) ..... 3 lbs.
.42 lbs.

(4) Difference in weight of ..... .42 lbs.
Multiplied by the cost per lb. of tea ..... $0.465
Total ..... $0.19530

(5) The maximum price for the old size tea bags ..... $5.40
Less the figure obtained in (4) ..... .1953
$5.2047

(6) Since the shipping container of the new size tea bags contains only 300 tea bags, we must take 300/600ths or ½ of $5.2047, the figure obtained in (5) which results in the figure $2.6023.

(7) Since 23/100ths of a cent is less than ½ cent, round out the figure of $2.6023 to $2.60.

(b) *For tea bags changed to 200 to the pound in packages containing 8, 16, and 48 tea bags; one ounce tea bags in packages containing multiples of 16 tea bags and packaged tea in 4 ounce and 1⅗ ounce packages.* Tea packers who formerly packed tea in weights and sizes other than (1) tea bags 200 to the pound in packages containing 8, 16 and 48 tea bags, (2) one ounce tea bags in packages containing multiples of 16 tea bags or (3) packaged tea in 4 ounce or 1⅗ ounce packages, and now change to such new weights or sizes shall determine their maximum prices for such new weights or sizes by calculating as follows:

(1) *Tea bags.* (i) Calculate the present (GMPR) maximum price per tea bag in old weight or size.

(ii) Add to or subtract from the maximum price per tea bag in old weight or size (result of (i)) the differential for this new weight or size as shown in Table No. 1.

(iii) For maximum price per case or other unit multiply maximum price per new size tea bag (result of (ii)) by number of tea bags to be used in new size case or unit.

*Example*

Old size pack: 36/10's, 250 tea bags to the pound. Maximum price $2.55.

New size pack: 36/8's, 200 tea bags to the pound.

1. 36×10=360 tea bags in old size unit pack, $2.55÷360=0.00708, maximum price per tea bag.

2. $0.00708+$0.00070 (the differential from Table 1)=$0.00778.

3. $0.00778×288 (number of bags in new size case)=$2.24 maximum price per new case.

(2) *Packaged tea; 1⅗ oz. size.* (i) Calculate the present (GMPR) maximum price of the old size per dozen packages.

(ii) Add to or subtract from this maximum price of the old size per dozen packages (result of (i)) the differential as shown for the new size in Table No. 1.

(iii) For a maximum price per case or other unit multiply (result of (ii)) maximum price per dozen of the new size by number of dozen packages to be used in new case or unit.

*Example*

Old size pack: 36/1⅗ oz. packages, maximum price, $2.50.

New size pack: 36/1⅓ oz. packages.

1. $2.50÷3 (number of dozen in old size pack)=$0.83⅓ per doz.

2. $0.83⅓ +$0.06 (the differential from Table 1)=$0.77⅓.

3. $0.77⅓×3 (the number of dozen in new size pack)=$2.32, new maximum price per case.

(3) *Packaged tea; 4-oz. size.* (i) Calculate the present (GMPR) maximum price of the old size for one pound.

(ii) Subtract from maximum price per pound of old size packages (result of (i)) the differential shown for the new size in Table No. 1.

(iii) For a maximum price per case or other unit multiply the maximum price per pound of the new size package (result of (ii)) by the number of pounds to be used in the new size case or unit.

*Example*

Old size pack: 24/3 oz. package, maximum price, $3.70.

New size pack: 24/4 oz. packages.

1. 24×3 oz.=72 oz. or 4½ pounds.

$3.70÷4½ pounds=$0.8222 per pound.

2. $0.8222−$0.01 (the differential from Table 1)=$0.8122.

3. 24×4 oz. (the new size)=96 oz. or 6 pounds.

$0.8122×6 pounds=$4.87 maximum price per new pack.

(4) In calculating new maximum prices of the tea bags or tea packages as provided herein, all calculations shall be carried to the fifth decimal place of a dollar. Where the maximum price resulting from the calculations for the unit to be sold contains a fraction of one-half cent or more it shall be raised to the next higher cent. Where it results in a fraction of less than one-half cent, it shall be lowered to the next lower cent.

(5) If the maximum price for any size and weight of tea cannot be determined under this section, the tea packer's maximum prices for such weight and size shall be as specifically authorized by order of the Price Administrator after application. A packer who seeks such authorization shall file with the Office of Price Administration, Washington, D. C., an application for adjustment in the manner prescribed by the provisions of Revised Procedural Regulation No. 1, setting forth: (1) all his old sizes of the brand of packaged tea and tea bags and their maximum prices, (2) the new size.

TABLE I

If the new size is 8's (200 to the pound) tea bags:
Add the following amount per tea bag:

| | |
|---|---|
| If old size is 8's packed 250 to the pound | $0.0005 |
| If old size is 9's packed 200 to the pound | .0001 |
| If old size is 9's packed 250 to the pound | .0006 |
| If old size is 10's packed 200 to the pound | .0002 |
| If old size is 10's packed 250 to the pound | .0007 |
| If old size is 12's packed 200 to the pound | .0003 |
| If old size is 12's packed 250 to the pound | .0003 |

If the new size is 16's (200 to the pound) tea bags:
Add the following amount per tea bag:

[4] 8 F.R. 1981, 3178; 9 F.R. 1623.

If old size is 15 s packed 200 to the pound ..... $0 000
If old size is 15 s packed 250 to the pound ..... 0005
If old size is 16's packed 250 to the pound ..... 0005
If old size is 18's packed 200 to the pound ..... 0001
If old size is 18's packed 250 to the pound ..... 0006
If old size is 20's packed 200 to the pound ..... 0002
If old size is 20 s packed 250 to the pound ..... 0007
If old size is 25's packed 200 to the pound ..... 00025
If old size is 25 s packed 250 to the, pound ..... 00075

If new size is 48 s (200 to the pound) tea bags:
Add the following amount per tea bag;

If old size is 40 s packed 200 to the pound ..... $0 0000
If old size is 40 s packed 250 to the pound ..... 0005
If old size is 50's packed 200 to the pound ..... 0000
If old size is 50's packed 250 to the pound ..... 0005

If new size is 1 oz tea bags:
Add the following amount per tea bag:

If old size is ¾ oz ..... $0 01

Subtract the following amount per tea bag:

If old size is 1½ oz ..... $0 0125

If new size is 1⅜ oz packaged tea:
Add the following amount per dozen packages:

If old size is 1⅛ oz ..... $ 10
If old size is 1¼ oz ..... 05

Subtract the following amount per dozen packages:

If old size is 1½ oz ..... $0 03
If old size is 1⅝ oz ..... 06
If old size is 1¾ oz ..... 10
If old size is 1⅞ oz ..... 13
If old size is 2 oz ..... 16
If old size is 2½ oz ..... 30

If new size is 4 oz packaged tea:
Subtract the following amount per pound:

If old size is 2½ oz ..... $0 02
If old size is 3 oz ..... 01
If old size is 3½ oz ..... 00

(c) *Definition* Tea packers means the processor and packer of tea bags or tea balls or one who sells tea bags or tea balls which are packed for his account by another.

(d) *Report of prices* Within 30 days after determining the established maximum prices under the provisions of this section the tea packers shall send to the Imported Foods Section, Office of Price Administration Washington D C, a letter enclosing a copy of the detailed figures for each brand by which their maximum prices were calculated, explained as in the example in paragraph (a) above

(e) *Customary discounts allowances and price differentials* The same customary discounts, allowances, and price differentials which apply to sales and deliveries of the old size tea bags shall apply to sales and deliveries of the new size tea bags

(f) *Maximum prices for tea bags and packaged tea of brands of tea formerly blended from the less expensive teas.* (1) Tea packers maximum delivered prices on brands of tea for sales to wholesalers which heretofore have been lower than those listed in Column A if such brands are now blended from Ceylon India or Travencore teas shall be as set out in Column A;

(2) Tea packers maximum delivered prices on brands of tea for sales to retailers, restaurants and institutions which heretofore have been lower than those listed in Column B, if such brands are now blended from Ceylon, India or Travencore teas, shall be as set out in Column B

| | Maximum prices per thousand bags | |
|---|---|---|
| | Column A | Column B |
| 8 tea bags to a package (200 tea bags to the pound) | $6 75 | $7 00 |
| 16 tea bags to a package (200 tea bags to the pound) | 6 45 | 6 70 |
| 48 tea bags to a package (200 tea bags to the pound) | 6 15 | 6 40 |
| 100 tea bags to a package (200 tea bags to the pound) | 6.15 | 6 40 |
| 100 tea bags to a package (250 tea bags to the pound) | 5.75 | 6 00 |
| | Maximum prices per sixteen tea bags | |
| | Column A | Column B |
| 1 oz tea bags | $0 80 | $0 83 |
| | Maximum prices per dozen packages | |
| | Column A | Column B |
| 16 oz. packaged tea | $8.28 | $8 64 |
| 8 oz. packaged tea | 4.20 | 4.38 |
| 4 oz. packaged tea | 2.16 | 2.25 |
| 1⅜ oz packaged tea | 77 | 80 |

Prices set out above are maximum prices delivered to the customer s usual place of acceptance In calculating the maximum prices for a sales unit fractions of ½ cent or more shall be raised to the next higher cent and fractions of less than ½ cent shall be lowered to the next lower cent. The above prices shall be reduced by those discounts for cash or prompt payment which have been customarily allowed for such brands

SEC 1 5 *Imported packed pineapple*—(a) *Maximum prices ex dock or ex railroad car or other type of carrier duty paid* The maximum price for pineapple processed and packed outside the Continental United States other than in the Territory of Hawaii and in Puerto Rico which any person may pay to any seller, whether such seller is located in or outside the Continental United States and whether the purchase is made directly from such seller or from his agent wherever located and the maximum price at which any person other than a wholesaler or retailer may resell imported packed pineapple shall be as follows:

TABLE 1—MAXIMUM PRICES EX DOCK MIAMI, FLORIDA DUTY PAID

| Kind and style of pack (all brands) | Grade | Maximum prices per dozen containers | | | |
|---|---|---|---|---|---|
| | | No. 3 cylinder cans (46 ounces) | No. 2 cans | No 2½ cans | No. 10 can (not less than 6 lbs 8 oz. per can [1]) |
| Sliced | Fancy | | $1.94 | $2 34 | $8 42 |
| | Choice | | 1:81 | 2.14 | 8 01 |
| | Broken slices | | 1 71 | 2 09 | 7 66 |
| Crushed (fine or coarse cut): In natural juice | | | 1 59 | 2 09 | 7 66 |
| In syrup | | | 1 70 | 2 34 | 8 16 |
| In extra heavy syrup (40° brix cut out) | | | | | 9 66 |
| Cut pieces (chunks and tidbits): In natural juice | | | | | 8 16 |
| In syrup | | | 1 94 | 2 34 | 8 42 |
| Juice (natural and sweetened) | Fancy | $3 00 | 1 28 | | 6 15 |
| Fountain topping [1] | | | | | 10 76 |
| | | Maximum prices in cents per pound | | | |
| Pineapple in brine: | | | | | |
| Slices | No 1 | | | | 13½ |
| | No 2 | | | | 12½ |
| Broken pieces | No 3 | | | | 11½ |

TABLE 2—MAXIMUM PRICES EX RAILROAD CAR OR OTHER TYPE OF CARRIER LAREDO TEXAS DUTY PAID

| Kind and style of pack (all brands) | Grade | Maximum prices per dozen containers | | | |
|---|---|---|---|---|---|
| | | No 3 cylinder cans | No. 2 cans | No 2½ cans | No. 10 cans (not less than 6 lbs 8 oz. per can [1]) |
| Sliced | Fancy | | $1 88 | $2 27 | $8 13 |
| | Choice | | 1 75 | 2.06 | 7 73 |
| | Broken slices | | 1 65 | 2 01 | 7 38 |
| Crushed: | | | | | |
| In natural juice | | | 1 53 | 2.02 | 7 38 |
| In syrup | | | 1 73 | 2 27 | 7 89 |
| In extra heavy syrup (40° brix cut out) | | | | | 9 38 |
| Cut pieces (chunks and tidbits): | | | | | |
| In natural juice | | | 1 88 | 2.27 | 7.89 |
| In syrup | | | | | 8 13 |
| Juice: (Natural and sweetened) | | $2.92 | 1 23 | | 5 87 |
| Fountain topping [1] | | | | | 10 49 |
| | | Maximum prices in cents per pound | | | |
| Pineapple in brine: | | | | | |
| Slices | No 1 | | | | 12 |
| | No 2 | | | | 11 |
| Broken pieces | No 3 | | | | 10 |

The net weight of a number 10 can of pineapple topping shall not be less than 7 pounds 12 ounces. Pineapple topping means a mixture of pineapple and sugar solids containing not less than 40 and not more than 45 percent sugar solids by weight, with such color, flavoring and acidulant as is customarily added when the product is used as an ice cream topping or dressing or in the manufacture of ice cream.

The maximum price for any item of imported packed pineapple which is not listed above shall be determined by adding to or subtracting from the maximum price named above, for the item which is most similar to the item being priced, the same dollars-and-cents differential which existed in March, 1942 between the seller's prices for the two items.

The maximum prices listed above are ex dock, Miami, Florida, duty paid or ex railroad car or other type of carrier, Laredo, Texas, duty paid. The maximum price ex dock any other port of entry shall be determined by adding to or subtracting from (as the case may be) the Miami, Florida, ex dock price the difference between (1) the April 29, 1944 actual cost of ocean freight, the cost of war risk insurance (figured for shipments made after June 25, 1944, at a cost not to exceed the amount of the war risk insurance premium paid at rates in effect at the time of shipment, on a value representing 105% of the sum of the foreign invoice price, freight to the port of entry, and premiums paid for marine and war risk insurance) and marine insurance from the port of origin to Miami, Florida, and (2) the April 29, 1944 actual cost of ocean freight, war risk insurance (figured for shipments made after June 25, 1944 at the same rates) and marine insurance from the same port of origin to such other port of entry. The maximum price ex railroad car or any other type of carrier for any other point of entry on United States-Mexico border shall be determined by adding to or subtracting from (as the case may be) the Laredo, Texas, ex railroad car (or other type of carrier) price the difference between (1) the April 29, 1944 actual cost of transportation at lowest available common or contract carrier rate from the point of shipment to Laredo, Texas and (2) the April 29, 1944 actual cost of transportation at lowest available common or contract carrier rate from the same point of shipment to such other point of entry on United States-Mexico border.

The above-named maximum prices include all commissions and charges to the points specified and are applicable to all purchases, deliveries and transfers of pineapple processed and packed outside the Continental United States other than in the Territory of Hawaii and Puerto Rico and imported into Continental United States from such areas.

If a person is unable to determine his maximum price under the provisions of this section he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price.

(b) *Maximum prices ex warehouse.* The maximum price in each case for all persons other than wholesalers and retailers for imported packed pineapple which is sold ex-warehouse Miami, Laredo, or other port or point of entry in the Continental United States, shall be the maximum price for the item set forth in paragraph (a), plus the cost of actually putting the imported packed pineapple in the warehouse. This cost shall include only the following charges: (1) transportation from the dock or point of entry to the warehouse, (2) "handling in and out" of warehouse, and (3) warehouse storage for not to exceed 30 days. All persons making sales ex warehouse of imported packed pineapple must show separately on the invoice in each case: (1) the maximum price for the item ex dock or ex railroad car or other type of carrier, (2) the allowable charges which have been incurred in putting the imported packed pineapple in the warehouse, (3) the name of the entry carrier, (4) the bill of lading number, and (5) the date when storage began.

(c) *Payment of brokers.* In accordance with existing trade custom every broker shall be considered as the agent of the seller and not the agent of the buyer. In each case, the amount paid by the buyer plus any amount paid by the buyer to the broker shall not exceed the maximum prices listed in paragraph (a) and (b) plus allowable transportation actually paid by the seller or by the broker. The term "broker" includes a "finder"

(d) *Maximum prices for wholesalers and retailers.* Wholesalers and retailers of imported packed pineapple shall determine their maximum prices under Maximum Price Regulations Nos. 421, 422 and 423, respectively. The "net delivered cost" of imported packed pineapple for wholesalers and retailers who import such items directly from points outside Continental United States shall not exceed the maximum prices ex dock or ex railroad car or other type of carrier as set forth in paragraph (a), plus any allowable charges actually incurred in putting the imported packed pineapple in the warehouse at port or point of entry, as set forth in paragraph (b), plus the actual transportation charges from the port or point of entry to the wholesaler's or retailer's customary receiving point.

In this paragraph (d), "net delivered cost" means the amount the wholesaler or retailer pays for the imported packed pineapple delivered to his customary receiving point, but not in excess of the maximum prices ex dock any United States port of entry, duty paid, or ex railroad car or other type of carrier at any point of entry on United States-Mexico border, duty paid, plus any allowable charges actually incurred in putting the imported packed pineapple in the warehouse at port or point of entry, as set forth in paragraph (b), plus actual transportation charges from the port or point of entry to the wholesaler's or retailer's customary receiving point. However, the expense of local trucking or unloading is not included.

(e) *Maximum prices for delivered sales.* The maximum delivered price for imported packed pineapple shall in no case exceed the maximum prices set forth in paragraphs (a) and (b) plus actual transportation charges incurred from the dock or warehouse at any port of entry or any point of entry on United States-Mexico border to the place where delivery is made, at lowest available common or contract carrier rate. However, the expense of local trucking or unloading may not be added.

(f) *Notification to wholesalers and retailers of authorized change in maximum price.* With the first delivery after April 29, 1944, or the effective date of any amendment authorizing a change in maximum price, of any item of imported packed pineapple in any case where a seller determines his maximum price pursuant to this section, he shall supply each wholesaler and retailer who purchases from him with written notice, as set forth below:

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Insert date

NOTICE TO WHOLESALERS AND RETAILERS

Our O. P. A. ceiling price for (*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 and 423, you must refigure your ceiling price for this item on the first delivery of it to you containing this notification on and after (*insert effective date of ceiling price change*). 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 such maximum price and with each shipment after the 60-day period to each person who has not made a purchase within that period, each seller shall place upon or attach to each invoice the written notice set forth above.

(g) *Prohibitions, and permission to carry out certain contracts.* On and after April 29, 1944, or the effective date of any amendment to this section, regardless of any contract or obligation:

(1) No person shall sell, offer to sell, attempt to sell, deliver or transfer imported packed pineapple at prices higher than the maximum prices established by this section, and

(2) No person shall buy, offer to buy, attempt to buy, import or receive, in the course of trade or business, imported packed pineapple at prices higher than the maximum prices established by this section, except that:

(i) Contracts entered into by industrial users prior to April 29, 1944, providing for a price higher than the maximum prices established by this section may be carried out at the contract prices: *Provided,* That such purchasers shall file a copy of each contract with the Processed Fruits and Vegetables Section, Food Division, Office of Price Administration, Washington, D C., on or before May 9, 1944;

(ii) Importers who have previously established their maximum prices for sales of canned Cuban pineapple or canned Cuban pineapple juice to industrial, institutional or commercial users under § 1341.155 (a) of Maximum Price Regulation No. 197 (Canned Fruits and Canned Berries at Wholesale and Retail) or under the General Maximum Price Regulation as to pineapple imported from other producing areas except the Territory of Hawaii and Puerto Rico, and who have entered into contracts prior to April 29, 1944, at prices not in excess of those maximum prices may carry out such contracts at the contract price notwithstanding that the contract price is higher than the maximum prices fixed by this section: *Provided,* That the importer shall file a copy

of each such contract with the Processed Fruits and Vegetables Section, Food Division, Office of Price Administration, Washington, D. C., on or before May 9, 1944, together with a statement showing his maximum price as established under those regulations.

The importer's maximum price for canned Cuban pineapple or canned Cuban pineapple juice, purchased under the contracts referred to in the foregoing paragraph, in sales to industrial, institutional or commercial users shall be his maximum price as established under § 1341.155 (a) of Maximum Price Regulation No. 197 as in effect on April 1, 1944, and for sales to all other purchasers shall be the maximum price fixed by this section. The importer's maximum price for imported packed pineapple purchased under such contracts from sellers in producing areas other than Cuba shall be his maximum price as established under the General Maximum Price Regulation.

(3) Lower prices than the maximum prices established by this section may be charged, demanded, paid or offered.

(h) *Export sales.* The maximum price at which a person may export imported packed pineapple shall be determined in accordance with the Second Revised Maximum Export Price Regulation,[5] issued by the Office of Price Administration.

(i) *Records and reports.* All sellers and buyers of imported packed pineapple who have entered into contracts prior to April 29, 1944, for the sale or delivery of imported packed pineapple on and after April 29, 1944, at prices higher than the maximum prices established by this section shall file a copy of such contracts with the Processed Fruit and Vegetable Section, Food Division, Office of Price Administration, Washington, D. C., on or before May 9, 1944.

After the buyer has received the final shipment called for by the contract, he shall then report such receipt to the Processed Fruits and Vegetable Section, Food Division, Office of Price Administration, Washington, D. C. within two weeks after receipt of the final shipment, stating that the total amount received did not exceed the quantity specified in the contract.

Every person making purchases or sales of imported packed pineapple on and after April 29, 1944, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, all records of the kind he has customarily kept relating to the prices paid or received, the name of the purchaser, the date of the contract and the variety, style, grade and amount of imported packed pineapple purchased.

(j) *Definitions.* When used in this section the term:

"Person" means an individual, corporation, partnership, association, any other organized group of persons, and their legal successors or representatives. The term includes the United States, its agencies, other governments, their political subdivisions, and their agencies.

"Importer" means the first consignee of imported packed pineapple in the Continental United States.

"Imported packed pineapple" means any variety of pineapple, including frozen pineapple, which is processed and enclosed in any container, whether or not hermetically sealed, produced outside Continental United States other than in the Territory of Hawaii and Puerto Rico.

"Industrial user" means any person who subjects imported packed pineapple to a process that results in the production of a new and different kind of product, or who uses the packed pineapple as an ingredient or component part of such an article. However, a restaurant, hotel or other similar establishment shall not be considered an "industrial user"

"Wholesaler" and "retailer" mean the persons respectively referred to as such in Maximum Price Regulations Nos. 421, 422 and 423.

SEC. 1.6 *Maximum prices for bulk ground black pepper*—(a) *Sales in bags.* A processor's maximum price for sales of bulk ground black pepper in bags, f. o. b. New York City, shall be 12¢ per pound. A processor's maximum price for sales of bulk ground black pepper in bags, f. o. b. any point other than New York City, shall be 12¢ per pound, plus the lowest established less-than-carload rail freight rate from New York City to such point, reduced to a per pound basis.

(b) *Sales in other type containers.* A processor's maximum price per pound for sales of bulk ground black pepper in containers other than bags, f. o. b. a particular point, shall be the maximum price per pound established by paragraph (a) for a sale in bags, f. o. b. that particular point, adjusted to reflect his established March 1942 per-pound price differential between sales in bags and sales in the type of container in which the pepper is being sold.

(c) *Discounts.* Processors shall allow as a deduction from their maximum prices the discounts for prompt payment which they customarily allowed during March 1942.

(d) *Definition.* (1) "Bulk ground black pepper" means ground black pepper packed in containers of 3 pounds capacity or more.

ARTICLE II—SUGAR AND SUGAR PRODUCTS

SEC. 2.1 *Holiday candy and chocolate covered cherries; sales by manufacturers*—(a) *Maximum prices.* (1) The manufacturer's maximum price for holiday candy or for chocolate covered cherries to each class of purchasers shall be his cost of ingredients, packaging material, and direct labor, computed at March, 1942, replacement prices, plus an average dollar-and-cents margin, as herein defined, obtained by the manufacturer between April 1, 1941, and March 31, 1942, on sales of holiday candy or chocolate covered cherries (whichever is being priced hereunder) of the same or the most nearly similar kind, sold to a purchaser of the same class: *Provided,* That in the case of fresh cherries, the manufacturer shall use, for purposes of calculating his cost, the actual cost to him of such ingredient.

(2) In those cases in which the manufacturer did not deal in the same or similar kind of holiday candy or chocolate covered cherries (whichever is being priced hereunder) between April 1, 1941, and March 31, 1942, the maximum price to each class of purchasers shall be the maximum price of the most closely competitive manufacturer of the same class for the same or the most nearly similar kind of holiday candy or chocolate covered cherries (whichever is being priced hereunder) sold to a purchaser of the same class.

(b) *Filing.* Before making any sales of holiday candy or chocolate covered cherries, each manufacturer shall file with the Office of Price Administration in Washington, D. C., a list of his maximum prices for such commodities (which he proposes to sell at prices computed hereunder) to each class of purchasers, together with a detailed description of such commodities for identification and a full explanation of the manner in which such maximum prices were computed under paragraph (a) above. If maximum prices have been determined under paragraph (a) (1) above, actual figures shall be submitted breaking down all component costs, i. e., ingredients, packaging material, and direct labor.

(c) *Definitions.* (1) "Holiday candy" is any candy which is manufactured and marketed specifically for such holidays or festivals as the following: St. Valentine's Day, Washington's Birthday, St. Patrick's Day, Easter, Mother's Day, Fourth of July, Halloween, Thanksgiving, and Christmas, and the form, color, or style of which definitely identifies it with the particular holiday or festival to the extent that such candies cannot readily be sold after the special occasion for which they were made.

(2) The manufacturer's cost of ingredients and packaging material "computed at March, 1942, replacement prices" shall be prices no higher than the highest prices charged to a purchaser of the same class by the manufacturer's usual suppliers during March, 1942, for such ingredients or packaging material, or, if no charge was made for such ingredients or packaging material by the manufacturer's usual suppliers, then "March, 1942, replacement prices" shall be prices no higher than the highest prices charged during March, 1942, to a purchaser of the same class by a seller of the same class as the manufacturer's usual suppliers. Direct labor "computed at March, 1942, replacement prices" shall be calculated at the rate of remuneration paid by the manufacturer to his employees engaged directly in the manufacture of the same or the most nearly similar kind of candy during March, 1942.

(3) "Average dollar-and-cents margin" of the manufacturer shall be determined by computing, for the period from April 1, 1941, to March 31, 1942, the difference between his average selling price and the average cost of ingredients, packaging material, and direct labor used in the manufacture of holiday candy or chocolate covered cherries (whichever is being priced hereunder) "Average sell-

[5] 8 F.R. 432, 5987, 7662, 9998, 15193; 9 F.R. 1036, 7201, 9835, 11273, 12919.

ing price" and "average cost," as used in this definition, shall be an average weighted by the volume of units sold or purchased.

(d) *Adjustment of maximum prices.* Any price determined pursuant to this section shall be subject to adjustment at any time by the Office of Price Administration.

(e) *Applicability.* The provisions of this section shall be applicable to the 48 states of the United States and the District of Columbia.

SEC. 2.2 *Halvah.* (a) The maximum price for halvah, sold and delivered by any seller, whether producer, wholesaler or retailer, shall be determined by adding 2½ cents per pound to the maximum price as determined under § 1499.2 of the General Maximum Price Regulation by any such seller, and the sum resulting shall be the adjusted maximum price for such seller.

(b) "Halvah" means all kinds of halvah, including plain, nut, and chocolate halvah made by the processing of approximately 50 percent ground hulled sesame seed with sugar, flavoring, and other ingredients resulting in a hardened paste-like confection.

SEC. 2.3 *Sales of 5 cent retail confectionery items to and by owners, operators or lessors of vending machines.* (a) The manufacturer's maximum price to vending machine owners, operators or lessors for 5 cent retail confectionery items shall be $2.62 per 100 items or his maximum price as established under the General Maximum Price Regulation.

(b) All vending machine owners, operators, or lessors who resell these items to their distributors or lessees may increase their established maximum prices to such distributors or lessees by an amount not in excess of 50 percent of the actual increase made in the manufacturer's price.

(c) All purchasers and sellers are hereby authorized to buy and sell at prices not in excess of those permitted herein and nothing in this section shall be construed to increase the retail price of any item covered by this section.

(d) All vending machine owners, operators or lessors prior to a resale of these items at an increase in price to their distributors or lessees shall mail or otherwise supply to such distributors or lessees, together with a copy of the statement referred to therein, the following written notice:

The Office of Price Administration by section 2.3 to Supplementary Regulation No. 14C [Formerly section 1.20 of Revised Supplementary Regulation 14] has established the manufacturer's maximum price to us for 5 cent retail confectionery items at either $2.62 per 100 items or the price as established by such manufacturer under the General Maximum Price Regulation. We are permitted to increase our ceiling price to you by an amount not in excess of 50% of the actual increase made by the manufacturer. Attached hereto is a true and accurate statement showing the actual increase to us for this item. Therefore, we are increasing our maximum price to you by _____ cents per 100 items which sum is not in excess of 50% of the increase made by the manufacturer. You are to maintain retail prices not in excess of your established maximum price.

SEC. 2.4 *Special assortments of domestically manufactured hard candy and all imported hard candy*—(a) *Applicability of this section.* This section applies to all imported hard candy and to special assortments of domestically manufactured hard candy.

Any manufacturer of the special assortments of hard candy, as hereinafter defined, shall elect to use either the prices specified in this section or the prices established by him under § 1499.2 (a) of the General Maximum Price Regulation for sales of the same hard candy manufactured by him.

Any seller of any imported hard candy shall elect to use either the prices specified in this section for such candy or the prices established by such seller under § 1499.2 (a) of the General Maximum prices established by such seller under imported hard candy sold by him.

If a manufacturer of domestically produced hard candy or seller of imported hard candy elects to maintain prices established by him for such hard candy under § 1499.2 (a) of the General Maximum Price Regulation then his wholesalers and retailers shall maintain or establish their maximum prices for such hard candy under the provisions of § 1499.2 of the General Maximum Price Regulation.

In the event however a manufacturer of domestic hard candy or seller of imported hard candy elects to use a price hereinafter specified in this section then all of his sales of such hard candy and the resulting resales by wholesalers and retailers shall be made at prices not in excess of those specified in the following provisions of this section.

(b) *Maximum prices for imported hard candy.* The maximum prices set forth in Tables A, B, and C of this section for sales to the various classes of purchasers of bulk, 5 lb. and 1 lb. solid hard candy assortments shall be the maximum prices for which any seller pricing under this section may sell any imported hard candy, similarly packed, to the same classes of purchasers, except that where "f. o. b. factory" is used in Table A, "f. o. b. port of entry" shall be used. All sellers pricing imported hard candy under this section, except retailers, shall render an invoice covering each sale, stating thereon in writing, their maximum prices and their purchasers' maximum resale prices.

(1) All sellers of the imported hard candy which becomes subject to the provisions of this section on February 15, 1944, except retailers, shall render an invoice covering each sale made on or after December 27, 1943, stating thereon that shipment was made from a foreign port on or before December 5, 1943. All sellers of such imported hard candy from December 27, 1943, through February 14, 1944, shall keep for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, customary records such as shipping papers, suppliers' invoices, or other appropriate evidence showing that the candy was actually shipped from a foreign port on or before December 5, 1943.

(c) *Maximum prices for special assortments of domestically manufactured hard candy.* (1) The manufacturer's maximum prices to wholesalers f. o. b. factory (without freight allowance) for sales of hard candy assortments, as hereinafter defined, shall be as set forth in Table A.

TABLE A

| Type | Solid hard candy assortment | Plastic filled hard candy assortment |
|---|---|---|
| Bulk sales, per pound | $0.14½ | $0.15[illegible] |
| 5 lb. boxes, packed by manufacturer, per pound | .17¼ | .19[illegible] |
| 1 lb. bags packed by manufacturer, per pound | .18 | .1[illegible] |

(2) The manufacturer's maximum prices for sales of these hard candy assortments to any class of purchaser other than wholesalers shall be the price set forth in Table A less the manufacturer's customary differentials as established under the General Maximum Price Regulation for such sales. In no event shall the manufacturer's maximum price for any type of sale exceed the prices specified in Table A.

(3) A wholesaler's maximum delivered prices for sales to retailers of either hard candy assortment, packaged and sold by the manufacturer, shall be as set forth in Table B. Wholesalers shall invoice each sale to retailers, stating on each such invoice the wholesaler's and retailer's respective maximum selling prices.

| TABLE B | *Either assortment* |
|---|---|
| Bulk sales, per pound | $0.20½ |
| 5 lb. boxes, packed by manufacturer, per pound | .21 |
| 1 lb. bags, packed by manufacturer, per one dozen bags | 2.85 |

(4) The maximum retail price for any sale of either hard candy assortment, packaged and sold by the manufacturer, by any person who purchases directly from the manufacturer for resale to the consumer in stores owned or controlled by such person shall be as set forth in Table C.

| TABLE C | *Either assortment* |
|---|---|
| Bulk sales, per pound | $0.25 |
| 1 lb. bags, packed by manufacturer, per bag | .27 |

(5) Maximum retail price for any sale of either hard candy assortment, packaged and sold by the manufacturer, by any persons other than those provided for in subparagraph (4) shall be as set forth in Table D.

| TABLE D | *Either assortment* |
|---|---|
| Bulk sales, per pound | $0.33 |
| 5 lb. boxes, packed by manufacturer, per pound | .33 |
| 1 lb. bags, packed by manufacturer, per bag | .35 |

(d) *Notification to purchasers.* (1) All manufacturers establishing maximum prices for hard candy pursuant to the provisions of this section shall state on each invoice to each purchaser the applicable notice as follows:

To wholesalers:

The Office of Price Administration has established maximum prices for sales of this hard candy. Our billing is in accord with the prices so established. You are author-

ized to sell and deliver this candy to retailers at prices not in excess of:

| | |
|---|---|
| Bulk sales, per pound | $0.20½ |
| 5 lb. boxes, packed by manufacturer, per pound | .21 |
| 1 lb. bags, packed by manufacturer, per one dozen bags | 2.85 |

*(Omit price or prices not applicable to sale)*

Wholesalers are required to furnish an invoice with each sale to retailer. Each invoice shall have stated upon it your OPA maximum price and your retailer's OPA maximum price. Retailers' maximum prices for sales of this hard candy purchased from wholesalers shall be as follows:

| | |
|---|---|
| Bulk sales, per pound | $0.33 |
| 5 lb. boxes, packed by manufacturer, per pound | .33 |
| 1 lb. bags, packed by manufacturer, per bag | .35 |

*(Omit price or prices not applicable to sale)*

To all other purchasers:

The Office of Price Administration has established maximum prices for sales of this hard candy. Our billing is in accord with the prices so established. You are authorized to sell this candy at retail at prices not in excess of:

| | |
|---|---|
| Bulk sales, per pound | $0.25 |
| 1 lb. bags, packed by the manufacturer, per bag | .27 |

*(Omit price not applicable to sale)*

(e) *Manufacturing specifications and definitions.* (1) "Hard candy" as used herein, is candy averaging not less than 70 pieces per pound and consisting of individual pieces of the same flavor, shape and size or of individual pieces of various flavors, shapes and sizes. It contains principally sugar, corn syrup, flavoring extracts and U. S. Certified food colors conforming to the following specifications:

(i) The sugar content to be not less than 65 percent dry basis. Sugar to meet the requirements of Type 1, Federal Specifications JJJ-S-791, and Amendment 4, dated May 1935.

(ii) The corn syrup shall be confectioners' type of syrup.

(iii) The salt shall meet the requirements of Federal Specification SS-S-31.

(iv) The citric acid shall be U. S. P.

(v) The flavoring agents other than liquor chocolate shall be natural or artificial and of the best commercial grade, except that in the case of anise, lemon, lime, orange, and peppermint flavors, true essential oils, likewise of the best commercial grade, shall be used.

(vi) All colors shall be U. S. Certified Food Colors.

(vii) All hard candies sold under this section shall be manufactured in accordance with the best commercial practices and under strictly sanitary conditions.

(2) "Solid hard candy" is hard candy of the same consistency throughout.

(3) "Plastic filled hard candy" is hard candy containing a soft center or filling encased in a hard candy jacket. The candy by weight shall be approximately 25% filling and 75% jacket.

(4) Fillings or centers of the plastic filled hard candy shall include the following: chocolate, confectioner's cream, peanut butter, jelly, also fruit when it is available.

(5) "The solid hard candy assortment" shall contain more than 50% solid hard candy.

(6) "The plastic filled hard candy assortment" shall contain 50% or more plastic filled hard candy the remainder to be solid hard candy.

(7) "Bulk hard candy" is hard candy of either assortment packed by the manufacturer in containers other than 1 lb. bags and 5 lb. boxes.

(8) "Five pound boxes of hard candy" is hard candy of either assortment packaged by the manufacturer 5 pounds net in cardboard boxes with paper liner.

(9) "One pound bags of hard candy" is hard candy of either assortment packaged by the manufacturer 1 pound net in transparent or glassine bags.

(10) "Imported hard candy" as used herein, means all hard candy consisting principally of sugar with or without the addition of flavoring material and coloring matter, regardless of shape, size and number of pieces per pound, manufactured or produced outside the continental limits of the United States, its territories and possessions, and imported into the United States.

[Section 2.4 became effective February 15, 1944 as to all imported hard candy shipped from a foreign port on or before December 5, 1943; December 27, 1943 as to all imported hard candy shipped from a foreign port after December 5, 1943; and November 24, 1943 as to all domestic hard candy.]

SEC. 2.5 *Pure raspberry syrup*—(a) *Maximum prices which processors may charge for pure raspberry syrup.* The processor's maximum prices per dozen bottles for pure raspberry syrup, f. o. b. factory, shall be as follows:

| Size of bottle: | *Maximum price per dozen bottles* |
|---|---|
| 10-ounce | $2.93 |
| 12-ounce | 3.37 |
| 16-ounce | 4.38 |
| 32-ounce | 8.34 |

(b) *Meaning of "processor"* "Processor" means a person who processes any part of what he sells of the brand of pure raspberry syrup being priced.

(c) *Maximum prices which distributors other than wholesalers and retailers may charge for pure raspberry syrup.* The maximum price for an item of pure raspberry syrup, f. o. b. shipping point, of a distributor who is not a wholesaler or retailer shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him. ("Wholesaler" and "retailer" mean the persons respectively referred to as "wholesalers" and "retailers" in Maximum Price Regulations Nos. 421, 422 and 423.)

(d) *Meaning of "distributor"* A "distributor" is one who purchases all he sells (for his own account) of the pure raspberry syrup being priced and resells it without processing any part of it.

(e) *Meaning of "pure raspberry syrup"* "Pure raspberry syrup" means a syrup consisting of pure raspberry juice and dry cane sugar, containing no preservatives, colorings, flavorings, or acidulants other than those contained in pure raspberry juice or dry cane sugar.

ARTICLE III—SPECIALTY FOODS

SEC. 3.1 *Certain food and beverage specialty products*—(a) *Applicability.* (1) The provisions of this section shall apply only to the commodities listed in paragraph (1) and only in those cases where there has been a change in formula and where the volume of the end-product of the new formula product is fairly equivalent to the volume of the end-product made from the original formula product.

(2) The particular maximum prices which manufacturers are required to determine under the provisions of this section shall become effective respectively as follows:

(i) Where the formula change was made prior to March 27, 1943, the maximum price figured for the new formula product shall take effect as of April 12, 1943.

(ii) Where a formula change is made on or after March 27, 1943, the maximum price figured for the new formula product shall take effect as of April 12, 1943, or the date of first delivery of the new formula product, whichever is later.

(b) *Method of determining maximum prices.* On and after August 4, 1943, every manufacturer of a listed specialty product who has changed or who shall change his original formula for the manufacture of any flavor or size of such product either by the substitution, elimination or reduction of one or more of its ingredients shall determine the maximum price of his new product for that flavor or size as follows: He shall

(1) Calculate the current ingredient costs per his customary selling unit of all ingredients according to his original formula.

(2) Calculate the current ingredient costs per his customary selling unit of all ingredients of his new formula for the product which he is pricing.

(3) Determine the percentage relationship of the new formula ingredient costs to the original formula ingredient costs ((2) divided by (1)), and

(4) Apply the result determined in (3) to the following percentage table to determine his maximum price per his customary unit for his new formula product:

| Current cost of ingredients in original formula | Current cost of ingredients in new formula as related to original formula | Requirement to reduce original maximum price |
|---|---|---|
| 100% | Not less than 95% | None. |
| 100% | Less than 95% but not less than 90% | 5% of current original formula ingredient cost. |
| 100% | Less than 90% but not less than 85% | 10% of current original formula ingredient cost. |
| 100% | Less than 85% but not less than 80% | 15% of current original formula ingredient cost. |
| 100% | Less than 80% but not less than 75% | 20% of current original formula ingredient cost. |
| 100% | Less than 75% but not less than 70% | 25% of current original formula ingredient cost. |
| | etc. | |

Fractions of one-half cent or more per customary selling unit may be increased to the next higher cent and fractions of less than one-half cent shall be decreased to the next lower cent.

(c) *Examples of calculations.* (1) A manufacturer of a 3 ounce package of chocolate dessert preparation has a maximum price of $1.40 per case established under the General Maximum

Price Regulation for his original formula product. This price is his original maximum price. The current cost of ingredients in the formula used to manufacture the product for which his price was originally established under the General Maximum Price Regulation, called herein the original formula, is 60¢ per case. The current cost of ingredients in the new formula is 56¢ per case. The relation of current costs as between original formula and new formula being 93.3%, the original maximum price must be reduced by 5% of the current original formula cost, or 3¢. The manufacturer's new maximum price is $1.37 per case.

(2) The same manufacturer later changes his formula again so that at that time the current cost of ingredients in the original formula is 61¢ per case and the current cost of the ingredients of the new formula which he is pricing is 54¢ per case. The relation of current costs as between original formula and new formula being 88.5%, the original maximum price must be reduced by 10% of the current original formula cost, or 6.1¢. The manufacturer's new maximum price is $1.34 per case.

(3) The same manufacturer later changes his formula again so that at that time the current cost of ingredients of the original formula is 62¢ per case and the current cost of the ingredients of the new formula which is being priced is 59¢ per case. The relation of current costs as between original formula and new formula being 95.1%, the manufacturer's original maximum price need not be reduced. The manufacturer's maximum price for this new formula product is now $1.40 per case.

(d) *Price lines.* In the case where a manufacturer customarily sold more than one listed specialty product, or different flavor combinations of a listed specialty product, and such products were in a price line, and as such have an established maximum price which is the same for all, shall be permitted to use weighted averages based upon the 1942 sales volume of each unit as follows:

The weighted average ingredient cost for the old formula products and the new formula products in the price line shall be obtained as follows:

(1) Determine the percentage of sales volume for the year 1942 for each item in the price line.

(2) Determine current ingredient cost of original formula per customary selling unit for each item in the line.

(3) Multiply ingredient costs for each item (2) by the percentage figure for that item (1) Add the total of all computations. The weighted average figure thereby obtained is to be used as 100% of current ingredient costs of the price line.

(4) Determine current ingredient cost of new formula per customary selling unit for each item in the price line.

(5) Multiply (4) by (1) using identical percentage figures for each item, as in (3) Add the total of all computations.

(6) Apply the figure determined in (5) to the figure determined in (3) to arrive at the percentage relationship of weighted average new formula ingredient costs to old formula ingredient costs.

The table in paragraph (b) (4) shall then be used to determine the amount of reduction required in the maximum selling price of the entire price line.

NOTE: When no formula change is made in one or more items in the price line, the ingredient costs for that item as determined in (2) and (4) will obviously be identical.

(e) *Manufacturers having more than one factory.* In the case of those manufacturers producing the listed specialty products at more than one factory, the ingredient costs per unit may be averaged for all factories in determining the new formula cost. This provision applies only when the maximum selling price for the article is the same for shipments from all factories.

(f) *Relation to original maximum price.* No maximum price for any new formula product calculated under the provisions of this section shall ever exceed the maximum price established under the General Maximum Price Regulation for the original formula product.

(g) *Discounts and allowances.* Discounts, allowances and terms, whether based on quantity, class of purchaser, or any other clause, shall be no less favorable to any purchaser of a new formula product of a listed specialty product than those in effect with respect to the original formula product.

(h) *Distributors.* In case the manufacturer's maximum price for any item is lowered under this section, all distributors of the item shall make a corresponding reduction in their maximum prices in accordance with the notification which the manufacturer is required to give under paragraph (i)

(i) *Notification.* Whenever a formula change is made and a new maximum selling price is determined under the provisions of this section, the manufacturer making such change shall before or at the time of first delivery to each purchaser supply him with the appropriate written notice set forth below. And for a period of 90 days thereafter the manufacturer shall include with the smallest shipping unit a written notice to retailers. If this retailer notice is enclosed in a shipping unit, a legend shall be affixed outside of such unit to read, "Retailer's Notice Enclosed." The written notices, except for the proper insertions to be made by the manufacturer, shall read as follows:

NOTICES TO WHOLESALERS AND RETAILERS

The Office of Price Administration has authorized us 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 in accordance with the applicable provisions of these regulations (See section 6 in each case). You must refigure your new ceiling price on the first delivery of this item to you on or after August 5, 1943.

NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALERS AND RETAILERS

A change in the formula of _____ has resulted in a lowering of our cost to produce that product. OPA requires that such reduction in costs, amounting to _____ per _____ of packages shall be deducted from our previously established price. If you are a distributor other than a wholesaler or retailer, you must reduce your maximum price to the extent that the amount of our reduction is equal to any full cent per your customary selling unit.

(j) *Reports.* Every manufacturer who has changed or shall change his original formula or shall make a subsequent formula change of a listed specialty product which shall require the establishment of a new maximum price shall file with the Office of Price Administration, Washington, D. C., a verified statement showing (1) his actual current purchase price for each ingredient used to produce the product by the original formula, (2) the actual current purchase price for each ingredient used to produce the product by the new formula, (3) the name of his supplier of each ingredient, (4) his current cost of such ingredients per his customary selling unit of the manufactured product for both the original and the new formula, (5) his original maximum selling price, and (6) his new maximum selling price. If the formula change was made prior to March 27, 1943, such statement must be filed on or before April 12, 1943. If the formula change is made on or after March 27, 1943, such statement must be filed on or before April 12, 1943, or within 5 days after the date of first delivery of the new formula product, whichever is later.

If any manufacturer claims that substantial hardship would result to him from filing the statement required by the provisions of this paragraph he may submit the information requested in this paragraph for inspection by the Office of Price Administration, Washington, D. C., and then withdraw such information and substitute therefor a statement that the information required has been submitted and is available from the manufacturer in the event the Price Administrator determines that the withholding thereof is inconsistent with the purposes of the Emergency Price Control Act of 1942 as amended.

(k) *Definitions.* When used in this section, the term:

"Beverage mix preparations" means the dry or liquid product consisting of flavoring, coloring, acid, with or without sugar, without milk ingredients or with milk ingredients not exceeding 50 per cent of the total weight or volume as packaged.

"Dehydrated soup mixes" means the dry packaged product consisting of dehydrated vegetables, salt, sugar and seasonings, with or without alimentary paste products, and with or without capsules containing fats, vitamins or minerals, and with or without dehydrated meat or poultry particles.

"Freezing mix preparations" means the liquid or semi-fluid product customarily sold in hermetically sealed containers, consisting of sugar and/or dextrose, flavoring with or without fruit particles, coloring, salt, stabilizing colloid and/or any starch compound the entire combination being used to prepare frozen desserts.

"Gelatin dessert preparations" means the dry packaged product consisting of sugar, gelatin, organic acid, coloring and flavoring.

"Ice cream powders" means the dry packaged product consisting of sugar or dextrose, or both, milk powder and/or skimmed milk powder, a stabilizing colloid, flavoring, coloring and salt. This definition shall also include ice cream powders with powdered rennin and sucrose.

"Starch dessert preparations" means the dry packaged product consisting of sugar or dextrose or both, cornstarch or other starches or a combination of either, flavoring, coloring and salt. This definition shall also include rennin powdered dessert preparations.

(The above are general definitions to describe the commodities. The elimination of any ingredient specified, or the addition of any optional ingredient not specified does not exclude a product from the scope of the definition.)

"End-product" means the finished food or beverage as prepared according to the directions on or in the container and as described by the manufacturer.

"Current" means at the time of calculating, but in no event more than 30 days before the date of the manufacturer's first delivery of the new product.

"Ingredient cost" means the actual invoice cost of a customary quantity of any ingredient plus delivery charge, if incurred, from the customary supplying point via the customary mode of transportation. In the absence of actual invoice cost, the potential cost may be substituted. Where an ingredient in the original formula is omitted entirely in the new formula, the manufacturer shall use as the current cost of that commodity the most recent invoice cost of a customary quantity plus transportation charges if incurred.

"New formula" means the combination and proportion of ingredients which constitute the new product and which, used according to the directions on or in the container, will produce the fairly equivalent volume of end-product as the original formula product.

"Fairly equivalent" in volume means within 5% of the volume of the old product when prepared according to the same directions as the manufacturer supplied with the old product.

"Original formula" means the combination and proportion of ingredients used to produce the listed specialty product for which the maximum price was first established under the provisions of the General Maximum Price Regulation.

"Original maximum price" means the maximum price first established under the provisions of the General Maximum Price Regulation, §§1499.2 and 1499.3 as amended, for the listed specialty product.

(1) *Food and beverage specialty products covered by this section.* The following food and beverage specialty products, referred to in this section as "listed specialty products" are covered by the provisions of this section:

Beverage mix preparations.
Dehydrated soup mixes.
Freezing mix preparations.
Gelatin dessert preparations.
Ice cream powders.
Starch dessert preparations, including rennin powdered dessert preparations.

SEC. 3.2 *Enzymatically-treated syrups manufactured from cereals and converted by the use of malt for use in the domestic malt brewing industry.* (a) Manufacturers' maximum prices to brewers for enzymatically-treated syrups manufactured from cereals and converted by the use of malt shall be $6.45 f. o. b. plant per cwt. for shipments of 15 barrels or more and $6.50 f. o. b. plant per cwt. for shipments less than 15 barrels unless such maximum prices previously established under the General Maximum Price Regulation are higher than the prices specified herein.

(b) All manufacturers increasing their maximum prices under the provisions of this section shall mail or otherwise supply a copy of this section to all purchasers prior to or at the time of the first delivery to such purchasers.

SEC. 3.3 *Certain liquid and dry malt syrups sold in bulk.* (a) This section applies only to malt syrups prepared from an infusion of barley malt (sprouted barley) with or without other cereals, concentrated to a moisture content of approximately 20% to 50% in liquid form and approximately 3% to 5% in dry form and packed in bulk, that is, in containers of 10 pounds or more capacity. Such syrups may possess varying degrees of diastatic activity or may be non-diastatic. Enzymatically-treated syrups, to which section 3.2 of this regulation applies, are not included in this section.

(b) The seller's maximum price for sales of bulk malt syrups to which this section applies, per pound, shall be the total of:

(1) Such seller's maximum price as established by § 1499.2 of the General Maximum Price Regulation, for an identical quantity, on sales to the same class of purchasers; plus:

(2)

| | |
|---|---|
| (i) For liquid malt syrup | $0.0052 |
| (ii) For dry malt syrup | 0.0069 |

(c) The maximum price an industrial user may pay per pound for bulk malt syrups to which this section applies shall be his supplier's maximum price as established under § 1499.2 of the General Maximum Price Regulation plus the stipulated increase set forth in the preceding paragraph.

(d) Sellers who increase their prices under the provisions of this section shall mail or otherwise supply a copy of this section to each purchaser prior to or at the time of the first delivery to such purchaser.

ARTICLE IV—GROCERY PRODUCTS

SEC. 4.1 *Edible corn starch and blended corn syrup; maximum prices on sale to United States Government procurement agencies.* The maximum price for edible corn starch or blended corn syrup for table use sold to a United States Government procurement agency delivered to the point specified by any such agency shall be 96% of the seller's maximum price established under the General Maximum Price Regulation for sales to a private purchaser (i. e. a purchaser other than a procurement agency of the United States) of such edible corn starch, or blended corn syrup for table use, in the same quantity and type of container, delivered to the same point.

SEC. 4.2 *Packaged and bulk rolled oats*—(a) *Definitions.* (1) "Packaged rolled oats" means oats rolled and packaged for human consumption in containers holding three pounds or less.

(2) "Bulk rolled oats" means rolled oats for human consumption in containers holding more than three pounds.

(3) "Manufacturer" includes all sellers of bulk rolled oats except those sellers subject to Maximum Price Regulations 421, 422 or 423.

(b) *Maximum prices for packaged rolled oats.* Any seller whose maximum prices for sales of packaged rolled oats are on April 13, 1944, established by the General Maximum Price Regulation may adjust his maximum prices therefor to an amount not in excess of:

(1) His maximum price as established by the General Maximum Price Regulation to the same class of purchasers for the same variety, brand (if any) and container type and size of packaged rolled oats; plus

(2) $0.013 per pound of net weight of rolled oats.

(c) *Maximum prices for bulk rolled oats.* (1) A manufacturer's maximum price for a sale of bulk rolled oats shall be an amount determined in accordance with the provisions of the General Maximum Price Regulation except that, with respect to bulk rolled oats, the following periods or dates shall be used for purposes of the indicated sections of General Maximum Price Regulation:

Section 1499.2 The period July 1 through August 5, 1943, inclusive instead of March 1942.

Section 1499.11 (a) The period July 1 through August 5, 1943, inclusive instead of March, 1942.

Section 1499.11 (b) The date November 1, 1944 instead of July 1, 1942.

Section 1499.13 (a) The date October 30, 1944 instead of May 18, 1942.

Section 1499.13 (b) The date November 1, 1944 instead of July 1, 1942.

Section 1499.18 (d) The period July 1 through August 5, 1943, inclusive, instead of March, 1942.

(d) *Notification to wholesalers and retailers of authorized change in maximum price.* With the first delivery after April 18, 1944, of an item of packaged rolled oats, (and with the first delivery after October 22, 1944 of bulk rolled oats) in any case where a seller establishes his maximum price pursuant to this section, 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 (describe item by variety, brand, if any, container type and size) has been established 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 containing this notification on or after April 19, 1944. (For bulk rolled oats insert October 24, 1944 instead of April 19, 1944). You must re-

figure 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 the seller has established his maximum price under this section, and with his first shipment after the 60-day period to each purchaser who has not made a purchase within that time, the seller shall include the notice set forth above in each case or carton containing the item, or securely attach it to the case or carton, or insert it on or attach it to the invoice accompanying the shipment.

SEC. 4.3 *Certain wet corn milling products*—(a) *Maximum prices.* The maximum price which any seller may charge any class of purchaser for corn starch and dextrine products in bulk, corn syrup unmixed in bulk, corn syrup solids in bulk, and for crude corn sugar in bulk shall be:

(1) For corn starch and dextrine products in bulk, the sum of:

(i) His maximum price for hundredweight to the same class of purchasers established by the General Maximum Price Regulation for the same type, condition, brand (if any) and container type and size; and

(ii) $0.62 per hundred-weight in the case of any type or grade of corn starch or dextrine product in bulk with an average March 1942 moisture content between and including 11½ percent and 14 percent. In the case of any type or grade of corn starch or dextrine product in bulk which had a March 1942 moisture content below 11½ percent or above 14 percent the maximum shall be computed by adjusting the figure $0.62 on the basis of dry starch of 11½ percent moisture content. In the case of products not wholly corn starch or dextrine the figure $0.62 shall be adjusted by multiplying it by the percentage (by weight) of the corn starch or dextrine contained therein, also on the basis of dry starch of 11½ percent moisture content.

(2) For bulk corn syrup unmixed the sum of:

(i) His maximum price per hundredweight to the same class of purchasers established by the General Maximum Price Regulation for the same type, condition, brand (if any) and container type and size; and

(ii) $0.30 per hundred-weight; *Provided, however* That for sales in barrels or half-barrels the resulting figure may be further increased by

(*a*) $0.24 per hundred-weight for sales in barrels.

(*b*) $0.29 per hundred-weight for sales in half-barrels.

(3) For corn syrup solids in bulk, and for crude corn sugar in bulk, the sum of;

(i) His maximum price per hundredweight to the same class of purchasers established by the General Maximum Price Regulation for the same type, condition, brand (if any) and container type and size; and

(ii) $0.30 per hundred-weight.

(b) *Adjustment of maximum prices.* (1) The Office of Price Administration may adjust any maximum price established under this section for any manufacturer of wet corn milling products in bulk whose continued production is considered necessary to maintain essential supply, and who demonstrates that an adjustment is necessary in order:

(i) To cover its total cost of wet corn milling operations if its current over-all profits before income taxes are less than its corresponding base period profits (1936–1939) or

(ii) To cover its direct costs of wet corn milling operations if its current over-all profits before income taxes are as great as or greater than its corresponding base period profits.

(2) Applications for adjustment under this paragraph shall be filed by the manufacturer with the Office of Price Administration, Washington, D. C., in the manner prescribed by Revised Procedural Regulation No. 1, and shall contain the following information:

(i) Description of applicant's business, including a list by major groups of all commodities manufactured.

(ii) Present and requested maximum prices.

(iii) Applicant's annual profit and loss statements prepared according to its usual system of accounts for 1936 to 1939 inclusive, and for 1943 (or for its accounting periods corresponding to those calendar years) and for its most recent accounting period.

(iv) If the applicant is engaged in activities other than wet corn milling, his profit and loss statement for his wet corn milling operations during the most recent six months period. The statement of wet corn milling operations should show separately:

1. Net sales.
2. Cost of goods sold.
(a) Material cost.
(b) Labor cost.
(c) Factory overhead.
3. Gross profit from sales.
4. Selling and advertising expense.
5. General and administrative expense.
6. Other operating expense.
7. Net profit from operations (before income taxes).

In addition, physical volume and dollar volume sales figures for each of the major classes of commodities produced by him in his wet corn milling operations must be furnished for the identical period for which the above data are submitted. Packaged goods and bulk goods must be shown separately.

NOTE: Filing of 1936–1939 data is optional provided reports are available from the Bureau of Internal Revenue. Should the applicant prefer, this information will be requested by the Office of Price Administration directly from the Bureau of Internal Revenue. If you have submitted any of this information on Office of Price Administration Financial Reporting Forms A and B for certain periods, or have reported the exact information requested herein on a previous application for adjustment of maximum prices, you may so indicate and omit these reports in your present report.

(3) The Price Administrator may, by order, grant or deny the application in whole or in part and, in connection with adjustment of applicant's maximum prices, may also adjust maximum prices of purchasers for resale. Any such order may be revised or revoked at any time by the Price Administrator.

(c) *Definitions.* As used in this section, the term:

(1) "Corn starch and dextrine" means the carbohydrates extracted from corn grain by the wet milling process commercially dry, in suspended form, thin boiling, thick boiling, oxidized, rolled or roasted, but does not include products commercially known as refinery products.

(2) "Corn syrup unmixed" means all commodities manufactured by the wet corn milling process commercially known as refinery products except crude corn sugar, hydrol or corn molasses, corn syrup solids, and fully refined sugar.

(3) "Corn syrup solids" means all types and grades of dehydrated commodities manufactured by the wet corn milling process and commercially known as refinery products having a dextrose equivalent of 65 percent or less.

(4) "Crude corn sugar" means those commodities manufactured by the wet corn milling process and commercially known as refinery products having an average dextrose content between and including 70 percent to 80 percent; 70 sugar and 80 sugar when used in reference to crude corn sugar refer to minimum average dextrose content.

(5) "Bulk" or "in bulk" means in tank cars, tank wagons, barrels, half-barrels, steel drums, in bags, in bulk in cars, or in other containers of more than 10 pounds net weight, except that when sales of corn starch and dextrine are made to any government purchasing agency, "bulk" or "in bulk" means in tank cars, tank wagons, barrels, half-barrels, steel drums, in bags, in bulk in cars, or in other containers of more than 4 pounds net weight.

ARTICLE V—MEATS, FISH, FATS AND OILS

SEC. 5.1 *Oil meals and oil cakes*—(a) *Sales in bulk*—(1) *Sales by a processor in less than carload lots; differential or margin over prevailing carload price.* The maximum differential or margin that a processor may charge over his prevailing carload price at his plant for sale of oil meal or oil cake in less than carload lots shall be $1.00 per ton in the case of sales to jobbers, wholesalers, and retailers and $3.00 per ton in the case of sales to persons other than jobbers, wholesalers, and retailers.

(2) *Sales by a jobber: profit margin over cost.* A jobber may charge the maximum profit margin or mark-up of 50 cents per ton.

(3) *Sales by a wholesaler: profit margin over cost.* If a wholesaler purchases from a processor, his maximum profit margin or mark-up shall be $2.50 per ton. If a wholesaler purchases from a jobber, his maximum profit margin or mark-up shall be $2.00 per ton.

(4) *Sales by a retailer: profit margin over cost.* If a retailer purchases from a processor, his maximum profit margin or mark-up shall be $5.50 per ton. If a retailer purchases from a jobber, his maximum profit margin or mark-up shall be $5.00 per ton. If a retailer purchases from a wholesaler, his maximum

profit margin or mark-up shall be $3.00 per ton.

(5) *Maximum profit margins to be charged only once.* The maximum profit margins over cost specified in subparagraphs (2) (3) and (4) above may be charged only once, that is to say, on sales between jobbers or between wholesalers or between retailers, the applicable mark-up can be added only once.

(b) *Sales in sacks.* Where the jobber, wholesaler or retailer buys oil meal or oil cake unsacked and resells the same sacked, he may add to his maximum price as specified in paragraph (a) above, the replacement cost of sacks: *Provided,* That the total charge does not exceed $3.50 per ton.

(c) *Imported oil meals and oil cakes.* Where the jobber, wholesaler or retailer buys or imports oil meal or oil cake, he may add the actual duties paid, plus an additional 50 cents per ton to his maximum price as specified in paragraphs (a) and (b) above.

(d) *Profit margin includes all charges.* The profit margins as specified in paragraph (a) above include, and no increases or charges shall in any manner be made for, brokerage, commissions, storage, insurance, extension of credit, carrying charges, handling charges or any other charges of any nature whatsoever.

(e) *Cost.* The cost to which the above specified profit margins may be added is as follows:

(1) In the case of the jobber, cost shall mean the actual price paid by him for each individual purchase. The price paid by the jobber's buyer (wholesaler or retailer, as the case may be) may include all applicable transportation charges provided that under no circumstances shall the jobber's profit margins or mark-up exceed 50 cents per ton.

(2) In the case of the wholesaler, the weighted average delivered price to him on deliveries at his warehouse or place of business for the period October 1, 1942, to October 31, 1942, both inclusive, shall be his cost for the period November 1, 1942, to November 30, 1942, both inclusive. For each succeeding month after November, 1942, his cost shall be the weighted average delivered price to him at his warehouse or place of business during the preceding calendar month. If no deliveries were made in any month, the costs shall be determined in the manner aforesaid on the basis of deliveries during the last preceding month in which deliveries were made. The price paid by the wholesaler's buyer (the retailer) may include all applicable transportation charges from the wholesaler's warehouse or place of business to the place designated by the retailer: *Provided,* That under no circumstances shall the wholesaler's profit margin or mark-up exceed, if he purchased from a processor, $2.50 per ton, or, if purchased from a jobber, $2.00 per ton.

(3) In the case of the retailer, the weighted average delivered price to him at his receiving point or points for the period October 1, 1942, to October 31, 1942, both inclusive, shall be his cost for the period November 1, 1942, to November 30, 1942, both inclusive. For each succeeding month after November, 1942, his cost shall be the weighted average delivered price at his warehouse or place of business during the preceding calendar month. If no deliveries were made in any month, the cost shall be determined in the manner aforesaid on the basis of deliveries during the last preceding month in which deliveries were made. Under no circumstances shall the retailer add any transportation charge from his receiving point to his buyer and under no circumstances shall the retailer's profit margins or mark-up exceed, if he purchased from a processor, $5.50 per ton; or, if he purchased from a jobber, $5.00 per ton; or, if he purchased from a wholesaler, $3.00 per ton.

(f) *Definitions.* (1) "Processor" is a person who crushes a vegetable oil bearing material into oil and oil meal or cake exclusive of such oil meals or cakes as are subject to another regulation.

(2) "Jobber" or "dealer" means a person who buys oil meal or oil cake, whether in carlots or less than carlots, and resells the same without unloading into a warehouse.

(3) "Wholesaler" means a person who buys oil meal or oil cake and unloads his purchase into a warehouse and resells the same, except at retail.

(4) "Retailer" means a person who buys oil meal or oil cake and resells the same to a feeder or ultimate user.

(5) "Oil meal or cake" is the product produced by a processor as above described exclusive of such products as are subject to another regulation.

(g) *Records and reports.* Every person making a sale or purchase of oil meals or oil cakes in the course of trade or business shall keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale or purchase showing: (1) the date thereof, (2) the name and address of the buyer and seller, (3) the product and the quantity bought or received, (4) the price charged and the method of computing it, listing separately all items of transportation charges and the mode of transportation. Such person shall submit such reports to the Office of Price Administration, and keep such other records, in addition to or in place of the records hereinbefore required, as the Office of Price Administration may from time to time direct.

(h) The provisions of this section shall be applicable to the 48 states of the United States and to the District of Columbia.

SEC. 5.2 *Salt lake herring*—(a) *First processor's maximum prices.* The maximum price of salt lake herring, f. o. b. the point of production, per 100 lb. keg, shall be the maximum price as determined under § 1499.2 of the General Maximum Price Regulation, plus 75 cents.

(b) *Final processor's maximum prices.* The maximum price per pound for salt lake herring, f. o. b. the manufacturing plant, shall be the maximum price as determined under § 1499.2 of the General Maximum Price Regulation, plus one cent.

(c) *Records and reports.* (1) Every first and final processor making a sale of salt lake herring, or otherwise dealing therein, after February 7, 1943, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale or transaction, showing the date thereof, the name and address of the buyer or recipient, the price contracted for or received, and the quantity sold or delivered.

(2) Every first and final processor shall (i) preserve for examination by the Office of Price Administration all his existing records from March, 1942, relating to sales of salt lake herring; (ii) file with the appropriate district or regional office of the Office of Price Administration on or before February 22, 1943, a statement showing the highest price per unit for which he sold or delivered salt lake herring during March, 1942, and the maximum prices determined hereunder for each container size and style of pack of salt lake herring; and (iii) preserve and keep such other records and submit such other reports to the Office of Price Administration, in addition to or in place of the records above specified, as the Office of Price Administration may from time to time require.

(d) *Definitions.* (1) "Salt lake herring" means a fish of the species of leucichthysartedi, caught in one of the following Great Lakes: Superior, Michigan, and Huron, and is back split, eviscerated, and preserved by salt packing in the usual container.

(2) "First processor" means any person who salts lake herring which are destined for future processing.

(3) "Final processor" means a person who repacks salt herring for sale in the form in which it is sold at retail.

SEC. 5.3 *Canned fish flakes.* Any seller may sell and deliver and any person may buy and receive 7½ ounce tin containers of fish flakes canned prior to January 1, 1943, at a maximum cash price f. o. b. seller's shipping point of $1.90 per dozen or the price established under the General Maximum Price Regulation prior to January 1, 1943, whichever is greater.

SEC. 5.4 *Oleomargarine sold in Oklahoma*—(a) *Sales by wholesalers.* The maximum price that a wholesaler may charge for sales of an item of oleomargarine in the state of Oklahoma shall be the wholesaler's "net cost" of that item per pound, plus three cents for each pound.

(b) *Sales by a retailer* The maximum price that a retailer may charge for sales of an item of oleomargarine in the state of Oklahoma shall be the retailer's "net cost" of that item per pound, plus four cents for each pound.

(c) *Definitions.* (1) "Oleomargarine" means all those products labelled and sold as oleomargarine.

(2) "Item" means any brand, kind, grade, container size and container type of oleomargarine. A separate maximum price shall be figured for each brand, kind, grade, container size and container type.

(3) "Wholesaler" means a person who buys oleomargarine and resells the same to commercial, industrial or institutional users or to retailers located in the state of Oklahoma without materially changing the form of the item

(4) "Retailer" means a person who buys oleomargarine and resells the same to the ultimate consumer without materially changing the form of the item

(5) "Net cost" means the amount paid for an item of oleomargarine delivered at the wholesaler's or retailer's (as the case may be) customary receiving point, less all discounts except the discount for prompt payment; however, no charge or cost for local unloading or local trucking shall be included. "Net cost" shall be based on the most recent purchase A retailer may not base his "net cost" on purchases from another retailer A wholesaler's "net cost" may not be based on purchases from another wholesaler

ARTICLE VI—BEVERAGES

SEC 6 1 *Soft drinks*—(a) *Maximum prices for bottlers and wholesalers to sellers at retail* (1) A bottler whose maximum price to a retailer for a soft drink as determined under the general provisions of § 1499 2 of the General Maximum Price Regulation (herein called the unadjusted maximum price) is less than the maximum adjusted price set forth in the schedule of this paragraph (a) may add to his unadjusted maximum price the amount of the "permitted increase" set forth in such schedule: *Provided* That prices so increased shall in no event exceed the maximum adjusted price set forth in this schedule

(2) A wholesaler whose supplier has adjusted his maximum price under the provisions of this section may adjust his own maximum price as determined under the general provisions of § 1499 2 of the General Maximum Price Regulation by adding thereto the amount of the permitted increase" set forth in the schedule of this section: *Provided,* That the price so increased shall in no event exceed the maximum adjusted price set forth in such schedule

(3) Schedule of permitted increase of maximum adjusted price for bottlers and wholesalers of soft drinks to retailers

| Size | Unit of sale | Permitted increase | Maximum adjusted price |
|---|---|---|---|
| 6-23 oz. bottles, incl. | Case of 24 | 5 cents per ca. | $0 50 |
| 24-32 oz bottles, incl | Case of 12 | 10 cents per ca | 1 6[illegible] |
| 33-64 oz. bottles, incl | Case of 6. | 10 cents per ca | [illegible] |
| ¼ barrels | ¼ barrels | 25 cents per ¼ bbl | 2 25 |
| ½ barrels | ½ barrels | 50 cents per ½ bbl | 4 [illegible] |
| Siphons..... | Case of 6 siphons | 15 cents per case | [illegible] |
| Bottled water .. | 6½ gal container | 5 cents per 6½ gal. containers | [illegible] |
| Bottled water .. | 6-1 gal container | 10 cents per 6-1 gal containers | [illegible] |
| Bottled water ... | 5 gal. container | 10 cents per 5 gal containers | [illegible] |

(b) *Maximum prices for bottlers to wholesalers* If a bottler during July 1941 sold a soft drink both to wholesalers and retailers, his maximum price to wholesalers shall be the maximum price determined under the schedule in paragraph (a) of this section, less the amount expressed in dollars and cents by which his average selling price to retailers during July 1941 exceeded his average selling price to wholesalers during the same period

If a bottler made no sales of a soft drink to retailers during July 1941, and sold only to wholesalers, who in turn sold to retailers the bottler's maximum price to wholesalers shall be an amount determined as follows:

(1) Ascertain the wholesalers (to whom the bottler sold) average selling price to retailers during July 1941 for the soft drink

(2) Ascertain the bottlers average selling price to wholesalers during July 1941 for the soft drink

(3) Subtract (2) from (1)

(4) Subtract the resulting figure at (3) from the wholesalers' maximum price to retailers determined under the schedule in paragraph (a) of this section The resulting figure is the bottler's maximum price to wholesalers

(c) *Maximum prices for retailers* A seller of a soft drink at retail whose supplier has adjusted his maximum price under the provisions of this section may adjust his own maximum price as determined under the general provisions of § 1499 2 of the General Maximum Price Regulation by adding thereto the amount in dollars and cents by which his supplier's maximum price has been increased: *Provided,* That in the case of soft drinks sold in containers of 6–23 oz inclusive, the maximum price at retail, as adjusted hereunder, shall not exceed five cents per bottle

(1) In figuring his adjusted maximum price under the provisions of this section, a seller of a soft drink at retail shall take the amount of the increase in price per case which has been reported to him by his supplier and divide it by the number of bottles in the case to get the per bottle increase For single bottle sales he shall add the per bottle increase to his unadjusted maximum price for a single bottle sale For quantity sales he shall first multiply the per bottle increase by the number of bottles sold and add this latter figure to his unadjusted maximum price for a sale in that quantity If, after doing this, in the case either of single bottle or quantity sales he gets a fractional cent price he shall adjust the price to the next lower cent if the fraction is less than half a cent, or to the next higher cent if the fraction is one-half a cent or greater

(2) Table showing maximum prices which may be charged by a retailer when price to retailer has been increased by bottler or wholesaler

| Size | Type of sale | Maximum price |
|---|---|---|
| 6-23 oz bottles incl | Single bottles | March ceiling price plus increase but in no event more than five cents per bottle. |
| 6-23 oz bottles incl | Handy pack cartons or units of six bottles. | March ceiling price plus increase but in no event more than five cents per bottle |
| 24-32 oz bottles incl | Single bottles or quantity sales | March ceiling price plus increase |
| 33-64 oz. bottles, incl | Single bottles or quantity sales. .. | March ceiling price plus increase |
| ¼ or ½ barrels. | Sold per glass for consumption on premises. | March ceiling price |
| Siphons..... | Single siphons or quantity sales | March ceiling price plus increase |
| Bottled water | Single bottles or quantity sales | March ceiling price plus increase |

(d) *Definition* "Soft drinks" means flavored or unflavored nonalcoholic beverages and waters in bottles or other closed containers whether carbonated or not, but excluding milk drinks and drinks consisting of fruit juices, vegetable juices, and combinations thereof, where at least 85 per cent by weight of such drinks is pure fruit juices vegetable juices or a mixture thereof

(e) *Notification to retailers* (1) On or before the first delivery after the effective date of the price increase every bottler and wholesaler who increases his maximum price or prices for soft drinks under the provisions of this section shall (i) prepare and supply to each retailer to whom he sells or contracts to sell such soft drinks a statement written or printed by any method showing the soft drink and size thereof on which a price increase has been made, the permitted increase which may be made by the retailer per case and the permitted increase which may be made by the retailer per bottle on such sizes of such drinks, and (ii) file a copy of each such statement or if the same statement is supplied to any class of purchasers one copy of such statement within 30 days thereof with the Office of Price Administration Washington D C

(2) The statement to be supplied by the bottler or wholesaler to the retailer, as above required shall contain the following information:

Item: (description of item, including bottle size) Permitted increase per case of____ bottles____¢ You may add ____ cent(s) per bottle to your March 1942, ceiling price. However the retail price shall not exceed 5 cents per bottle for 6 to 23 ounce bottles, inclusive

On single bottle sales add the per bottle increase to your March 1942, ceiling price

On quantity sales multiply the per bottle increase by number of bottles sold and add this amount to your March, 1942, ceiling price charged for sales of the same quantity

If in either case above the total is a fractional cent price, adjust to next lower cent if fraction is less than half cent, or to the next higher cent if fraction is one half cent or more

_____
(Bottler or wholesaler firm name)

_____
(Address)

(f) *Applicability:* The provisions of this section shall be applicable to the United States and the District of Columbia

SEC 6 2 *Domestic wines: Records and reports required from brand owners*—(a) *Brand names in use during*

*March 1942*—(1) *Report of brand description.* On or before September 10, 1943, every owner of a brand name used during March 1942 for sales of domestic wines shall report the brand description of the domestic wines sold thereunder and his maximum prices therefor to the Office of Price Administration, Washington, D. C. If the brand name was used during March 1942 for sales of more than one type of domestic wines, the brand owner shall make a separate report for each such type.

(2) *Forms for brand names in use during March 1942*—(i) *Where brand description has not been changed.* If the brand name is one which the owner used during March 1942 and the type of domestic wines is the same type sold thereunder during March 1942, the report shall be on Form 635-369a as set forth at paragraph (e) of this section.

(ii) *Where brand description has been changed.* If the brand name is one which the owner used during March 1942 but the brand description differs in any respect from the brand description covering the domestic wines sold thereunder during March 1942, the report shall be on Form 635-639a as set forth at paragraph (e) of this section.

(b) *Brand names in use on August 5, 1943 but not in use during March 1942*—(1) *Report of brand description.* On or before September 10, 1943, every owner of a brand name not used during March 1942 for sales of domestic wines, but being used for that purpose on August 5, 1943, shall report the brand description of the domestic wines being sold thereunder and his maximum prices therefor to the Office of Price Administration, Washington, D. C. If such brand name is being used for more than one type of domestic wines, the brand owner shall make a separate report for each brand description.

(2) *Form for brand name not in use during March 1942.* If the brand name is one which the owner did not use during March 1942 the report shall be on Form 635-369c as set forth at paragraph (e) of this section.

(c) *Brands introduced after August 4, 1943, and changes in brand description after August 4, 1943 of brands sold during March 1942.* (1) Brand introduced after August 4, 1943. An owner of a brand who after August 4, 1943 desires:

(i) To sell any domestic wines of any brand description under a brand name not used for that purpose since March 1, 1942; or

(ii) To sell domestic wines of any brand description not in use either during March 1942 or on August 5, 1943 shall file a report with the Office of Price Administration, Washington, D. C. Such report shall be on Form 635-369c as set forth at paragraph (e) of this section.

(2) *Changes in brand description after August 4, 1943 of brand name sold during March 1942.* An owner of a brand name used during March 1942 who after August 4, 1943 desires to sell domestic wines of a changed brand description under such brand name shall file a report with the Office of Price Administration, Washington, D. C. Such report shall be on Form 635-369b as set forth at paragraph (e) of this section.

(3) *Time within which reports must be filed.* The reports required to be filed under paragraph (c) shall be filed at least 20 days before the brand owner offers for sale, sells or delivers the commodity for which the report is required.

(d) *Explanations and definitions*—(1) *Explanations.* (i) Each report required by this section shall contain the information and be on the form required under the applicable paragraph thereof. Forms for reports are available at regional and district offices of the Office of Price Administration, or at its principal office in Washington, D. C. Duplicate copies of reports are not required and a report once properly made need not be repeated.

(ii) The brand description required by this section for domestic wines shall be as follows:

(*a*) Class of wine, such as

Grape wine
Citrus wine
Fruit wine
Wine from other agricultural products
Vermouth
Imitation, concentrate or substandard wine.

(Unless otherwise designated a brand description using only the word "wine" will be classed as "grape wine" so the words "grape wine" need not be included in the brand description if the word "wine" is used.)

(*b*) Kind of wine, such as

Still wine
Sparkling wine
Carbonated wine

(The brand description must indicate whether a wine is a "sparkling wine" or a "carbonated wine," and any wine not so designated will be considered as a "still wine" so that the words "still wine" need not be included in the brand description.)

(*c*) Type of wine, such as

| | |
|---|---|
| Sherry | Catawba |
| Port | Barbera |
| Muscatel | Zinfandel |
| Claret | Hock |
| Chablis | Muscat |
| Sauterne | Champagne |
| Concord | Burgundy |
| Marsalos | Chianti |
| Madeira | Cabernet |
| Scuppernong | Riesling |
| Angelica | Moselle |
| Tokay | Malaga |
| Rhine | Haut Sauterne |

and in the case of all wines made from fruits, berries and other agricultural products the name of the commodity from which made, such as

| | |
|---|---|
| Apple | Gooseberry |
| Blackberry | Loganberry |
| Currant | Cherry |

(*d*) Sub-type designation, such as

| | |
|---|---|
| Natural | Old fashioned |
| Dry | Pink |
| Pale dry | Wild |
| White | Secco-pio |
| Red | Wild mountain |
| Sweet | Light |

NOTE: If a vintage designation is used in the brand description it shall be included as part of the type and sub-type description.

(*e*) Appellation of origin, such as

| | |
|---|---|
| California | Lake Erie Islands |
| New York State | Livermore Valley |
| American | Cucamonga Valley |
| Napa Valley | Georgia |

(*f*) Alcoholic content must be stated in the case of wines containing 14 percent or more of alcohol by volume. In the case of wines containing less than 14 percent alcohol by volume the alcoholic content may, but need not, be stated.

(*g*) Where the label or labels used by a brand owner for any particular brand description contain all the information required under this subdivision (ii) the label or labels may be submitted in lieu of a written brand description.

(iii) Neither acceptance by the Office of Price Administration of any report filed under this section, nor its failure to act thereon shall constitute approval of the maximum prices listed by a brand owner in the report.

(2) *Definitions.* For the purposes of this section:

(i) "Owner of a brand name" or "brand owner" means the person such as a vintner, bottler, packer, wholesaler or retailer licensed to use or entitled to exclusive use of the brand name for sales of domestic wines of a particular brand description.

(ii) "Label" or "labels" means the label or labels affixed to the bottle or other unit of sale of domestic wines in accordance with Regulation No. 4 relating to the Labeling and Advertising of Wine, As Amended, issued by the Federal Alcohol Administration.

(iii) A brand name shall be deemed "used" during or at a particular time if domestic wines were then being sold or offered for sale thereunder.

(iv) "Domestic wines" means California Grape Wine as defined in section 7.12 of MPR 445, fruit wines, berry wines and grape wines (other than California grape wines) as defined in section 7.12 of MPR 445, also citrus wine as defined in Class 4, wine from other agricultural products as defined in Class 6, vermouth as defined in Class 7, imitation and substandard wine and concentrates as defined in Class 8 of Regulation No. 4 relating to Labeling and Advertising of Wine, As Amended, issued by the Federal Alcohol Administration.

(e) *Sample forms.*

Form Approved
Budget Bureau No. 03-R527

OPA Form 635-369a

OFFICE OF PRICE ADMINISTRATION
WASHINGTON, D. C.

*Report for Brand of Domestic Wines*

[Filed Pursuant to Section 6.2 of Supplementary Regulation No. 14C (formerly section 2.18 of Revised Supplementary Regulation 14)]

[Use This Form Only for Brand Names Sold During March 1942, Where No Brand Description Change Has Been Made]

Brand Name _____
Name of brand owner filing report _____
Name of person filing this report _____
Address _____
Street City State

*Maximum price per case brand owner charged during March 1942.* Prices should include Federal taxes in effect March 31, 1942, but should not include State or local taxes or the Federal tax increase effective November 1, 1942.

| Class of purchaser | Maximum price per case | | | F. o. b. following shipping point |
|---|---|---|---|---|
| | Quarts | Fifths | Other size (specify) | |
| Monopoly States | | | | |
| Open State Wholesalers | | | | |
| Retailers | | | | |
| Others (Specify) | | | | |

*March 1942 brand description (See section 6.2 (d)). Copy all data on March 1942 labels, or paste actual labels hereon.*

Remarks:

CERTIFICATION

I hereby certify and represent to the Office of Price Administration, an agency of the United States, that I am the brand owner named above, or his agent duly authorized to make this certification in his behalf, that the statements and representations herein made are true.

Notice: Section 35 (a) of the United States Criminal Code makes it a criminal offense, punishable by a maximum ten years' imprisonment, $10,000 fine, or both to make a false statement or representation to any Department or Agency of the United States.

Signature of Brand Owner—If a Corporation, this form should be signed by an authorized officer of the Company

Title

Date

Form Approved
Budget Bureau No. 08-R528

OPA Form 635-369b

OFFICE OF PRICE ADMINISTRATION

WASHINGTON, D. C.

*Report for Brand of Domestic Wines*

Filed Pursuant to Section 6.2 of Supplementary Regulation 14C (formerly section 2.18 of Revised Supplementary Regulation 14)

Use This Form Only If Brand Name Is Retained and Brand Description Sold in March 1942 Has Been Changed

Brand Name

Name of Brand Owner filing report

Name of person filing this report

Address

Street City State

*Brand owners' ceiling prices per case as of March 1942.* Prices should include Federal taxes in effect March 31, 1942 but should not include State or local taxes or the Federal tax increase effective November 1, 1942.

| Class of purchaser | Maximum price per case | | | F. o. b. following shipping point |
|---|---|---|---|---|
| | Quarts | Fifths | Other size (specify) | |
| Monopoly States | | | | |
| Open State Wholesalers | | | | |
| Retailers | | | | |
| Others (Specify) | | | | |

Remarks:

Brand Descriptions (See section 6.2 (d)).

March 1942 Brand Description.

New Brand Description.

Copy all data on March 1942 labels, or paste actual labels hereon:

Brand Owner's Present or Proposed Ceiling Prices per case of the New Brand Description.

Prices should include Federal taxes in effect March 31, 1942 but should not include State or local taxes or the Federal tax increase effective November 1, 1942.

| Class of purchaser | Maximum price per case | | | F. o. b. following shipping point |
|---|---|---|---|---|
| | Quarts | Fifths | Other size (specify) | |
| Monopoly States | | | | |
| Open State Wholesalers | | | | |
| Retailers | | | | |
| Others (Specify) | | | | |

METHOD USED TO DETERMINE MAXIMUM PRICES

I. Our first sale of domestic wines of the new brand description to any class of purchaser was made on _____
(Date)

II. Our new ceilings were determined in the following manner:

A. Under OPA Order No. _____ (if order has been issued) (If OPA order was issued, Parts III and IV below need not be answered).

B. By reference to our ceiling prices for sales of a similar brand _____

C. By reference to a competitor's prices for sales of a brand:

Having the same brand description _____

Having a similar brand description _____

III. To determine ceiling prices in the manner indicated above we used as:

A brand having the {same / similar} brand description _____

(State brand name)

Ceiling price of this brand $_____ per _____

From what source was this ceiling price obtained _____

Sold by: _____
(Name)

Address: _____
(Street) (City) (State)

This brand was considered similar because: (State reasons) _____

IV. We wish to submit the following additional information which we consider pertinent to establishment of our maximum prices for the new brand description. (Use additional pages if necessary) _____

CERTIFICATION

I hereby certify and represent to the Office of Price Administration, an agency of the United States, that I am the brand owner named above, or his agent duly authorized to make this certification in his behalf, that the statements and representations herein made are true.

Notice: Section 35 (a) of the United States Criminal Code makes it a criminal offence, punishable by a maximum of ten years' imprisonment, $10,000 fine, or both to make a false statement or representation to any Department or Agency of the United States.

Signature of Brand Owner.—If a Corporation, this form should be signed by an authorized officer of the Company.

Title

Date

Form Approved
Budget Bureau No. 03-R529

OPA Form 635-369c

OFFICE OF PRICE ADMINISTRATION

WASHINGTON, D. C.

*Report for Brand of Domestic Wines*

[Filed Pursuant to Section 6.2 of Supplementary Regulation No. 14C (formerly section 2.18 of Revised Supplementary Regulation 14)]

[Use this form only for brand names not sold by Brand Owner during March 1942]

Brand Name

Name of Brand Owner filing report

Name of Person filing this report

Address _____
(Street) (City) (State)

Brand Description (See section 6.2 (d)). Copy all data on labels or paste actual labels hereon.

Brand Owner's present or proposed ceiling price per case of the new brand description.

Prices should include Federal taxes in effect March 31, 1942 but should not include State or local taxes or the Federal tax increase effective November 1, 1942.

| Class of purchaser | Maximum price per case | | | F. o. b. following shipping point |
|---|---|---|---|---|
| | Quarts | Fifths | Other size (specify) | |
| Monopoly States | | | | |
| Open State Wholesalers | | | | |
| Retailers | | | | |
| Others (Specify) | | | | |

METHOD USED TO DETERMINE MAXIMUM PRICES

I. Our first sale of domestic wines of the new brand description to any class of purchaser was made on _____
(Date)

II. Our new ceilings were determined in the following manner:

A. Under OPA Order No. _____ (if order has been issued) (If OPA order was issued, Parts III and IV below need not be answered).

B. By reference to our ceiling prices for sales of a similar brand _____

C. By reference to a competitor's prices for sales of a brand:

Having the same brand description _____

Having a similar brand description _____

III. To determine ceiling prices in the manner indicated above we used as:

A brand having the {same / similar} brand description _____

(State brand name)

Ceiling price of this brand $_____ per _____

From what source was this ceiling price obtained _____

Sold by: _____
(Name)

Address: _____
(Street) (City) (State)

This brand was considered similar because: (State reasons) _____

IV. We wish to submit the following additional information which we consider pertinent to establishment of our maximum prices for the new brand description. (Use additional pages if necessary) _____

CERTIFICATION

I hereby certify and represent to the Office of Price Administration, an agency of the United States, that I am the brand owner named above, or his agent duly authorized to make this certification in his behalf, that the statements and representations herein made are true.

Notice: Section 35 (a) of the United States Criminal Code makes it a criminal offence, punishable by a maximum of ten years' imprisonment, $10,000 fine, or both, to make a false statement or representation to

any Department or Agency of the United States.

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Signature of Brand Owner.—If a Corporation, this form should be signed by an authorized officer of the Company.

Title ----------

Date ----------

This regulation shall become effective January 29, 1945.

NOTE: The record keeping and reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 29th day of January 1945.

CHESTER BOWLES,
*Administrator*

[F. R. Doc. 45-1732; Filed, Jan. 29, 1945; 11:40 a. m.]

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PART 1499—COMMODITIES AND SERVICES

[SR 14D]

MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN TOBACCO PRODUCTS

This Supplementary Regulation 14D to the General Maximum Price Regulation contains the provisions heretofore embodied in sections 6.9, 6.19, 6.21, 6.56 and 6.59 of Revised Supplementary Regulation 14 relating to certain tobacco products. Second Revised Supplementary Regulation 14, which is issued simultaneously with this regulation, continues the provisions relating to miscellaneous commodities and services and includes a table of cross references which shows the present counterparts of the former provisions of Supplementary Regulation 14 and Revised Supplementary Regulation 14, their effective dates and the amendments by which they were originally added or later amended.

A statement of the considerations involved in the issuance of this Supplementary Regulation 14D has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Sec.
1. Chelsea cigarettes "20s"
2. Twist tobacco.
3. Special provisions for sales of cigarettes at wholesale and retail.
4. Scrap chewing tobacco.
5. Plug chewing tobacco.

AUTHORITY: § 1499.77 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong., E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

SECTION 1. *Chelsea cigarettes "20s"*—(a) *Maximum prices of jobbers and wholesalers.* A jobber or wholesaler may sell and deliver and any person may buy and receive Chelsea cigarettes packed 20 to a package at price not in excess of $6.81 per thousand or the manufacturer's list price, whichever is the lower, less discounts and allowances customarily given in March, 1942, by such jobber or wholesaler on his sales of other cigarettes of the same price class to purchasers of the same class. A jobber or wholesaler may add to such price the amount of any state or local tax applicable to the particular quantity of cigarettes sold and paid or payable by him to the proper taxing authorities or to any prior vendor.

(b) *Maximum prices of retailers.* A seller at retail may sell and deliver and any person may buy and receive Chelsea cigarettes packed 20 to a package at a price not in excess of the particular retailer's maximum price established under § 1499.2 of the General Maximum Price Regulation for his sales of other cigarettes of the same price class to a purchaser of the same class. A retailer may add to such price the amount of any state or local tax applicable to the particular quantity of cigarettes sold and paid or payable by him to the proper taxing authorities or to any prior vendor.

(c) *Notification.* On and after March 6, 1943, any seller of Chelsea cigarettes packed 20 to a package (other than a retailer) at or before his first delivery thereof to a purchaser, shall supply such purchaser with a written or printed notice as follows:

The Office of Price Administration has authorized ceiling prices for sales of Chelsea cigarettes "20s" The ceiling price for jobbers and wholesalers is $6.81 per thousand cigarettes or the manufacturer's list price, whichever is the lower, less their March, 1942, customary discounts and allowances on sales of other cigarettes of the same price class to purchasers of the same class. The ceiling price for a retailer is his maximum price for sales of other cigarettes of the same price class to purchasers of the same class. Applicable state and local taxes may be added to such ceiling prices. Jobbers and wholesalers are required to supply purchasers with a copy of this notice at or before their first delivery of such cigarettes to the purchaser. The Office of Price Administration requires you to keep this notice for examination.

(d) *Applicability.* The provisions of this section shall be applicable to the 48 states of the United States and to the District of Columbia.

SEC. 2. *Twist tobacco*—(a) *Manufacturers' weight adjustment.* (1) A manufacturer of twist tobacco of a March 1942 suggested retail price class of 10 cents per twist may adjust the March 1942 weight thereof to a minimum weight of 1.333 oz. per twist or 12 twists per pound.

(2) A manufacturer of twist tobacco of a March 1942 suggested retail price class of 5 cents per twist may adjust the March 1942 weight thereof to a minimum weight of .64 oz. per twist or 25 twists per pound.

(3) A manufacturer of twist tobacco of a March 1942 suggested retail price class in excess of 10 cents per twist may adjust the March 1942 weight thereof to a minimum weight per twist computed as follows:

(i) He shall select the twist of a March 1942 suggested retail price class of either 10 cents or 5 cents per twist manufactured by him in March 1942, which corresponds, except for size, to the twist for which a minimum weight is being figured.

(ii) He shall next divide the March 1942 weight of the twist selected under (i) into the March 1942 weight of the twist for which a minimum weight is being figured.

(iii) He shall then multiply the figure obtained under (ii) by 1.333 or by .64 according to whether the twist selected under (i) is of the March 1942 suggested retail price class of 10 cents or 5 cents. The result shall be the minimum weight of the twist for which the computation is made.

(4) A manufacturer adjusting the weight of twist tobacco pursuant to this paragraph (a) shall make and keep available for inspection by the Office of Price Administration for as long as the Emergency Price Control Act of 1942 remains in effect, his records and figures showing the method he used in making such adjustment.

(b) *Manufacturers' maximum list price and maximum net selling price for twist tobacco.* (1) A manufacturer may sell, and any person may buy from that manufacturer, twist tobacco of a minimum weight provided for in paragraph (a) for a maximum list price equal to that established by the manufacturer under the General Maximum Price Regulation for the same twist tobacco prior to adjustment of its weight, and for a maximum net selling price determined pursuant to this paragraph (b)

(2) A manufacturer's maximum net selling price for any particular brand of twist tobacco shall be his maximum list price therefor, less, at his election, either

(i) His March 1942 customary discounts and allowances on sales of that brand to the particular class of purchasers in question, or

(ii) The following minimum discounts and allowances:

| Amount of purchase | Trade discount | Additional discount for payment within 10 days |
|---|---|---|
| | *Percent* | *Percent* |
| Less than 30 lbs. | 10 | 2 |
| 30 lbs. but less than 60 lbs. | 10 and 3 | 2 |
| 60 lbs. or over | 10 and 5 | 2 |

Trade discounts may be given wholly or partly in the form of free goods valued in the manner customarily used for that purpose by the particular manufacturer during March 1942.

(3) Except as expressly permitted in this paragraph, no manufacturer shall so alter his March 1942 customary terms of sale to any class of purchasers as to make them more burdensome to a purchaser.

(c) *Manufacturers' notice to purchasers.* Before or at his first delivery of any twist tobacco of a weight other than its March 1942 weight, or at a maximum net selling price different from its March 1942 net selling price, to any purchaser, every manufacturer shall give the purchaser a completed notice in writing as follows:

OPA has authorized us to reduce the size of (insert brand name) twist tobacco from ---- ounces to ---- ounces per twist. OPA has authorized us to establish the following

* Copies may be obtained from the Office of Price Administration.

minimum discounts on our sales of (insert brand name) twist tobacco:

| Amount of purchase | Trade discount | Additional discount for payment within 10 days |
|---|---|---|
| | *Percent* | *Percent* |
| Less than 30 lbs. | 10 | 2 |
| 30 lbs. but less than 60 lbs. | 10 and 3 | 2 |
| 60 lbs. or over | 10 and 5 | 2 |

The permission given us does not allow you to increase your ceiling prices for this brand and no change in your ceiling prices or discounts can be made because of it. OPA requires you to keep this notice for examination.

NOTE: The first or second sentence of the notice may be omitted if not applicable in a particular case. No more than one notice covering a particular brand and size of twist tobacco need be given to any purchaser.

(d) *Wholesalers' and jobbers' maximum prices; notice to purchasers.* (1) After receipt of notice from his supplier, any wholesaler or jobber may sell, and any person may buy from that wholesaler or jobber, twist tobacco of a minimum weight provided in paragraph (a) at a maximum price not greater than that established by the particular wholesaler or jobber under the General Maximum Price Regulation for his sales of the same twist tobacco to a purchaser of the same class, prior to adjustment of its weight. No wholesaler or jobber shall so alter his March 1942 customary terms of sale to any class of purchasers as to make them more burdensome to a purchaser.

(2) Each wholesaler or jobber shall mark on the invoice or sales slip given to any purchaser, covering his first sale to that purchaser of a brand of twist tobacco of a weight adjusted pursuant to (a) the following:

Weight of brands of twist tobacco included in this purchase has been reduced by the manufacturer with OPA authorization. Wholesalers, jobbers and retailers are authorized to sell the reduced weight without changing their ceiling prices for those brands.

(e) *Retailers' maximum prices.* After receipt of notice from his supplier, any retailer may sell, and any person may buy from that retailer, twist tobacco of a minimum weight provided in paragraph (a) for a maximum price not greater than that established by the particular retailer under the General Maximum Price Regulation for his sales of the same twist tobacco to a purchaser of the same class, prior to adjustment of its weight.

(f) *Definitions.* (1) "Twist tobacco" means rolled tobacco leaf, sweetened or unsweetened, commonly doubled or folded and having the ends of the roll twisted around each other.

(2) "March 1942 suggested retail price" means the retail price of a particular brand and size of twist tobacco suggested by the manufacturer thereof in his last standard price list effective during March 1942.

(g) *Geographical applicability.* The provisions of this section shall be applicable to the 48 States of the United States and to the District of Columbia.



SEC. 3. *Special provisions for sales of cigarettes at wholesale and at retail*—(a) *Maximum prices for sales of economy cigarettes at wholesale.* On and after September 4, 1943, a seller's maximum price for a sale of a particular quantity of economy cigarettes at wholesale to any class of purchasers shall be an amount determined by multiplying his net cost for that quantity of the brand and size by the percentage mark-up applicable on September 3, 1943 to his sales of the same cigarettes to the same class of purchasers. For purposes of this paragraph:

(1) A seller's "net cost" shall be his supplier's list price for the particular brand and size of cigarettes less (i) all trade and cash discounts, and (ii) all state and local taxes, and (iii) any increase in Federal Internal Revenue tax effective after September 3, 1943;

(2) A seller's "percentage mark-up applicable on September 3, 1943" shall be the percentage determined by dividing his maximum price per thousand of such brand and size of cigarettes to the particular class of purchasers on that date (exclusive or all state or local taxes and after deducting all trade and cash discounts) by his net cost therefor on the same date.

(b) *Maximum prices for sales of economy cigarettes at retail.* (1) On and after September 4, 1943, a seller's maximum price for a sale of economy cigarettes at retail shall be as follows:

| | |
|---|---|
| For a package of 20 cigarettes. | 13 cents. |
| For multiple unit sales of packages of 20 cigarettes. | 12½ cents multiplied by number of packages sold. |

*Provided,* That if charging the maximum price for a particular multiple unit sale at retail would require use of a fractional part of a cent, such maximum price shall be adjusted to the next higher rent.

(2) Any seller of economy cigarettes at retail shall give to each purchaser of a single package, at the time of sale, the option of purchasing two packages of the same brand and size at the maximum price for such multiple unit sale.

(c) *State and local taxes and new or increased Federal Internal Revenue taxes.* A seller of economy cigarettes may add to the maximum prices established under (a) or (b) the amount of any new or increased Federal Internal Revenue tax effective after September 3, 1943 and any State or local tax upon or incident to the sale, delivery, processing or use of those cigarettes: *Provided,* That the amount of any such tax has been paid or shall have become due and payable by the seller to the taxing authorities or to any prior vendor.

(d) *Elimination of requirement of separate statement of tax increases for sales of cigarettes at wholesale and at retail.* The requirements of § 1499.7 (b) of the General Maximum Price Regulation with respect to separate statement of increases in Federal, state or local taxes effective after March 31, 1942, shall not apply to sales of any cigarettes at wholesale or at retail.

(e) *Definitions.* (1) "Economy cigarettes" means cigarettes frequently referred to as such, whether king size or regular size, including Avalons, Beechnuts, Dominos, Marvels, Paul Jones, Sensations, Twenty Grands, and Wings, which are normally sold for less than such so-called popular brands as Camels, Chelseas, Chesterfields, Fleetwoods, Lucky Strikes, Old Golds, Pall Malls, Philip Morris, and Raleighs.

SEC. 4. *Scrap chewing tobacco*—(a) *Adjustment of manufacturers' maximum prices*—(1) *For changes in package contents*—(i) *Increase in package contents from 1¾ to 2¼ oz.* If a manufacturer's maximum list price per dozen, established under § 1499.2 of the General Maximum Price Regulation, for sales of an item of scrap chewing tobacco in packages containing 1¾ oz. each, is 98¢ and his stated retail price per package for such item is 10¢, the maximum list price per dozen for sales of the item in packages containing 2¼ oz. each, shall be $1.23 and the maximum retail price per package for sales of such item shall be 13¢ or two packages for 25¢.

(ii) *Other changes in quantity of package contents.* Any manufacturer of an item of scrap chewing tobacco for which a maximum list price and a maximum retail price have been established under the General Maximum Price Regulation or under this section, who desires to change the quantity of package contents or package size, except as provided in (i) above, shall apply by letter to the Office of Price Administration, Tobacco Section, Washington, D. C., for authority to establish a maximum list price for the new quantity of package contents or package size. The letter shall state:

(*a*) The change in the quantity of package contents or package size the manufacturer desires to make.

(*b*) His maximum list price per dozen packages, together with applicable discounts and allowances, for the present quantity of package contents or package size and his stated retail price per package.

(*c*) His actual costs for packaging material and packaging labor involved in the manufacture of the present quantity of package contents or package size.

(*d*) His estimated costs for packaging material and packaging labor involved for the package contents or package size he proposes to make. Such estimate shall be based upon his most recent accounting period.

After receipt of the application, the Price Administrator will, by order, establish maximum prices for the applicant and subsequent sellers of the new quantity of package contents or package size, which are in line with the maximum prices established by this section. Maximum prices so established may be revoked or modified by the Price Administrator at any time.

(2) *For same package contents.* (i) Any manufacturer of an item of scrap chewing tobacco, the maximum list price and the stated retail price of which are listed in Columns 2 and 3, respectively, Table A, below, may adjust those prices to the new maximum list price and maximum retail price shown on the same line

under Columns 4 and 5, respectively, of such table.

TABLE A

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|---|---|---|---|---|
| Variety | Maximum list price per dozen packages | Stated retail price per package | New maximum list price per dozen packages | New maximum retail price per package |
| Plain | $0.48 | $0.05 | $0.58 | $0.06 |
| Plain | .96 | .10 | 1.15 | .12 |
| Plain | .99 | .10 | 1.19 | .12 |
| Plain | 1.00 | .10 | 1.20 | .12 |
| Sweetened | .96 | .10 | 1.06 | .11 |
| Sweetened | 1.23 | [1] .13 | 1.35 | .14 |
| Sweetened | 1.44 | .15 | 1.63 | .17 |

[1] Or 2 for $0.25.

(ii) Any manufacturer of an item of scrap chewing tobacco, the maximum list price and the stated retail price of which are not listed in Columns 2 and 3, respectively, Table A in (i) above, who desires to adjust his maximum list price for such item, shall apply by letter to the Office of Price Administration, Tobacco Section, Washington, D. C., for authority to establish an adjusted maximum list price for the item. The letter shall state:

(*a*) His maximum list price per dozen packages, together with applicable discounts and allowances, for the item and his stated retail price per package.

(*b*) The quantity of package contents or package size.

After receipt of the application, the Price Administrator will, by order, establish maximum prices for the applicant and subsequent sellers of the item, which are in line with the maximum prices established by this section. Maximum prices so established may be revoked or modified by the Price Administrator at any time.

(b) *Adjustment of wholesaler's maximum prices.* Upon receipt of notification pursuant to (d) below, of an adjustment of his supplier's maximum list price for an item of scrap chewing tobacco, a wholesaler may adjust his maximum price only in accordance with such notification. Such adjustment shall be applicable to floor stocks. Where any manufacturer has not adjusted his maximum list price under (a) (1) or (2), above, with respect to any item of scrap chewing tobacco, the wholesaler shall not adjust his maximum price with respect to that item.

(c) *Adjustment of retailers' maximum prices.* Upon receipt of notification pursuant to (d) below, from the manufacturer or wholesaler of an adjustment of the maximum retail price for an item of scrap chewing tobacco, a retailer may adjust his maximum price for such item only in accordance with such notification. Such adjustment shall be applicable to floor stocks. Where any manufacturer has not adjusted the maximum list price and maximum retail price with respect to any item of scrap chewing tobacco, the retailer shall not adjust his maximum price with respect to that item.

(d) *Notification of adjustment required.* Every seller (other than a retailer) of an item of scrap chewing tobacco, the maximum list price and maximum retail price of which have been adjusted in accordance with (a) or (b), above, shall supply each purchaser of the item from him with the following written notice attached to or stated on the invoice covering the first delivery to the purchaser after September 4, 1944.

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(Insert date)

On our _____ (describe item by variety, brand, and container type and size) of scrap chewing tobacco, we are authorized by the Office of Price Administration to establish a maximum list price of $_____ per dozen and a maximum retail price of _____ cents per package (or _____ packages for _____ cents). Customary discounts and allowances in effect in March 1942 on your purchases of scrap chewing tobacco will not be lowered. Wholesalers receiving this notice are required to give similar notice to every purchaser to whom they sell or deliver this item of scrap chewing tobacco on or before the first delivery to such purchaser. The Office of Price Administration requires that you keep this notice for examination.

(e) *Maintenance of customary discounts and allowances.* A seller's customary discounts and allowances shall not be less than those given by him in March 1942 on his sales of scrap chewing tobacco. Every retailer shall maintain his customary price differentials if any allowed in March 1942 below the manufacturer's stated retail price.

(f) *State and local taxes.* Maximum prices established by (a) (1) and (2), above, are exclusive of state and local taxes upon tobacco products. Sellers may add to these prices the amount of such tax applicable to the item being priced and paid or payable by them to the taxing authority or to a prior vendor.

(g) *Units of sale.* Maximum prices shall be stated in terms of the same general units (like dozens, packages, etc.) in which the seller has customarily quoted prices for the product.

(h) *Definitions.* When used in this section, the term:

"Scrap chewing tobacco" means manufactured scrap chewing tobacco prepared from tobacco leaves cut or broken into small pieces, or from tobacco scraps, cuttings, or clippings, flavored, sweetened, and intended primarily for chewing purposes, as defined in Regulation No. 8, relating to taxes on tobacco products, issued by the Bureau of Internal Revenue, United States Treasury Department.

"List price" means the manufacturer's gross price before discounts and allowances.

"Item" means a variety, brand (if any) and container type and size of scrap chewing tobacco.

SEC. 5. *Plug chewing tobacco*—(a) *Modification of manufacturers' maximum prices.* (1) Every manufacturer of an item of plug chewing tobacco may modify his maximum list price established under § 1499.2 of the General Maximum Price Regulation for an item of plug chewing tobacco to an amount ascertained by multiplying such list price by 1.20.

| Example: | *Per dozen or per lb.* |
|---|---|
| Manufacturers' present maximum list price | $1.16 |
| Multiplied by | 1.20 |
| Manufacturers' new maximum list price | 1.39 |

(2) Every manufacturer of an item of plug chewing tobacco who has modified his maximum list price for such item under (1) above, shall determine the new stated retail price therefor by multiplying the present stated retail price by 1.20. The new stated retail price so determined shall be the new maximum retail price for the item.

| Example: | *Per cut or per plug* |
|---|---|
| Present stated retail price | $0.10 |
| Multiplied by | 1.20 |
| New stated retail price | 12 |

(b) *Modification of wholesalers' and retailers' maximum prices.* Upon receipt of notification pursuant to (c), below, of a modification of his supplier's list price for an item of plug chewing tobacco (but not before) a wholesaler or retailer may modify his maximum price for the item only in accordance with such notification. The modification shall be applicable to floor stocks. Where his supplier has not modified his maximum list price under (a) above, for an item of plug chewing tobacco, the wholesaler or retailer may not modify his maximum price for that item.

(c) *Notification of modification required.* Every seller (other than a retailer) of an item of plug chewing tobacco, the maximum list price and the maximum retail price of which have been modified in accordance with (a) or (b), above, shall supply each purchaser of the item from him with the following written notice attached to or stated on the invoice covering the first delivery to the purchaser after November 8, 1944:

On our _____ brand (describe item by brand name and sales unit) of plug chewing tobacco we are authorized by the Office of Price Administration to establish a maximum list price of $_____ per dozen (or per pound). The Office of Price Administration has established a maximum retail price of _____ cents per cut (or per plug) (or _____ cuts (or plugs) for _____ cents). Customary discounts and allowances in effect in March 1942 on your purchases of plug chewing tobacco will not be lowered. Wholesalers receiving this notice are required to give a similar notice to every purchaser to whom they sell or deliver this item of plug chewing tobacco on or before the first delivery to such purchaser. The Office of Price Administration requires that you keep this notice for examination.

(d) *Customary discounts and allowances must be maintained.* A seller's customary discounts and allowances on sales of an item of plug chewing tobacco shall not be less than those given by him during March 1942 on his sales of that item. Every retailer shall maintain his customary price differential allowed by him during March 1942 below the manufacturer's stated retail price.

(e) *State and local taxes.* Maximum prices established under (a), above, are exclusive of state and local taxes upon tobacco products. Sellers may add to

those prices the amount of such taxes applicable to the item being priced and paid or payable by them to the taxing authority or to a prior vendor.

(f) *Units of sale.* Maximum prices for items of plug chewing tobacco shall be stated in terms of the same general units (like dozens, pounds, cuts, plugs, etc.) in which the seller has customarily quoted prices for such items.

(g) *Definitions of terms used in this section.* (1) "Plug chewing tobacco" means manufactured plug chewing tobacco prepared from tobacco leaves pressed into flat cakes, flavored, sweetened, and intended primarily for chewing purposes, as defined in Regulation No. 8, relating to taxes on tobacco products, issued by the Bureau of Internal Revenue, United States Treasury Department.

(2) "Item" means a brand and sales unit of plug chewing tobacco.

(3) "List price" means the manufacturer's gross price before discounts and allowances.

(4) "Stated retail price" means the retail price printed or otherwise marked by the manufacturer upon the individual container of a particular item of plug chewing tobacco or, if a retail price is not so marked, then the retail price suggested by the manufacturer for the item in his standard price list.

This regulation shall become effective January 29, 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 29th day of January 1945.

CHESTER BOWLES,
*Administrator*

[F. R. Doc. 45-1733; Filed, Jan. 29, 1945; 11:40 a. m.]

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PART 1499—COMMODITIES AND SERVICES

[SR 14E]

MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN TEXTILES, LEATHER AND APPAREL

This Supplementary Regulation 14E to the General Maximum Price Regulation contains the provisions heretofore embodied in sections 3.2–3.11, 3.14–3.21, 6.14, 6.40 and 6.57 of Revised Supplementary Regulation 14 relating to certain textiles, leather and apparel. Second Revised Supplementary Regulation 14, which is issued simultaneously with this regulation, continues the provisions relating to miscellaneous commodities and services and includes a table of cross references which shows the present counterparts of the former provisions of Supplementary Regulation 14 and Revised Supplementary Regulation 14, their effective dates and the amendments by which they were originally added or later amended.

A statement of considerations involved in the issuance of this Supplementary Regulation 14E has been issued simultaneously herewith and filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

ARTICLE I—APPAREL AND APPAREL ACCESSORIES

Sec.
1.1 Manufacturers' prices for fall and winter outer clothing.
1.2 Handbags, purses and pocketbooks.

ARTICLE II—TEXTILES

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2.2 Twill jean cleaning cloths and frame cleaning equipment curtains; manufacturers' maximum prices.
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3.9 Imported dressed hog bristle.
3.10 Glinted Spanish moss.

AUTHORITY: § 1499.78 issued under 56 Stat. 23, 765; 57 Stat. 506; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

ARTICLE I—APPAREL AND APPAREL ACCESSORIES

SECTION 1.1 *Manufacturers' prices for fall and winter outer clothing*—(a) *Definition of manufacturer* A "manufacturer" of a garment means a seller otherwise than at wholesale or at retail.

(b) *Definition of fall and winter outer clothing.* "Fall and winter outer clothing" means any of the following garments:

(1) Coats, jackets, and vests when fully lined or entire body is lined with cotton flannel, cotton suede, cotton blanket or any wool or part-wool materials, but not including tailored garments covered by Maximum Price Regulation No. 177 or rainwear garments (men's and boys' only· all sizes except infants' garments),

(2) Mackinaws, swagger, and fingertip coats, but not including tailored garments covered by Maximum Price Regulation No. 177 (men's and boys' only; all sizes)

(3) Shirts made of wool, part wool, cotton flannel or cotton suede (men's and boys' only· all sizes except infants' garments)

(4) Jackets, loafer coats, and pants made of wool or part-wool kersey, melton, plaid or fleece weighing 18 ounces or more per yard on 54-inch width basis, excepting tailored garments covered by Maximum Price Regulation No. 177 (men's and boys' only· all sizes)

(5) Jackets and coats made of leather or of leather combined with wool or part-wool kersey, melton, plaid or fleece weighing 18 ounces or more per yard on 54-inch width basis (men's and boys' only; all sizes, excepting infants' garments),

(6) Leather coats and jackets when bodies and sleeves are made entirely of leather (women's and girls' only· all sizes except infants' garments)

(7) Corduroy coats, suits, jackets, vests, pants, and overalls (men's and boys' only; all sizes except infants' garments)

(8) Water repellent duck clothing and all hunting clothing, including coats, vests, pants, caps, and hats (men's and boys' only· all sizes)

(9) Ski and skating outerwear clothing, including pants, jackets, mittens, caps, and hoods, and combinations of these (for both sexes and in all sizes, except women's, girls' and children's jackets, skirts, coats, and skating suits covered by Maximum Price Regulation No. 153, as amended, and except infants' and children's ski pants up to and including size 14)

(10) Husking gloves and husking mittens;

(11) Fully lined work gloves

(12) Gloves and mittens made of or fully lined with fur, wool, part wool, brushed rayon or leather, but not including females' unlined leather gloves and unlined leather work gloves;

(13) Single thickness jersey work gloves made of nine ounce material or heavier;

(14) Parka hoods; and

(15) Leather and leatherette helmets, excepting athletic helmets.

(c) For the purpose of determining a manufacturer's maximum price under the General Maximum Price Regulation for fall and winter outer clothing, the "highest price charged during March, 1942," by any seller means the price at which, from December, 1941, to March, 1942, inclusive, the seller first accepted an order from a purchaser of the same class for garments intended for the 1942 fall and winter season. But if the seller did not accept an order from a purchaser of a particular class, the "highest price charged during March, 1942," to purchasers of that class means the price at which the seller first accepted an order during those months from a purchaser of any class, adjusted to reflect the manufacturer's established allowances, discounts, and price differentials. No seller shall change his customary allowances, discounts, or other price differentials, if such change results in a higher price. No manufacturer shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery or supply of any fall and winter outer clothing than the seller required purchasers of the same class to pay from December, 1941, to March, 1942, inclusive, on deliveries of such clothing.

(d) On or before December 1, 1942, every manufacturer of fall and winter outer clothing shall prepare a statement and keep it available for examination by the Office of Price Administration. This statement shall list each garment of fall and winter outer clothing which the manufacturer has sold, delivered or offered for sale after November 10, 1942, the seller's maximum price for the garment to each class of purchaser to whom it was sold, delivered or offered, and the manner in which the manufacturer de-

termined his maximum price. This statement shall be kept up to date with respect to garments offered for sale on and after December 1, 1942. If the garment is one for which the seller from December, 1941, to March, 1942, inclusive, accepted orders for the 1942 fall and winter season, the statement shall show the price at which the seller first accepted an order for it from each class of purchaser.

SEC. 1.2 *Handbags, purses and pocketbooks*—(a) *Ceiling prices fixed by this section.* (1) This section applies to you only if you make manufacturers' sales of women's or children's handbags, purses or pocketbooks. If you make manufacturers' sales of these articles, you must establish your ceiling prices under the General Maximum Price Regulation except that on and after June 15, 1944, you may not establish a ceiling price, or sell or deliver at a price, which exceeds your "highest price line limit." Your "highest price line limit" is explained in paragraph (b) below.

(2) A manufacturer's sale is a sale of a handbag (other than to an ultimate consumer) by a person (i) who fabricated the handbag, or (ii) who sold or consigned to the fabricator any of the principal materials from which the handbag was fabricated, or (iii) who is, directly or indirectly, under the same ownership, control or management as a person described in (i) or (ii)

A manufacturer's sale also includes a sale by a person described in (i) (ii) or (iii) above to a department, establishment or business which is directly or indirectly owned or controlled by (or which directly or indirectly owns or controls) such person.

(3) The women's and children's handbags, purses and pocketbooks which are covered by this section are divided into groups or categories, according to the material from which they are made, and each group is identified by a category number. The categories are listed in paragraph (h) near the end of this section. You are required to find a separate highest price line limit for each category.

From here on, in this section, instead of repeating the phrase, "women's and children's handbags, purses and pocketbooks," the word "handbag" or "handbags" will be used.

(b) *How to find your highest price line limits.* Your highest price line limits are fixed on the basis of your own experience in delivering handbags during your "base period."

Under this section, a handbag shall be deemed to have been "delivered" only at the time that physical possession was actually transferred to the purchaser or to any carrier (including a carrier owned or controlled by the seller) for delivery to the purchaser.

If you delivered handbags during October or November, 1942, your "base period" is October 1 through November 30, 1942. However, if you also delivered handbags in October or November, 1941, you may, at your option, take as your base period October 1 through November 30, 1941, *Provided*, That you use that base period for all categories.

If you did not deliver any handbags during October or November, 1942, but delivered handbags at any time between December 1, 1942, and December 31, 1943, your "base period" is the two month period, beginning on the first day that you delivered a handbag between December 1, 1942, and December 31, 1943.

If you made no deliveries of handbags between October 1, 1942, and December 31, 1943, you have no "base period" under this section, and must apply to the Office of Price Administration for authorization of highest price line limits according to the instructions in paragraph (d)

(1) *Rule 1. Highest price line limits for categories which you delivered during your base period.* Your highest price line limit for any category which you delivered during your base period is the highest price, properly established under the General Maximum Price Regulation, at which you delivered a handbag of that category in the normal and regular course of your trade or business during your "base period."

There are three exceptions to this rule:

(i) In any category in which the highest price at which you delivered a handbag during your "base period" was lower than $1.00 per unit, you may establish a highest price line limit up to $1.31¼ per unit.

(ii) In any category in which the highest price at which you delivered a handbag during your "base period" was between $1.00 and $1.87½ per unit, both inclusive, you may establish a highest price line limit up to $1.87½ per unit.

(iii) If the highest price at which you delivered a handbag during your "base period" in category 4, 6, 7 or 8 was between $1.77 11/12 and $3.00 per unit, both inclusive, and if you also delivered a handbag in category 4, 6, 7 or 8 between $1.77 11/12 and $3.00 per unit, both inclusive, during 1941, then you may establish a highest price line limit in category 4 or 6 up to $3.00 per unit.

For the purposes of this rule, the prices at which sample deliveries and accommodation deliveries were made are not to be considered.

(2) *Rule 2: Highest price line limits for categories which you did not deliver during your "base period."* Your highest price line limit for any category which you did not deliver during your "base period" is determined according to the instructions given in paragraph (j) near the end of this section.

(c) *Records and reports*—(1) *Highest prices line chart for all sellers under Rules 1 and 2.* You must file on or before May 25, 1944, with the OPA district office having jurisdiction over your area, two copies of a chart signed by you showing (i) your name and address, (ii) the highest price at which you delivered a handbag in each category in the normal and regular course of trade or business during your base period, (iii) the name and address of a purchaser to whom delivery was made at that price, (iv) the terms of sale, and (v) the date of the delivery. If you qualify under exception (iii) to Rule 1, you must also enter under the proper category the name and address of a purchaser to whom delivery was made in 1941, the delivered price, the terms of sale, and the date delivery was made at that price. Highest price line limits established by any of the exceptions stated in Rule 1 are not to be entered.

After filling out your chart as outlined above, you must complete your chart by listing any category which you did not deliver during your base period and your highest price line limits set forth in paragraph (j) for each such category

An example of a highest price line chart is set forth in paragraph (k) at the end of this section.

On and after June 15, 1944, you may not sell or deliver any handbags unless you have received acknowledgment from the Office of Price Administration of the filing of your chart. An additional copy of the chart must be retained by you.

The prices listed on your chart are your highest price line limits, except in those categories in which your highest price line limits are established by any of the exceptions stated in Rule 1. If you subsequently find that an entry on your chart is incorrect, you must file two copies of an application to amend your chart with the OPA district office with which you filed your original chart. The application must state the reason why your requested price line did not appear on your original chart, and if the request is to amend your chart with respect to a category which you delivered during your base period, your application must be accompanied by a copy of an invoice, shipping ticket or other evidence showing a delivery at the requested price. Until you receive authorization from the Office of Price Administration to amend your chart, you may not sell or deliver any handbag at higher price lines than those correctly determined under this section.

(2) *Report for sellers whose base periods begin after November 30, 1942, and prior to January 1, 1944.* If your base period begins after November 30, 1942, and prior to January 1, 1944, then, together with the chart required by subparagraph (1) of this paragraph, you must report to the district office of the Office of Price Administration having jurisdiction over your area the date of commencement of business and the date of your first delivery of handbags. In addition, you must file two copies of a report containing the following information:

(i) The section of the General Maximum Price Regulation under which the price for a style of handbag at your highest delivered price in each category was established. If you priced under section 2 (b) give the name and address of the competitor selected under that section for each such style and identify the competitor's handbag against which you priced yours. This identification must conform to the record kept under § 1499.12 of the General Maximum Price Regulation (Current Records)

(ii) Method of operation:

(*a*) Type of trade to which you sell the handbags (e. g., retail stores, mail order houses, etc.)

(*b*) Method of manufacturing (e. g., contractors, inside shop, etc., machine work, handcraft, etc.),

(c) Method of distribution (e. g., showroom sales, salesmen, advertising, etc.)

(iii) The names and addresses of your three most closely competitive sellers of the same class. The selected competitors must have the same manufacturing and distribution methods and must sell to the same type of trade as the seller reporting under this rule.

(3) *Invoices.* In connection with every sale of handbags, including sales for cash, you must deliver to the purchaser an invoice showing: (i) the date, (ii) your name and address, (iii) the name and address of the purchaser, (iv) terms of sale, (v) style number or other designation of each different style of handbag sold, (vi) category number or description of covering material of each style sold, (vii) the quantities of each different style of handbag sold, (viii) the price charged by you for each different style of handbag sold.

You must keep available, for inspection by the Office of Price Administration, a duplicate copy of each invoice delivered.

(d) *Authorization of highest price line limits.* (1) If you did not deliver handbags between October 1, 1942, and December 31, 1943, or for any other reason cannot determine your highest price line limits under Rules 1 and 2, you may not sell or deliver handbags after June 15, 1944, unless the Office of Price Administration has authorized your highest price line limits. Three copies of an application for highest price line authorization shall be filed with the Office of Price Administration at the district office having jurisdiction over your area. The application shall contain the following information:

(i) Name and address of applicant;

(ii) Names and addresses of all owners, officers or principals of the applicant, and their previous business connections;

(iii) Category numbers to be offered for sale;

(iv) Highest price line limit requested in each category. These price lines must be taken from any group up to and including Group K of paragraph (j) except (a) in the case of persons to whom the use of such price line limits would constitute substantial hardship or (b) in cases where the persons who own the applicant had experience as owners in this industry during the base period in price lines above Group K.

(v) Proposed method of operation:

(a) Type of trade to which handbags are to be distributed (e. g., retail stores, mail order houses, etc.)

(b) Methods of manufacturing (e. g., contractors, inside shop, etc., machine work, handcraft, etc.),

(c) Method of distribution (e. g., showroom sales, salesmen, advertising, etc.)

(vi) The names and addresses of your three most closely competitive sellers of the same class. The selected competitors must have the same manufacturing and distribution methods and must sell to the same type of trade as the seller applying under this paragraph.

(2) If you have received an order under this paragraph (d) authorizing your highest price line limits in any category, you may not sell or deliver handbags in any additional category not listed in the order of authorization until your highest price line limits in such additional categories have been authorized. Three copies of an application for authorization of highest price line limits for additional categories must be filed with the district office of the OPA which issued the original order, setting forth the following:

(i) Applicant's name and address;

(ii) Additional categories desired to be sold;

(iii) Highest price line limit desired for each category listed in (ii)

(iv) If the competitors named in the original application do not manufacture handbags in the categories now desired, a list of your three most closely competitive sellers of the same class who do manufacture those categories.

(3) If you have received an order under this paragraph (d) authorizing your highest price line limits in any category, you must report any change in ownership to the district office of the OPA which granted the order. This report shall include the names of any new owners or principals and their previous business connections.

(4) If the persons who own the applicant had experience in this industry as owners during the base period, highest price line limits will be authorized to the applicant which are in line with their base period experience.

The highest price line limits which will be authorized to applicants whose owners do not have base period experience as owners in this industry will be those price lines which are in line with the previous business connections of the applicant's owners or in line with the prices prevailing in October and November 1942 among the applicant's most closely competitive sellers of the same class; except that no price line limits higher than those appearing in Group K of paragraph (j) will be authorized to these sellers except in cases in which the Office of Price Administration finds that substantial hardship will result from the restriction.

(e) *Posting of highest price line limits.* Within 5 days after receipt of acknowledgment of the filing of your chart, or within 5 days after receipt of authorization under paragraph (d), you must display a poster or sign in a prominent place in your showroom which lists (1) each category which you are offering for sale, (2) description of each category as it is described in paragraph (h), and (3) your highest price line limit for each category, established under Rules 1 and 2 and the exceptions to Rule 1, or by specific authorization.

(f) *Records of General Maximum Price Regulation.* You must maintain all records required by the record provisions of the General Maximum Price Regulation.

(g) *Adjustment of price lines.* All price line limits appearing on the charts of persons reporting under paragraph (c) (2) or authorized under paragraph (d) of this section shall be subject to adjustment at any time upon written notice from the Office of Price Administration.

Price line limits of applicants or of persons reporting under paragraph (c) (2) shall be adjusted to conform to the previous business experience of such persons or to the price line limits established under section 1.2 of Supplementary Regulation 14E to the General Maximum Price Regulation by their most closely competitive sellers of the same class.

(h) *Commodities covered by this section.* This section covers all women's and children's handbags, purses, and pocketbooks, except handbags fabricated according to military specifications for wear with uniforms and distributed under agreements restricting the sale of the handbags to persons authorized to wear such uniforms (such as bags fabricated especially for Waves, Wacs, etc.)

CATEGORY NUMBER

1. Fur. When outside surface of the handbag is made of two principal materials (excluding frame and fittings), value of fur must be greater than value of the other principal component material; when outside surface of the handbag is made of three or more principal component materials, fur must be the material of greater value than any other single component material taken separately.

2. Alligator, crocodile and ostrich.

3. Reptile and aquatic leathers: Snake, lizard, frog, top grain seal, walrus, and shark.

4. All leathers other than those listed in categories 2 and 3, and patent cloth (hand japanned fabric processed exactly as patent leather is processed).

5. Corde, sequins, beads (other than wooden beads), hand embroidery, hand crochet and pure silk fabrics.

(a) "Corde" includes only handbags of which 70% of the outside surface is made of textile strings sewn together on a "Bonnaz" type machine or on a hand loom.

(b) "Sequins" "beads" and "hand embroidery" includes only handbags of which 50% of the outside surface of the handbag is covered with sequins, beads or hand embroidery.

6. 100% wool broadcloth and 100% wool felt.

7. Textiles: Woven and knitted cotton, wool (except wool listed in category 6), rayon and other synthetic fibers.

8. All others: String, cord, cordette, plastic, metal, straw, grass, wood, imitation leather, etc.

Except where the materials listed in a category have been specifically defined, if the outside surface of a handbag is made of two or more principal component materials, the handbag is included in the category listing the material which constitutes 70% or more of the outside surface. If no principal material constitutes 70% or more of the outside surface, the handbag is included in the category listing the principal material or lower unit value. (Value is determined by a comparison of pieces of equal size of the materials involved).

(j) *How sellers pricing under Rule 2 find their highest price line limits for new categories.* The table in subparagraph (2) of this paragraph is divided into groups. Each group contains, for every category, a series of price lines which would customarily have been made during the base period by a seller operating in that group.

(1) To find your highest price line limit for handbags of a category which you did not deliver during your base period, you start with the highest price line for that category listed in the table in subparagraph (2) and run your finger across the table until you come to the

first group which contains your price line limit for a category which you delivered during your base period. Your highest price line limits in all new categories are the price lines shown in that group. Highest price line limits established by any of the exceptions stated in Rule 1 may not be used in determining the group which gives you the highest price line limit for a new category. However if a price line shown in the proper group is below the price line allowed under any of the exceptions to Rule 1 you may use the price line limit allowed by the exceptions.

*For example,* suppose that you are a manufacturer who in your base period produced only alligator (Category No. 2) and calf (Category No. 4) handbags. The highest price line limits listed on your price line chart are $6.25 for alligator handbags (Category No. 2) and $3.50 for leather handbags (Category No. 4). You now decide to produce faille handbags (Category No. 7). To find your highest price line limit for faille handbags, start with the $20.00 price line for textile handbags (Category No. 7) and run your finger across the table until you come to the first group which contains your price line limit for a category which you delivered in the base period. In your case, the first group is Group G since that is the group in which you delivered a $3.50 calf handbag (Category No. 4). Accordingly, your highest price line limit for your faille handbags is $3.50. You may not go higher than $3.50 for faille handbags since none of the groups above Group G includes a price line limit for a category which you delivered during your base period.

If you should also decide to sell reptile handbags (Category No. 3) your highest price line limit would be $5.00. In other words, for all new categories you must find your highest price line limit in Group G. You may, of course, sell handbags in new categories at any price lower than those listed in Group G.

There are two exceptions: (i) If the highest price line at which you delivered a handbag in a category during the base period is not listed in the table, you use the group containing the nearest price line listed in the table to determine the highest price line limit for any new category.

*For example,* if in the above example, your highest price line limit for leather handbags was $4.00, you still use Group G, since Group G contains a $3.50 price line for leather handbags, and $3.50 is the price nearest to $4.00 in that category.

Similarly, if you are a manufacturer of expensive leather handbags, and you want to sell textile handbags, you cannot go beyond Group R, even though you delivered leather handbags during the base period at price lines higher than $20.00.

(ii) If the price line for an old category which gives you the highest price line limit for the new category appears in more than one group, you use the lowest group.

*For example,* suppose that the highest price line which you delivered during your base period in Category No. 3 was $4.75. You use Group E, which gives you, for example, a textile handbag price of $2.33⅓. You cannot use Group F, although reptile handbags at $4.75 appears in Group F, because Group E is lower.

(2) *Table of highest price line limits for new categories.* All prices listed in this subparagraph are per unit prices.

| Category | A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1. Fur | $1.87½ | $2.33⅓ | $3.00 | $4.75 | $6.25 | $6.25 | $7.50 | $8.50 | $10.50 | $12.50 | $15.00 | $18.50 | $20.00 | $21.50 | $25.00 | $30.00 | $35.00 | $37.50 |
| 2. Alligator, crocodile and ostrich | 3.00 | 3.00 | 4.75 | 4.75 | 6.25 | 6.25 | 7.50 | 8.50 | 10.50 | 12.50 | 15.00 | 18.50 | 20.00 | 21.50 | 25.00 | 30.00 | 35.00 | 37.50 |
| 3. Reptile and aquatic | 1.87½ | 1.87½ | 1.87½ | 3.00 | 4.75 | 4.75 | 5.00 | 6.25 | 7.50 | 8.50 | 10.50 | 12.50 | 13.50 | 15.00 | 18.00 | 20.00 | 22.50 | 25.00 |
| 4. Other leathers | .64⅔ | 1.00 | 1.31¼ | 1.87½ | 2.33⅓ | 3.00 | 3.50 | 4.75 | 6.25 | 7.50 | 8.50 | 10.50 | 12.50 | 13.50 | 15.00 | 16.50 | 18.50 | 20.00 |
| 5. Cords, sequins | 1.31¼ | 1.31¼ | 1.87½ | 3.00 | 3.50 | 4.75 | 5.00 | 6.25 | 7.50 | 8.50 | 10.50 | 12.50 | 13.50 | 15.00 | 16.50 | 18.00 | 20.00 | 22.50 |
| 6. 100 percent wool broadcloth and wool felt | .64⅔ | 1.00 | 1.31¼ | 1.87½ | 2.33⅓ | 3.00 | 3.50 | 4.75 | 6.25 | 7.50 | 8.50 | 10.50 | 12.50 | 13.50 | 15.00 | 16.50 | 18.50 | 20.00 |
| 7. All other textiles | .64⅔ | 1.00 | 1.31¼ | 1.87½ | 2.33⅓ | 3.00 | 3.50 | 4.75 | 6.25 | 7.50 | 8.50 | 10.50 | 12.50 | 13.50 | 15.00 | 16.50 | 18.50 | 20.00 |
| 8. All others | .64⅔ | 1.00 | 1.31¼ | 1.87½ | 2.33⅓ | 3.00 | 3.50 | 4.75 | 6.25 | 7.50 | 8.50 | 10.50 | 12.50 | 13.50 | 15.00 | 16.50 | 18.50 | 20.00 |

(k) *Example of a price line chart.* This is an example of a chart showing highest price line limits for a manufacturer who delivered handbags in Category Nos. 2 and 4 during October and November, 1942.

CHART SHOWING HIGHEST PRICE LINES FOR HANDBAGS

| Category No. | Price per Unit | Purchaser's name and address | Terms | Date of delivery |
|---|---|---|---|---|
| 1 | $7.50 | Price Line Limit taken from section 1.2 (j). | | |
| 2 | 6.25 | A B C Co., 15 W. Crawford St., Chicago, Ill. | 3/10 EOM | Oct. 26, 1942 |
| 3 | 5.00 | Price Line Limit taken from section 1.2 (j). | | |
| 4 | 3.50 | X Y Z Corp., 710 40th St., Portsmouth, Ohio | 3/10 EOM | Nov. 1, 1942 |
| 5 | 5.00 | Price Line Limit taken from section 1.2 (j). | | |
| 6 | 3.50 | Price Line Limit taken from section 1.2 (j). | | |
| 7 | 3.50 | Price Line Limit taken from section 1.2 (j). | | |
| 8 | 3.50 | Price Line Limit taken from section 1.2 (j). | | |

Submitted by:

X-Y Z Bag Co., Inc.,
102 E. Madison,
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By: WALTER JONES, *President.*

ARTICLE II—TEXTILES

SEC. 2.1 *Cotton bale bagging sold by cotton oil mills (with and without ties)*—(a) *Maximum prices.* The maximum price for sales by cotton oil mills of cotton bale bagging (and ties, when sold in combination with cotton bale bagging at a single price for the combination) shall be determined in the following manner:

(1) The maximum price per pattern, f. o. b. seller's plant, for cotton bale bagging complete with five ties shall be the sum of:

(i) The replacement cost thereof; plus

(ii) Actual freight incurred in bringing such bagging and ties to seller's plant; plus

(iii) A mark-up of five cents.

(2) The maximum price per pattern, f. o. b. seller's plant, for cotton bale bagging without ties shall be the sum of:

(i) The replacement cost thereof; plus

(ii) Actual freight incurred in bringing such bagging to seller's plant; plus

(iii) A mark-up of four cents.

(3) No seller determining a maximum price under the provisions of this section shall be required to grant any discounts or allowances from the maximum price so determined.

(4) The provisions of this section shall apply and Revised Price Schedule No. 49 shall not apply to sales by cotton oil mills of cotton bale ties when sold in combination with cotton bale bagging at a single price for the combination.

(b) *Definitions.* (1) "Cotton bale bagging" means textile material sold for use as a covering for cotton bales, including, but not limited to, the following: new jute bagging, rewoven jute bagging, reworked jute bagging, sugar bag cloth, and cotton bagging.

(2) "Pattern" means a quantity of six linear yards of cotton bale bagging whether at the time of sale such bagging has been cut into pieces for application to the bale or is in the form of a continuous strip or roll.

(3) "Replacement cost" means the net price paid by such seller after May 18, 1942, or the net price the seller would have to pay after such date, when purchasing from his customary source of supply, to replace cotton bale bagging (and ties, when sold in combination with cotton bale bagging at a single price for the combination) of the same type, weight, and quality and in the same form as that for which a maximum price is being determined: *Provided,* That such net price may not exceed the maximum price of such seller's customary supplier determined pursuant to the applicable price schedule or regulation issued by the Office of Price Administration.

SEC. 2.2 *Twill jean cleaning cloths and frame cleaning equipment curtains; manufacturers' maximum prices.* The maximum prices which may be charged by manufacturers for the sale and delivery of twill jean cleaning cloths and frame cleaning equipment curtains manufactured in accordance with Bell Telephone Laboratory, Inc., specifications set forth in paragraphs (a) and (b) respectively, shall be as set out below:

(a) *Twill jean cleaning cloths.*

| Specification No. | *Maximum price* |
|---|---|
| KS-2423, Issue Nos. 1 and 10 | $23.31 per M |

(b) *Frame cleaning equipment curtains.*

| Specification No.. | *Maximum Price* |
|---|---|
| ESL–621922, Issue No. 6: | |
| Detail No. 1 | $17.05 each |
| Detail No. 2 | 16.15 each |
| ESL–625565, Issue No. 5: | |
| Detail No. 2 | 17.05 each |
| Detail No. 3 | 16.15 each |
| ESO–632571, Issue No. 2: | |
| Group No. 1 | 36.50 per set of 4 |
| Group No. 2 | 48.25 per set of 5 |
| ESO–632294, Issue No. 2: | |
| Group No. 1 | 36.50 per set of 4 |
| Group No. 2 | 48.25 per set of 5 |

SEC. 2.3 *Sales of ready-made glass curtains by manufacturers.* The maximum price for the sale by a manufacturer of any ready-made glass curtains heretofore subject to § 1499.2 (a) (1) of the General Maximum Price Regulation (except lace curtains and curtains woven on a Nottingham loom) shall be the maximum price established for such curtains by § 1499.2 (a) (1) adjusted by adding thereto (i) the difference between the cost of materials used in the same curtains delivered during March 1942 and the prevailing ceiling price for such materials, as determined under the applicable regulation, at the time the sales contract for the curtains is made; and (ii) the difference between the cost of labor used in manufacturing the same curtains delivered during March 1942 and the cost of labor used, or which would have been used, in manufacturing the same curtains between September 1 and 15, 1942. A maximum price determined in accordance with the foregoing shall be deemed a maximum price established under § 1499.2 (a) (1) for the purposes of § 1499.3 (b) (1) of the General Maximum Price Regulation.

SEC. 2.4 *Sales of coffee urn bags by manufacturers.* Manufacturers of coffee urn bags may charge a price not in excess of the maximum price established under the General Maximum Price Regulation or the price listed opposite the specifications of each such bag in the table below whichever is higher:

| Diameter (inches) | Top (inches) | | Bottom (inches) | | Maximum price per 100 bags |
|---|---|---|---|---|---|
| | Length | Depth | Diameter | Circumference | |
| 10 | 32½ | 6 | 10¾ | 33.77 | $4.70 |
| 12 | 38½ | 7 | 12¾ | 40.25 | 5.80 |
| 14 | 45 | 7 | 14½ | 45.55 | 6.50 |
| 16 | 51½ | 7 | 16½ | 51.83 | 7.73 |
| 18 | 58 | 7 | 18½ | 58.11 | 8.58 |

SEC. 2.5 *Sales of certain tobacco cloth at wholesale.* Wholesalers of 196" 19 x 44 1.30 yd. tobacco cloth manufactured and sold by Fitzgerald Cotton Mills, Fitzgerald, Georgia, as Style No. 440–B may charge a price not in excess of $0.07¾ per square yard subject to the terms of sale required by the General Maximum Price Regulation.

SEC. 2.6 *Elastic fabric sold by Defense Supplies Corporation*—(a) *Maximum price.* The maximum price for the sale by the Defense Supplies Corporation of elastic fabric of any grade shall be 105 percent of the weighted average cost of acquisition of its inventory falling within that grade.

(b) *Definition.* "Elastic fabric" means any fabric knitted, woven or braided containing bare rubber core or covered rubber thread, including all types of synthetic rubber core or thread, six inches in width or less, of any quality or in any condition whatsoever.

SEC. 2.7 *Sales at wholesale of certain cotton products.* (a) *Definitions.* As used in this section, the term

(1) "Producer" means the person in whose mill a cotton product is woven and includes any agent of the producer and any person controlling, controlled by, or under common control with the producer;

(2) "Sale at wholesale" means a sale by a person who in the performance of a recognized distributive function resells goods other than at retail in the same form as that in which he purchases them;

(3) "Performance of a recognized distributive function" means a sale of goods which advances the goods sold to the next level of distribution. Presumptively, sales by one jobber or wholesaler to another, or by one manufacturer to another engaged in the same type of business, are not sales in the performance of a recognized distributive function.

(b) *Details required in the contract of sale or invoice.* Every person making a sale at wholesale of the cotton products for which the maximum price is established by this section shall, with respect to each sale thereof, deliver to the purchaser either a contract of sale or an invoice which shall contain:

(1) The name and address of the purchaser and the seller;

(2) The date thereof;

(3) The terms of sale;

(4) A description sufficient to identify each item sold;

(5) The quantity and selling price of each item sold;

(6) A statement that the net selling price does not exceed the maximum price permitted under Supplementary Regulation No. 14E to the General Maximum Price Regulation.

(c) *Records.* In addition to such records as are required to be kept by the provisions of the General Maximum Price Regulation, every person making a sale at wholesale of the cotton products for which the maximum price is established by this Section, shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, a duplicate of each contract of sale or invoice delivered by him to the purchaser and a record of all items necessary to verify the computation of the maximum price established pursuant to this section.

(d) *Discounts, allowances and transportation costs.* The maximum prices established by this section shall be subject to the allowances, discounts, and other price differentials observed by the seller during March 1942. No seller shall require any purchaser, and no purchaser shall be permitted to pay on a sale at wholesale a larger proportion of transportation costs incurred in the delivery of the cotton product than the seller required purchasers of the same general class to pay during March 1942.

(e) *Sales of certain bed linens at wholesale.* (1) This paragraph applies to sales at wholesale of bed linens of types 112, 123, 140 and 180[1] for which the manufacturer's maximum price is established by Revised Price Schedule No. 89—Bed Linens.[2]

(2) The maximum price for sales at wholesale of those types of bed linens shall be the sum of the maximum price determined in accordance with the General Maximum Price Regulation and 7.4% of the manufacturer's price established by Revised Price Schedule No. 89.

(f) *Sales of terry products, huck and crash towels and corded napkins at wholesale.* (1) This paragraph applies to sales at wholesale of terry products, huck and crash towels and corded napkins for which the producer's maximum prices are established in Maximum Price Regulation No. 118.[3]

(2) The maximum price for sales at wholesale of terry products, huck and crash towels and corded napkins shall be the sum of the maximum price determined in accordance with the General Maximum Price Regulation and 5.8% of the producer's maximum price established by Maximum Price Regulation No. 118.

SEC. 2.8 *Industrial cotton stitching thread.* (a) This section establishes maximum prices for industrial cotton stitching thread but applies to you only if you are a producer and manufactured this type of thread prior to January 1, 1945. The maximum prices established herein are not applicable to domestic sewing thread, or to industrial weight goods such as flyer twister threads and cords, or to ring twister threads and cords 10s and coarser in plies 3 and heavier, or to threads generally classified as bag sewing twine.

(b) The maximum price per unit for industrial cotton stitching thread sold by you shall be determined in the following manner:

(1) Find the difference between the maximum price per pound (as of January 1, 1945) for the yarn from which the thread is processed and the maximum price per pound for that yarn which prevailed on June 29, 1944;

(2) Multiply the result obtained in subparagraph (1) by 47%,

(3) Find the actual amount (in pounds) of cotton yarn in the unit of industrial thread being priced hereunder and multiply that amount by the result obtained in subparagraph (2)

[1] "Types 112, 123, 140 and 180" are defined in Table I, Section 1316.111 of Revised Price Schedule No. 89. That Schedule requires bed linens, when sold by the manufacturer, to bear a label stating the type.

[2] "Bed Linens" means finished sheets, finished pillow cases, finished bolster cases, bleached pillow tubing, domestic-type grey wide sheeting, brown sheeting, and bleached sheeting; however, it refers only to goods made of cotton and does not include goods made wholly of combed yarn.

[3] This includes not only the items listed by style number in Maximum Price Regulation No. 118 Sections 1400.118 (d) (26) and 1400.118 (d) (23) but also those terry products, huck and crash towels and corded napkins for which the Administrator has authorized a price under Section 1400.101 (b) or for which a price has been established pursuant to Section 1400.101 (b) of Maximum Price Regulation No. 118.

(4) Add the result obtained in subparagraph (3) to your 1944 maximum price per unit for the thread being priced;[4] and

(5) The result arrived at in subparagraph (4) shall be rounded off to the nearest cent.

(c) For each ticket size of industrial thread which you manufacture you shall keep a record showing (1) the brand name; (2) the color group of the thread; (3) the finish and put up; (4) the yards per selling unit; (5) the yarn size used in the thread; (6) the pounds of yarn per unit of thread; (7) the maximum price for the yarn on June 29, 1944 and the maximum price as of January 1, 1945 for that yarn; (8) your 1944 maximum price for the thread as defined in the footnote to subparagraph (4) above; and (9) your maximum price for the thread as established by the application of the formula in paragraph (b) of this section.

ARTICLE III—HIDES, LEATHERS, FURS AND MISCELLANEOUS FIBERS

SEC. 3.1 *Footwear*—(a) *Method of determining maximum prices.* (1) The maximum price for sales and deliveries of footwear by manufacturers or wholesalers thereof shall be the maximum price determined in accordance with § 1499.2 of the General Maximum Price Regulation, except that the maximum price for each style in a line of footwear shall be the highest price charged by such seller during March, 1942, for any style in the line: *Provided,* That such seller in actual practice (i) priced each style in the line at the same price, (ii) offered the entire line at that one price, giving the purchaser the option to choose without restriction any reasonable quantity of any style or styles, (iii) would not change the price of any style in the line without changing the price of all styles, and (iv) offered each style in the line only as part of the line and not as an individual item: *Provided further* That the maximum price so determined may not be used for new styles added to the line unless all standards of quality of such new styles are at least equal to the standards of quality of the other footwear in the line with respect to workmanship and materials.

(2) For the purpose of determining the highest price charged by manufacturers or wholesalers during March, 1942, deliveries of sample footwear shall be deemed a delivery during March, 1942: *Provided,* That such samples (i) were delivered in March, 1942, as an advance delivery pursuant to a firm contract previously made for volume shipment, (ii) were the same footwear called for by such contract, (iii) were delivered at the contract price, and (iv) were not delivered by the seller to promote his own sales.

(3) The maximum price for sales of footwear at retail shall be the seller's maximum price determined in accordance with § 1499.2 of the General Maximum Price Regulation, except that the maximum price for each style in a line of footwear shall be the highest price charged by the seller during March 1942, for any style in the line: *Provided,* That such seller in actual practice (i) priced each style in the line at the same price and (ii) would not change the price of any style in the line without changing the price of all styles: *Provided further* That the maximum price so determined may not be used for new styles added to the line unless all standards of quality of such new styles are at least equal to the standards of quality of the other footwear in the line with respect to workmanship and materials.

(4) A seller at retail who maintained in March, 1942, the practice of pricing at more than one resale price a manufacturer's or wholesaler's line of footwear, all styles of which were purchased by such seller at the same price, shall continue to price at the lower price level or levels at least the same proportion of footwear in such line as was in effect during March, 1942.

(b) *Definitions.* (1) "Footwear" means any type of outside covering for the human foot, but does not include hosiery, footwear made entirely of wood or footwear in which vulcanization is used in the process of manufacture.

(2) A "line of footwear" means an integrated group of styles of footwear offered by a seller at the same price for each style in the group.

SEC. 3.2 *Raw furs, skins, and peltries.* (a) The maximum price for any seller of raw furs, skins or peltries, the sale or delivery of which is subject to the provisions of the General Maximum Price Regulation, shall be:

(1) A price in line with the highest price charged by such seller during March, 1942, for the same or the nearest related type of raw furs, skins or peltries, making adjustments for differences in size, quality, condition, grade, fineness, color, and texture and suitability for use with a lot when offered for sale as a part of a lot; or

(2) If the maximum price cannot be so determined, the seller's maximum price shall be a price in line with the highest price charged during March, 1942, by such seller's most closely competitive seller of the same class for the same or the nearest related type of raw furs, skins or peltries, making adjustments for differences in size, quality, condition, grade, fineness, color, and texture and suitability for use with a lot when offered for sale as a part of such lot; or

(3) If the maximum price cannot be so determined, the seller's maximum price shall be a price in line with the general level of prices prevailing among sellers of the same class during the year ended March 31, 1942, for the same or similar raw furs, skins or peltries, making adjustments for differences in size, quality, condition, grade, fineness, color, and texture and suitability for use with a lot when offered for sale as a part of such lot.

(b) *Definition.* When used in this section, the term "raw furs, skins and peltries" means undressed or untanned furs and skins or hides, whether imported or domestic, the sale or delivery of which is subject to the General Maximum Price Regulation. It does not include cured deer and elk skins as defined in section 3.4 (c) and cured domestic hogskins and pigskins as defined in section 3.5 (c)

SEC. 3.3 *Substitute sole footwear*—(a) *Maximum prices for sales other than at wholesale or retail.* On and after January 24, 1944, the maximum prices for all sales or deliveries, other than at wholesale or retail, of substitute sole footwear which cannot be priced under § 1499.2 of the General Maximum Price Regulation shall be determined by applying the first of the following three pricing methods which is applicable. This section 3.3 applies to all substitute sole footwear, including such footwear the maximum price for which has already been determined under § 1499.3 (b) of the General Maximum Price Regulation. It does not apply to infants' footwear and house slippers.

(1) *First pricing method*—(i) *Maximum prices.* The maximum price for any substitute sole footwear which differs from a shoe made by the same seller, for which a maximum price has already been established under § 1499.2 (a) of the General Maximum Price Regulation, only because of a change in the sole and/or lining material, shall be the maximum price of the original shoe to the seller's most favored class of purchasers adjusted by adding or subtracting the increase or decrease in current direct cost resulting from the change.

(ii) *Reports of maximum prices.* The maximum price determined under this first pricing method shall, within 5 days after its determination, be reported by the seller to the District office of the Office of Price Administration for the district in which his main office is located. The report shall contain the details of the computation of the maximum price including (*a*) a description of the original and changed shoe, (*b*) the maximum price of the original shoe, (*c*) a description of the original and substitute soles and/or linings (e. g., 7-iron oak bend sole; 6-iron plastic sole, laminated with split leather), (*d*) the current cost of the original and substitute soles and/or linings, (*e*) a detailed itemization of the difference, if any, in the current direct labor cost resulting from the change, and (*f*) a certification that the sole material meets the minimum specifications of paragraph (d) (4) of the War Production Board's Conservation Order M-217, giving the name and address of the laboratory making the test.

Where a manufacturer has made the same change in a group of shoes resulting in an identical increase or decrease in the current direct cost of each shoe in the group, one report may be made for the entire group. The report shall be made for one shoe and, in addition, shall identify by description or stock number each changed shoe in the group and state its maximum price.

[4] The ceiling price applicable on December 31, 1944 under the General Maximum Price Regulation shall be taken as your "1944 maximum" except in the following situations. For transactions which on December 31, 1944 would have been subject to Maximum Price Regulation No. 157, use the ceiling price then prevailing under that regulation or, if by virtue of proper certification under Section 1378.4 of Maximum Price Regulation No. 157 you had no ceiling, use your last negotiated price.

(2) *Second pricing method*—(i) *Maximum prices.* The maximum price for any substitute sole footwear which cannot be priced under paragraph (a) (1) above, shall be determined by the following pricing formula:

The seller shall (*a*) select the base shoe, as defined in paragraph (d) (5) for which a maximum price has been established under § 1499.2 (a) of the General Maximum Price Regulation; (*b*) subtract the current direct cost of the base shoe from its maximum selling price to the seller's most favored class of purchasers; and (*c*) add the current direct cost of the shoe being priced to the difference obtained in step (*b*) The result is the maximum price of the new shoe.

(ii) *Reports of maximum prices.* The maximum price determined under this second pricing method shall, within 5 days after its determination, be reported by the seller to the District office of the Office of Price Administration for the district in which his main office is located, using a copy of form 665-502 fully filled out. The report shall include a certification that the sole material meets the minimum specifications of paragraph (d) (4) of the War Production Board's Conservation Order M-217, giving the name and address of the laboratory making the test.

(3) *Third pricing method.*—(i) *Maximum prices.* The maximum price for any substitute sole footwear which cannot be priced under paragraphs (a) (1) or (a) (2) above, shall be a price in line with the general level of prices for substitute sole footwear established by this section 3.3.

(ii) *Applications for approval.* Applications for approval of maximum prices shall be filed with the appropriate District office of the Office of Price Administration and shall include (*a*) a description of the footwear for which a maximum price is sought; (*b*) the maximum price proposed by the seller, together with a detailed explanation of the method by which the seller figured such price, (*c*) the reasons why the seller believes the proposed maximum price to be in line with the general level of maximum prices for substitute sole footwear established by this section 3.3, and (*d*) a certification that the sole material meets the minimum specifications of paragraph (d) (4) of the War Production Board's Conservation Order M-217, giving the name and address of the laboratory making the test. The seller may use parts B and D of Form 665-502 in submitting the information upon which his maximum price is based and shall also submit such additional pertinent information as the Office of Price Administration may require.

Footwear for which a maximum price is proposed under this paragraph (a) (3) may not be sold (except as provided in § 1499.20 (r) of the General Maximum Price Regulation) until that price has been approved by the Regional Administrator or District Director so authorized by his Regional Administrator, but the proposed price shall be deemed to be approved 20 days after mailing the application (or all additional information which may have been requested) unless, within that time the seller is notified that his proposed price has been disapproved.

(4) The Price Administrator or any Regional Administrator, or any District Director so authorized by his Regional Administrator, may at any time approve, disapprove or revise the maximum prices reported, proposed or established under this section 3.3 so as to bring them in line with the level of maximum prices otherwise established by this section 3 3. If a reported or proposed price is disapproved the seller may not sell, offer for sale or deliver the footwear until a maximum price has been established under this section 3.3.

(5) *Notification.* Each seller, in connection with his first sale or delivery to each purchaser of substitute sole footwear, the maximum price for which is established in accordance with paragraph (a) (1), (2) or (3), above, shall give written notification to the purchaser that a new maximum price for such footwear must be determined by the purchaser under § 1499.3 (a) or (c) of the General Maximum Price Regulation, whichever is applicable.

(b) *Maximum prices for sales at wholesale or retail.* The maximum price for sales or deliveries at wholesale or retail of substitute sole footwear priced under paragraph (a), above, shall be determined in accordance with § 1499.3 (a) or (c) of the General Maximum Price Regulation, whichever is applicable. Where a maximum price for substitute sole footwear has already been determined under § 1499.3 (a) or (c) of the General Maximum Price Regulation, prior to March 1, 1944, a new maximum price must be established for all such footwear delivered to the seller on or after March 1, 1944. Such new maximum price shall apply to all shoes in stock which are the same as or similar to the shoe being priced.

(c) The maximum price for any shoe determined in accordance with paragraph (a) or (b), above, shall be subject to the same allowances, discounts and price differentials to different classes of purchasers as those established by the seller during March 1942. The seller shall not require any purchaser to pay a larger proportion of transportation costs incurred in the delivery of the new shoe than the seller required purchasers of the same class to pay during March 1942.

(d) *Definitions.* When used in this section, the term:

(1) "Footwear" means any type of outside covering for the human foot, but does not include hosiery, footwear made entirely of wood or footwear in which vulcanization is used in process of manufacture for the purpose of attaching the sole to the upper material.

(2) "House slippers" means any footwear designed exclusively for indoor or housewear.

(3) "Infants' footwear" means footwear in sizes up to and including size 8, designed exclusively for children.

(4) "Substitute sole" means any sole, other than a sole composed entirely of leather, rubber (including synthetic rubber) or wood, meeting the minimum specifications of paragraph (d) (4) of Conservation Order M-217 issued by the War Production Board and used as an outersole on footwear. "Substitute sole" includes but is not restricted to soles made of such material as plastic, pressed leather dust, wool, cotton or rope.

(5) "Base shoe" means a shoe of the same general type, made by the same seller, which is being currently sold or, if not sold, offered for sale or, where this is not available, has been sold or, if not sold, offered for sale within the preceding 12 months, has a current direct cost varying by not more than 15 percent from the current direct cost of the shoe being priced, and is selected from the narrowest available trade category which includes both the shoe being priced and the "base shoe." For the purpose of selecting the "base shoe," footwear is classified into the following 8 general types: men's dress, men's work, youths' and boys', women's and growing girls' misses' and children's, athletic, men's safety shoes, and women's safety shoes. To illustrate, if the new shoe being priced is a women's novelty shoe, the general type would be women's and growing girls' shoes and the narrowest trade category would be women's novelty shoes, the next narrowest trade categories would be successively, women's staple or corrective shoes and, finally, growing girls' shoes, the seller being required to resort to the narrowest available trade category, within the broad general type, for which he already has established maximum prices. If more than one shoe can be regarded as a "base shoe" the one whose current direct cost is closest to the current direct cost of the shoe being priced shall be taken as the "base shoe."

(6) "Current direct cost" means the sum of the direct labor and material costs which the seller would have to incur to produce the shoe at the time he determines his maximum price for the new shoe. Direct labor cost shall not include make up or overtime pay and shall in no event be computed on the basis of wage rates higher than those permitted by law. Material cost shall be calculated on the basis of net invoice price after trade and quantity discounts but before term discounts; transportation, storage, warehousing or insurance charges shall not be included in the cost of the material. Material cost shall in no event be computed at prices higher than the maximum prices established by the applicable maximum price regulations.

(7) "Material" includes all items which become a part of the finished shoe. It shall include cases and cartons; it does not include lasts, dies, patterns, machine parts, etc.

(8) "Direct labor" includes all operations performed directly on the shoe, including such items as inspecting or crowning, leather sorting, sample making, etc. It does not include such labor as pattern or die boys, floor help, rack boys, cripple cutters, cobblers, elevator,

custodial and maintenance workers, firemen, engineers, truck drivers and helpers, receiving and shipping clerks, other clericals, salesmen, foremen or working foremen and other supervisory employees.

NOTE: If the manufacturer by his customary accounting practice determines material or direct labor cost otherwise than as defined in (6), (7) or (8) he may determine his current direct cost in his customary manner: *Provided,* The report or application clearly shows in what respects the method used differs from that specified.

(e) *Optional maximum prices.* Sellers of substitute sole footwear other than at wholesale or retail may, prior to January 24, 1944, determine their maximum prices in accordance with paragraph (a) above.

Sellers at wholesale or retail of substitute sole footwear which has been priced by the manufacturer in accordance with paragraph (a) above, may, prior to March 1, 1944, determine their maximum prices in accordance with paragraph (b), above.

SEC. 3.4 *Cured deer and elk skins*—(a) *Maximum prices for cured deer and elk skins.* On and after January 14, 1944, the maximum prices for cured deer and elk skins shall be the prices established in the table below. The prices under Column I apply to all cured deer and elk skins sold by collectors. The prices under Column II apply to all cured deer and elk skins sold by dealers and include commissions and all other charges. All maximum prices are f. o. b. domestic point of shipment.

DEERSKINS

*Western* (Skins of the type customarily identified with the states of Utah, Colorado, Nevada, Idaho, California and Washington.)

| | *Column I* | *Column II* |
|---|---|---|
| | *Collector (per lb.)* | *Dealer (per lb.)* |
| #1 flint dried | $0.40 | $0.425 |
| #1 dry salted | .37 | .395 |
| Slightly damaged flint dried | .267 | .283 |
| Slightly damaged dry salted | .247 | .263 |
| Culls and damaged flint dried | .20 | .2125 |
| Culls and damaged dry salted | .185 | .198 |

*Middle Western, Canadian and Eastern* (Skins of the type customarily identified with Canada and the states of Wisconsin, Minnesota, Michigan, Maine, New Hampshire, Vermont, Pennsylvania and New York.)

| | *Collector (per skin)* | *Dealer (per skin)* |
|---|---|---|
| #1's | $2.40 | $2.55 |
| Slightly damaged | 1.60 | 1.70 |
| Culls and damaged | 1.20 | 1.275 |

*Southerns* (Skins of the type customarily identified with the states of Virginia, West Virginia, North Carolina and Texas.)

| | *Collector (per skin)* | *Dealer (per skin)* |
|---|---|---|
| #1's | $1.75 | $1.90 |
| Slightly damaged | 1.17 | 1.27 |
| Culls and damaged | .875 | .95 |

ELKSKINS

| | *Collector (per lb.)* | *Dealer (per lb.)* |
|---|---|---|
| Whole skins, flint dried | $0.25 | $0.275 |
| Half skins, flint dried | .125 | .138 |
| Quarter skins, flint dried | .0625 | .069 |
| Whole skins, culls and damaged, flint dried | .125 | .138 |
| Whole skins, dry salted | .22 | .245 |
| Half skins, dry salted | .11 | 1225 |
| Quarter skins, dry salted | 055 | 0613 |
| Whole skins, culls and damaged, dry salted | 11 | .1225 |

(b) *Maximum brokerage charges.* In the event that the services of a broker are used in connection with a purchase or sale of deer or elk skins, a commission or fee not in excess of the amount specified below may be charged and paid for such services: *Provided,* That in the case of a sale by a dealer the total of the selling price and the brokerage commission or fee shall not exceed the applicable maximum price for the skins established in Column II of paragraph (a) above. No person may charge a brokerage commission or fee for purchasing or selling deer or elk skins unless he discloses to his principal the name and address of the seller or the purchaser of the skins. The maximum commissions or fees which may be charged for such services are as follows:

DEERSKINS

| | |
|---|---|
| Western: | *(Per lb.)* |
| # flint dried | $0.0125 |
| #1 dry salted | 0125 |
| Slightly damaged | .0083 |
| Culls and damaged | 0063 |
| Middle Western, Canadian, Eastern and Southern: | *Per skin* |
| #1's | $0.0750 |
| Slightly damaged | .05 |
| Culls and damaged | .0375 |

ELKSKINS

| | *Per lb.* |
|---|---|
| Whole skins | $0.0125 |
| Half skins | 0063 |
| Quarter skins | .0032 |
| Whole skins, culls and damaged | .0063 |

(c) *Definitions.* (1) The term "cured deer and elk skins" means untanned skins of deer or elk, which have been preserved by salting or drying.

(2) The term "collector" means a person who is engaged in the business of buying and selling deer or elk skins and whose purchases of cured deer and elk skins constitute less than 75% of his total purchases of both cured and uncured deer and elk skins.

(3) The term "dealer" means a person who is engaged in the business of buying and selling deer or elk skins and whose purchases of cured deer and elk skins constitute at least 75% of his total purchases of both cured and uncured deer and elk skins.

SEC. 3.5 *Cured domestic hogskins and pigskins*—(a) *Maximum prices for cured domestic hogskins and pigskins.* On and after June 5, 1944, the maximum prices for cured domestic hogskins and pigskins shall be the prices established in the table below. The prices in Column I apply to all cured hogskins and pigskins sold by collectors or producers. The prices in Column II apply to all cured hogskins and pigskins sold by dealers. All maximum prices are f. o. b. shipping point.

| Kind of skin | Price per skin | |
|---|---|---|
| | Column I | Column II |
| | Collectors and/or producers | Dealers |
| *36" and up* [1] | | |
| Packers, renderers, serums #1 and #2 | $1.35 | $1.41 |
| Packers, renderers, serums #3 | .675 | .723 |
| Countries and lockers #1 and #2 | .85 | .95 |
| *Under 36"* | | |
| Packers, renderers, serums #1 and #2 | .80 | .85 |
| Packers, renderers, serums #3 | .40 | .425 |
| Countries and lockers #1 and #2 | .425 | .475 |
| *Sold without measurement* | | |
| Countries and lockers #3 | .425 | 175 |
| Glues | .325 | .35 |

[1] Measured across the butt.

(b) *Maximum brokerage charges.* If the services of a broker are used in connection with the purchase of cured hogskins or pigskins, a commission or fee not higher than the amounts specified below may be paid, in addition to the applicable maximum price, by a purchaser to a broker acting in his behalf. However, no brokerage commission or fee may be paid to a person for purchasing cured hogskins or pigskins unless he discloses to his principal the name and address of the seller of the skins. Nor may any person charge to or receive from the purchaser any commission, fee, service or other charge in connection with a purchase of cured hogskins or pigskins from a seller who controls, is controlled by, or is under common control with the broker, or who is affiliated with him, directly or indirectly, by interlocking personnel, substantial financial investment or any other arrangement whereby the seller benefits from such payment to the broker, or the broker benefits from the payment of the purchase price to the seller, to a degree greater than would have been the case without resort to any of the above arrangements.

KIND OF SKIN

| | *Commission per skin* |
|---|---|
| *36" and up* [1] | |
| Packers, renderers, serums #1 and #2 | $0.05 |
| Packers, renderers, serums #3 | 025 |
| Countries and lockers #1 and #2 | .05 |
| *Under 36"* [1] | |
| Packers, renderers, serums #1 and #2 | .025 |
| Packers, renderers, serums #3 | 0125 |
| Countries and lockers #1 and #2 | 025 |
| *Sold without measurement* | |
| Countries and lockers #3 | 025 |
| Glues | .0125 |

[1] Measured across the butt.

(c) *Definitions.* (1) The term "cured domestic hogskins and pigskins" means untanned whole skins removed from hogs and pigs in the continental United States and preserved by salting or drying.

(2) The term "collector" and/or "producer" means any person, engaged in the business of buying hogskins and pigskins or carcasses which he skins, whose purchases of cured hogskins and pigskins during the preceding twelve months or for such portion thereof as the person has been engaged in such business constituted less than 90% of his total purchases of both cured and uncured hogskins and pigskins.

(3) The term "dealer" means any person, engaged in the business of buying for resale hogskins and pigskins, whose purchases of cured hogskins and pigskins during the preceding twelve months or for such portion thereof as the person has been engaged in such business constituted at least 90% of his total purchases of both cured and uncured hogskins and pigskins.

(4) All other trade terms shall have the meanings generally accepted in the trade.

(d) *Invoices*—(1) *Sellers' invoices.* Every seller shall, in connection with every sale of cured hogskins and pigskins, mail within two days after date of shipment, an invoice or similar document to the purchaser or his agent stating: (i) the date of the invoice or similar document, (ii) the date of sale, (iii) the names and addresses of the seller and purchaser, (iv) the terms of sale, shipping point and destination, (v) the quantity, selling price and description in accordance with paragraph (a) above, of each different kind and grade of hogskins and pigskins sold and (vi) whether the seller is a "collector" "producer" or "dealer" within the definitions set forth in paragraph (c) above.

(2) *Brokers' invoices.* Every person who, in connection with a purchase of cured hogskins and pigskins, renders a brokerage service for compensation shall, within five (5) days from the date of shipment, mail to the purchaser an invoice or similar document showing: (i) the name and address of the broker, (ii) the date of the invoice or similar document, (iii) the date of the purchase, (iv) the names and addresses of the seller and purchaser, (v) the terms of sale, shipping point and destination, (vi) the quantity, selling price and description in accordance with paragraph (a) above, of each different kind and grade of hogskins and pigskins sold and (vii) the commission charged. It is not necessary, however, that a broker submit his own invoice showing the specified data. The requirements of this paragraph will be satisfied by attaching to the invoice for commission a copy of each invoice required to be furnished by the seller.

(e) *Records.* Every seller must keep a duplicate of the invoice delivered in connection with every sale, every purchaser, in the course of trade or business, must keep the invoice received, and every broker acting in his behalf must keep a copy of the invoice given in connection with every purchase, for which a maximum price is established by this regulation. All such records must be kept available for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

SEC. 3.6 *Footwear with new bows*—(a) *Manufacturers.* The maximum price for the sale by a manufacturer of footwear with a changed bow which is the same as or similar, except for the change in bow, to footwear for which the manufacturer has heretofore established a maximum price shall be as follows:

(1) If the current cost of the new bow is equal to or more than the current cost of the old bow, the manufacturer's maximum price heretofore established for footwear which is the same or similar, except for the change in the bow;

(2) If the current cost of the new bow is less than the current cost of the old bow, the manufacturer's maximum price heretofore established for footwear (which is the same or similar, except for the change in bow) with a bow having a current cost next lower to the current cost of the new bow.

*Example.* A manufacturer has maximum prices established for a pump with different bows as follows:

| | *Cost of bow* | *Maximum Price* |
|---|---|---|
| Pump with bow A | $0.25 | $3.25 |
| Pump with bow B | .40 | 3.40 |
| Pump with bow C | .55 | 3.50 |

He now wishes to make the same (or a similar) pump with bows W, X, Y and Z.

| *Cost of new bow* | *Maximum Price* |
|---|---|
| Pump with bow W, $0.60 (more than bow C) | $3.50 |
| Pump with bow X, $0.55 (equal to bow C) | 3.50 |
| Pump with bow Y, $0.45 (bow B has cost "next lower") | 3.40 |
| Pump with bow Z, $0.35 (bow A has cost "next lower") | 3.25 |

(b) *Wholesalers and retailers.* The maximum price for a sale by a wholesaler or retailer of footwear with a changed bow, priced by the manufacturer under paragraph (a), above, shall be the wholesaler's or retailer's maximum price heretofore established for the footwear used by the manufacturer in establishing his maximum price for the footwear with a changed bow.

*Example.* A retailer has the following maximum prices established for the pump with different bows purchased from the manufacturer in the example in paragraph (a), above:

| | *Cost of shoe* | *Maximum price* |
|---|---|---|
| Pump with bow A | $3.25 | $5.45 |
| Pump with bow B | 3.40 | 5.95 |
| Pump with bow C | 3.50 | 5.95 |

He now wishes to sell the pump with bows W, X, Y and Z.

| *Cost of shoe (with new bow)* | *Maximum price* |
|---|---|
| Pump with bow W, $3.50 (same as pump with bow C) | $5.95 |
| Pump with bow X, $3.50 (same as pump with bow C) | 5.95 |
| Pump with bow Y, $3.40 (same as pump with bow B) | 5.95 |
| Pump with bow Z, $3.25 (same as pump with bow A) | 5.45 |

(c) *Notification.* Each manufacturer and wholesaler selling footwear with a new bow, the maximum price for which is established in accordance with paragraph (a) or (b), above, shall, at or prior to the time of his first sale or delivery of such footwear to each purchaser, furnish him with a written notification containing the following information: (1) The seller's maximum price for the footwear with the new bow, (2) the stock number, style number or other identification of the footwear against which it was priced; and (3) a statement that the purchaser's maximum price for resale of the footwear with the new bow is the same as his maximum price established for the footwear described in (2) above.

SEC. 3.7 *Ration-free footwear with bacon-rind pigskin uppers*—(a) *What this section does.* This section establishes a method for determining in-line maximum prices for sales other than at wholesale or retail of ration-free footwear with bacon-rind pigskin uppers. For the purposes of this section the term "bacon-rind pigskin" includes leather made from ham-rind pigskin.

(b) *Pricing method.* Every seller shall file an application with the Leather, Fur and Fibers Branch, Office of Price Administration, Washington 25, D. C., for approval of a proposed maximum price for such footwear. This application shall contain all the facts regarding the footwear to be priced which are required by the form set forth in Appendix C of the General Maximum Price Regulation (that form may be used if desired) and shall also contain the method used in figuring the proposed maximum price, and the reasons he believes the proposed price is in line with the level of maximum prices otherwise established by the General Maximum Price Regulation.

Footwear for which a maximum price is proposed under this section may not be sold (except as provided in § 1499.20 (r) of the General Maximum Price Regulation) until that price has been approved by the Office of Price Administration, but the proposed price shall be deemed to be approved 20 days after mailing the application (or any additional information which may have been requested) unless, within that time, the Office of Price Administration notifies the seller that his proposed price has been disapproved.

(c) The Price Administrator may at any time disapprove or revise maximum prices proposed or established under this section so as to bring them into line with the level of maximum prices otherwise established by the General Maximum Price Regulation.

SEC. 3.8 *Tanned, colored and glazed alligator and crocodile skins*—(a) *Maximum prices.* (1) On and after January 2, 1945, regardless of any contract or other obligation, no person shall sell or deliver and no person, in the course of trade or business, shall buy or receive tanned, colored and glazed alligator or crocodile skins, whether imported or domestic, at prices higher than the maximum prices established by this section. These maximum prices shall apply to all sales and purchases within the continental United States and to all purchases for importation into the continental United States.

| Size[1] | Maximum price per lineal inch (f. o. b. domestic shipping point) | | | |
|---|---|---|---|---|
| | Grade 1 | Grade 2 | Grade 3 | Rejects |
| Under 5 inches | $0.10 | $0.08 | $0.07 | $0.04 |
| 5 inches up to but not including 6 inches | .19 | .14 | .13 | .08 |
| 6 inches up to but not including 7 inches | .36 | .31 | .25 | .14 |
| 7 inches up to but not including 8 inches | .47 | .42 | .33 | .19 |
| 8 inches up to but not including 9 inches | .62 | .57 | .43 | .25 |
| 9 inches up to but not including 10 inches | .70 | .65 | .49 | .28 |
| 10 inches up to but not including 11 inches | .78 | .73 | .55 | .31 |
| 11 inches up to but not including 12 inches | .84 | .79 | .59 | .34 |
| 12 inches up to but not including 13 inches | .91 | .86 | .64 | .36 |
| 13 inches up to but not including 15 inches | .96 | .91 | .67 | .38 |
| 15 inches up to but not including 17 inches | 1.00 | .95 | .70 | .40 |
| 17 inches up to but not including 19 inches | 1.03 | .98 | .72 | .41 |
| 19 inches and over | 1.06 | 1.01 | .74 | .42 |

[1] Measured in the width across the widest portion of the belly.

(2) The above table of prices applies to domestic sales of tanned, black, glazed alligator or crocodile skins. Two cents per lineal inch may be added for skins of other colors. Terms of sale shall be not less than 2% discount for payment within 10 days from the date of invoice, net cash thereafter.

(3) Maximum prices for tanned, colored and glazed alligator or crocodile skins purchased for importation into the continental United States and located outside the continental United States at the time of purchase shall be 98% of the prices specified above, ex dock United States port of entry, duty paid.

(b) *Definitions.* (1) "Tanned, colored and glazed alligator or crocodile skin" means the skin including the uncut belly surface which has been taken off an alligator or crocodile and tanned, colored and glazed. It does not include hornback alligator or crocodile skins.

(2) "Grade 1 skin" means a skin of good quality with slight damages affecting no more than 10% of the yield or surface of the skin.

(3) "Grade 2 skin" means a skin which when finished is inferior to a grade 1 skin because of cuts, holes, burns or other imperfections, but which has a continuous surface area, free from all imperfections, equal to at least half the area of the skin.

(4) "Grade 3 skin" means a skin which is inferior to a grade 2 skin because of cuts, holes, burns or other imperfections affecting not more than 50% of the yield or surface of the skin.

(5) "Reject" means a skin which is inferior to a grade 3 skin because of cuts, holes, burns or other imperfections affecting more than 50% of the yield or surface of the skin.

(c) *Invoices.* Every seller shall, in connection with every sale of tanned, colored and glazed alligator or crocodile skins, furnish within 3 days from the date of shipment, an invoice or similar document to the purchaser, stating (1) the date of the invoice or similar document, (2) the date of sale, (3) the names and addresses of the seller and purchaser, (4) the terms of sale, and (5) the quantity, color, size, grade, and selling price of each different color, size, and grade of alligator or crocodile skin sold.

(d) *Records.* With respect to every transaction for which a maximum price is established by this section, every seller must keep a duplicate of the invoice or similar document delivered in connection with every sale, and every purchaser in the course of trade or business must keep the invoice or similar document received in connection with every purchase. All such records must be kept available for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

SEC. 3.9 *Imported dressed hog bristle.* This section establishes maximum prices for all sales of imported dressed hog bristle of the types enumerated below. The prices established by this section include commissions and all other charges.

(a) *Maximum prices for dressed hog bristle produced in China.*

| Description | Maximum price per pound f. o. b. domestic shipping point, net cash | | |
|---|---|---|---|
| | Black, brown or spotted | White | Bleached |
| Riflings | $1.70 | $2.00 | $x.xx |
| 2" | 3.00 | 3.30 | 4.50 |
| 2¼" | 3.90 | 4.20 | 5.25 |
| 2½" | 4.80 | 5.10 | 6.00 |
| 2¾" | 5.45 | 5.75 | 6.30 |
| 3" | 6.15 | 6.45 | 7.00 |
| 3¼" | 8.30 | 8.30 | 8.30 |
| 3½" | 11.25 | 11.25 | 11.25 |
| 3¾" | 12.75 | 12.75 | 12.75 |
| 4" | 14.50 | 14.50 | 14.50 |
| 4¼" | 16.00 | 16.00 | 16.00 |
| 4½" and longer | 17.00 | 17.00 | 17.00 |

The above maximum prices shall be reduced by 5% for sales by Defense Supplies Corporation to dealers purchasing for resale.

The maximum price for dressed China bristle of a length for which no price is specifically listed above shall be the maximum price of the next shorter length listed.

(b) *Maximum prices for dressed hog bristle produced in India.*

*Maximum price per pound f. o. b. domestic shipping point, net cash*

| Description: | |
|---|---|
| Shorts and/or riflings | $1.50 |
| 2½" to 3" | 3.00 |
| 3" to 3¼" | 5.00 |
| 3¼" to 3¾" | 6.00 |
| 3¾" to 4¼" | 8.50 |
| 4¼" to 4¾" | 10.00 |
| 4¾" to 5¼" | 12.00 |
| 5¼" to 5¾" | 14.00 |
| 5¾" to 6¼" | 15.50 |
| 6¼" and longer | 16.00 |

The above maximum prices shall be reduced by 5% for sales by Defense Supplies Corporation to dealers purchasing for resale.

The maximum prices listed above are for the standard length assortments described and apply also to any individual length within the ranges enumerated.

(c) *Maximum prices for dressed hog bristle produced in Western Hemisphere Countries*—(1) *China style of dressing.*

*Maximum price per pound f. o. b. domestic shipping point, net cash 30 days*

| Description: | |
|---|---|
| 1¾" in length and shorter | $1.75 |
| 1⅞" | 2.00 |
| 2" | 2.85 |
| 2¼" | 3.85 |
| 2½" | 4.80 |
| 2¾" | 5.45 |
| 3" | 6.15 |
| 3¼" | 7.50 |
| 3½" | 10.50 |
| 3¾" | 11.75 |
| 4" | 13.50 |
| 4¼" | 15.00 |
| 4½" and longer | 16.00 |

The maximum prices for Western Hemisphere bristle, China style dressing, of a length for which no price is specifically listed above shall be the maximum price of the next shorter length listed.

(2) *South American style of dressing.*

*Maximum price per pound f. o. b. domestic shipping point, net cash 30 days*

| Description: | |
|---|---|
| 45 millimeter in length and shorter | $1.75 |
| 55 millimeter | 2.30 |
| 60 millimeter | 3.25 |
| 65 millimeter | 3.85 |
| 70 millimeter | 4.15 |
| 75 millimeter | 4.65 |
| 80 millimeter | 4.90 |
| 85 millimeter | 6.45 |
| 90 millimeter | 8.30 |
| 95 millimeter | 9.30 |
| 100 millimeter | 11.30 |
| 105 millimeter | 12.05 |
| 110 millimeter | 13.55 |
| 115 millimeter and longer | 14.55 |

The maximum price for Western Hemisphere bristle, South American style dressing, for which no price is specifically listed above shall be the maximum price of the next shorter length listed.

(d) *Invoices.* Every seller shall, with respect to each delivery of bristle for which a maximum price is established by this section, furnish an invoice or other document to the purchaser showing the name and address of the seller and the buyer, the type and length of bristle delivered and the price charged therefor.

SEC. 3.10 *Ginned Spanish moss.* This section establishes maximum prices for all sales of ginned Spanish moss except sales at retail. "Ginned Spanish moss" is a fibre derived from the plant dendropogon usnecides by removing the outer covering through a combination of fermentation and ginning.

(a) *Maximum prices for ginner's sales.* (1) Except as provided in subparagraph (2), below, the maximum prices applicable to sales of ginned Spanish moss by the ginner thereof are:

MAXIMUM PRICES F. O. B. GIN

[Cents per pound, any quantity]

| | Sales to industrial users | All other sales |
|---|---|---|
| Black moss | 17¾ | 16½ |
| All other moss | 16¼ | 15 |

The prices enumerated above include commissions and all other charges. They are net prices except that the prices for sales to industrial users are subject to terms of 2% 10 days, net 30 days.

(2) The provisions of this subparagraph (2) are applicable only to those ginners who, during March 1942, had an established practice of making sales of ginned Spanish moss for shipment or delivery in less than carload quantities direct to industrial users from warehouse stocks maintained by the ginner at points other than the location of his gin or gins. The maximum prices established by this paragraph apply only to sales by such a ginner for shipment or delivery from warehouses located at points other than the gin and only on sales to industrial users. The maximum price, f. o. b. warehouse, shall be determined by adding to the applicable price enumerated below the rail freight at the carload rate from the producing gin to the warehouse. The invoice or other memorandum delivered to the purchaser by the ginner shall separately state the amount added for freight from the gin to the warehouse.

[Cents per pound]

| Quantity | Black moss | All other moss |
|---|---|---|
| Carload lots (minimum 20,000 lbs.) | 17¾ | 16¼ |
| Less than carload lots: | | |
| 5,000 lbs. or over | 18½ | 17 |
| 500 lbs. to 4,999 lbs | 19 | 17½ |
| 499 lbs. or less | 22½ | 21 |

The above prices include commissions and all other charges and are subject to terms of 2% 10 days, net 30 days.

(b) *Maximum prices for all other sales.* The maximum prices, f. o. b. producing gin, applicable to sales of ginned Spanish moss by all persons other than the ginner are set forth below.

[Cents per pound]

| Quantity | Black moss | All other moss |
|---|---|---|
| Carload lots (minimum 20,000 lbs.) | 17¾ | 16¼ |
| Less than carload lots: | | |
| 5,000 lbs. or over | 18½ | 17 |
| 500 lbs. to 4,999 lbs | 19 | 17½ |
| 499 lbs. or less | 22½ | 21 |

The above prices include commissions and all other charges, except as specified below, and are subject to terms of 2% 10 days, net 30 days.

The above prices are for shipment direct from the producing gin to the purchaser. In the case of sales for shipment from a warehouse located at a point other than the location of the producing gin, rail freight at the carload rate from the gin to such warehouse may be added to the above prices. The invoice or other memorandum delivered to the purchaser by the seller shall separately state the amount added for freight from the gin to the warehouse.

This regulation shall become effective January 29, 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 29th day of January 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-1734; Filed, Jan. 29, 1945; 11:40 a. m.]

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PART 1499—COMMODITIES AND SERVICES

[SR 14F]

MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN CHEMICALS, DRUGS AND PAINTS

This Supplementary Regulation 14F to the General Maximum Price Regulation contains the provisions heretofore embodied in sections 4.1, 4.2, 4.5, 4.6, 4.8–4.31, 5.1 and 6.12 of Revised Supplementary Regulation 14 relating to certain chemicals, drugs and paints. Second Revised Supplementary Regulation 14, which is issued simultaneously with this regulation, continues the provisions relating to miscellaneous commodities and services and includes a table of cross references which shows the present counterparts of the former provisions of Supplementary Regulation 14 and Revised Supplementary Regulation 14, their effective dates and the amendments by which they were originally added or later amended.

A statement of the considerations involved in the issuance of this Supplementary Regulation 14F has been issued simultaneously herewith and filed with the Division of the Federal Register.

Sec.
1. Silver salts.
2. Salt obtained from producers in Louisiana.
3. Shellac varnish.
4. Sulfuric acid sold on long term contracts.
5. Charcoal.
6. Synthetic propionic acid.
7. Guanidine carbonate.
8. "War grade" iron-free aluminum sulphate.
9. Potassium chlorate.
10. Maximum prices for sales of linseed replacement oil.
11. Vegetable adhesives.
12. Phosphorus produced in October, November, and December 1943, and sold to the Chemical Warfare Service.
13. Furfural.
14. Sales of calcium carbide by the Defense Supplies Corporation or Rubber Reserve Company.
15. Sales of rosin size by manufacturers.
16. Tapioca products other than flour and foods.
17. Boiled-down vegetable oil foots soap stock.
18. Compressed gas cylinder demurrage.
19. Powdered and granular castile soap, U. S. P. X.
20. Railway signal track torpedoes.
21. Corn oil meal fur cleaner.
22. FF wood rosin and pale grades of wood rosin.
23. Laboratory reagent specialty solutions.
24. White rye flour adhesives for corrugated paper board.
25. Sales of steam distilled turpentine, dipentene, solvos, and wood rosin size.
26. Sales of ethyl benzoyl acetate.
27. Sales of cinchona alkaloids and their salts by Defense Supplies Corporation.
28. Incremental output of easy processing channel carbon black sold to Defense Supplies Corporation.
29. Retail sales of certain wallpaper cleaners.
30. Certain 5 and 10 cent sizes of cosmetics.

AUTHORITY: § 1499.79 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 333, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4931.

SECTION 1. *Silver salts*—(a) *Sales by producers of silver salts manufactured by them from silver bullion.* On and after September 22, 1942, the maximum price for the sale by a producer of a silver salt manufactured by him from silver bullion shall be the maximum price for the same silver salt as determined in accordance with § 1499.2 of the General Maximum Price Regulation, plus the amount by which the silver cost per unit of the product is increased as the result of using silver bullion which has a delivered cost per troy ounce to such manufacturer of more than the delivered cost per troy ounce of the silver bullion last delivered to him prior to August 31, 1942.

(b) *Sales by producers of silver salts manufactured by them from silver compounds.* On and after September 22, 1942, the maximum price for the sale by a producer of a silver salt manufactured by him from silver nitrate or any other silver compound shall be the maximum price for the same silver salt as determined in accordance with § 1499.2 of the General Maximum Price Regulation, plus the amount by which the cost of the silver compound per unit of the product is increased as the result of using a silver compound which has a delivered cost to such manufacturer of more than the delivered cost of the silver compound last delivered to him prior to August 31, 1942.

(c) *Sales by persons other than producers.* On and after September 22, 1942, the maximum price for the sale of a silver salt by a person other than a producer shall be the maximum price for the same silver salt as determined in accordance with § 1499.2 of the General Maximum Price Regulation, plus the amount by which the cost of the silver salt to such person has been increased on purchases made on and after August 31, 1942, over the cost of the last delivery to him made prior to August 31, 1942.

(d) *Definitions.* (1) "Silver salt" means any chemical compound which consists of silver and anions of acids, such as silver nitrate, silver ferricyanide, and silver nucleinate. For the purposes of this section, "silver salt"

shall also include silver azide, silver oxide, and silver sulphide.

(2) "Silver bullion" means silver which has been melted, smelted or refined, and which is in such state or condition that its value depends primarily upon the silver content and not upon its form.

(3) "Silver compound" means any compound containing silver, such as silver nitrate, which is used instead of silver bullion in the production of silver salts.

(4) "Producer" means any person manufacturing a silver salt.

(e) *Reports.* (1) Whenever a producer of a silver salt determines a maximum price for a silver salt in accordance with the provisions of this section which is higher than his maximum price as determined in accordance with § 1499.2 of the General Maximum Price Regulation, he shall, before making any delivery of any such silver salt at a price higher than the maximum price determined in accordance with § 1499.2, submit by registered mail to the Office of Price Administration, Washington, D. C., a statement setting forth all relevant facts, including:

(i) A description of the silver salt being priced and whether it is produced from silver bullion or a silver compound;

(ii) The maximum prices for such silver salt determined under § 1499.2 of the General Maximum Price Regulation;

(iii) The delivered cost of the last delivery prior to August 31, 1942, of silver bullion or silver compound, showing a detailed breakdown of such cost;

(iv) The delivered cost of the silver bullion or silver compound now being used, showing a detailed breakdown of such cost;

(v) The maximum price for such silver salt determined pursuant to this section, showing the details of the computation of such price.

After the statement has been sent by registered mail to the Office of Price Administration, the producer may sell and deliver the silver salt at the proposed price, but the prices at which such sales or deliveries are made prior to the expiration of 15 days from the date of receipt of the statement by the Office of Price Administration shall be subject to disapproval in writing by the Office of Price Administration, and, if required by the Office of Price Administration, refunds shall be made. If at the expiration of 15 days from the receipt of the statement, the Office of Price Administration has not in writing disapproved the manufacturer's proposed price, the producer may thereafter continue to sell and deliver such silver salt at prices not in excess of his proposed price unless and until the Administrator establishes a lower maximum price.

(2) A seller of silver salts other than a producer shall, within 10 days after determining a maximum price pursuant to this section which is higher than the maximum price determined pursuant to § 1499.2 of the General Maximum Price Regulation, report such maximum price to the appropriate field office of the Office of Price Administration. Such report shall include a description of the silver salt being priced, the maximum price as determined pursuant to § 1499.2 of the General Maximum Price Regulation, and the full details of the calculations made in arriving at the new maximum price.

SEC. 2. *Salt obtained from producers in Louisiana*—(a) *Maximum prices for sales by first buyers situated in certain parts of Florida.* Any seller obtaining the grades of salt listed herein directly from producers in Louisiana and Texas or such producers' agents and reselling the same may, at his option, establish as his maximum prices therefor, the prices set forth in this paragraph (a) in lieu of the maximum prices therefor established pursuant to other provisions of the General Maximum Price Regulation.

| Grade and quantity | *Maximum cash price f. o. b. seller's shipping point* |
|---|---|
| 100 lbs. C-A, No. 1, 2, 3 and 4 | $1.22 |
| 100 lbs. Cotton, kiln dried, rock | 1.32 |
| 6/10 lb. Pockets fine rock | 1.16 |
| 15/4 lb. Pockets fine rock | 1.20 |
| 50 lbs. plain stock blocks | .66 |
| 50 lbs. sulfur stock blocks | 77 |
| 50 lbs. iodized stock blocks | .93 |

These maximum prices for the grades mentioned above shall also be the maximum prices for other grades whose cost to the seller is within two cents per hundred pounds, per 6/10 pound pockets or 15/4 pound pockets, or per 50-pound block, as the case may be, of the cost to the seller of the grades of salt specifically enumerated above.

This paragraph (a) is applicable only to sellers whose place of business is situated within one of the following-named counties in Florida and only to sales made from a shipping point located in one of such counties:

| | |
|---|---|
| Brevard | Martin |
| Broward | Monroe |
| Charlotte | Okeechobee |
| Citrus | Orange |
| Dade | Osceola |
| De Soto | Palm Beach |
| Hardee | Pasco |
| Hernando | Pinellas |
| Highlands | Polk |
| Hillsborough | St. Lucie |
| Indian River | Sarasota |
| Lake | Seminole |
| Lee | Sumter |
| Manatee | Volusia |
| Marion | |

(b) *Maximum prices for sales by retailers of salt obtained from a seller described in paragraph* (a) Any retailer obtaining salt at a maximum price determined under paragraph (a) may, at his option, establish as his maximum price therefor, a price which is the sum of his maximum price established pursuant to other provisions of the General Maximum Price Regulation and the difference in dollars and cents between the seller's [the seller meant is the seller described in paragraph (a)] former maximum price and the seller's maximum price under paragraph (a)

(c) *Records and reports of sellers determining maximum prices under paragraph* (a) Any seller who determines his maximum selling price for any salt under paragraph (a) shall, within 10 days of his first sale at the maximum price so determined, file with the Office of Price Administration in Washington, D. C., a statement containing the following information with respect to each such commodity:

(1) The name of the commodity and the name of its producer.

(2) His maximum selling price on such commodity, as established under § 1499.2 of the General Maximum Price Regulation, together with his maximum selling price as adjusted under this section.

(3) The average percentage mark-up enjoyed by him during March, 1942, over the manufacturer's carload price after cash discount on such commodity.

(d) *Notification to retailers by sellers determining maximum prices under paragraph* (a) Any seller who determines his maximum price for any sale under paragraph (a) shall deliver invoices to retailers covering sales subject to this section, and at the time of delivery attach to his first invoice to each such retailer on any sale at a price so determined a notice as follows:

The Office of Price Administration has permitted us to raise our maximum prices on certain grades of salt. These grades, with our previous and new maximum prices, are as follows:

| | (1) Previous maximum price | (2 New maximum cash price f. o. b. our shipping point | (3) Difference between columns (1) and (2) |
|---|---|---|---|
| 100 lbs. C-A, Nos. 1, 2, 3 and 4 | | $1.22 | |
| 100 lbs. Cotton kiln dried rock | | 1.32 | |
| 6/10 lb. Pockets fine rock | | 1.10 | |
| 15/4 lb. Pockets fine rock | | 1.20 | |
| 50 lbs. Plain stock blocks | | .60 | |
| 50 lbs. Sulfur stock blocks | | .77 | |
| 50 lbs. Iodized stock block | | .93 | |

These increases represent only that part of cost increases which we were unable to absorb. Your maximum price for a sale of any of the above named grades and quantities may be increased by the difference in dollars and cents between our previous and our new maximum price for that grade and quantity, as shown in the column numbered "(3)," above. If you sell any of the above listed grades in smaller quantities than those listed, you may add to your former maximum price for that smaller quantity an amount which bears the same proportional relationship to your maximum price increase for the quantity listed above as the smaller quantity bears to the quantity listed above. O. P. A. requires that you keep this notice for examination.

SEC. 3. *Shellac varnish*—(a) *Manufacturers' maximum prices.* Any manufacturer, may, at his option, sell shellac varnish and any person may buy shellac varnish at the maximum prices established herein instead of at the maximum prices established for shellac varnish pursuant to other provisions of the General Maximum Price Regulation.

(1) *Maximum prices for sales by manufacturers other than at retail.* The maximum price per gallon, f. o. b. manufacturer's plant, for shellac varnish sold

other than at retail may be calculated as follows:

(i) The maximum price per gallon in barrels, f. o. b. manufacturer's plant, shall be the sum of the following three items: the cost of alcohol used; the cost of shellac used; and the applicable mark-up.

(*a*) The cost of alcohol used shall be the actual delivered cost of such alcohol.

(*b*) The cost of the shellac used shall be the actual delivered cost of such shellac, except that:

If the manufacturer imported the shellac used or purchased it from the Defense Supplies Corporation, the cost of the shellac is calculated by using the applicable maximum price established in paragraphs (a) and (b) of § 1415.115 of Maximum Price Regulation No. 245; or,

If the manufacturer has bleached the shellac used, the cost of the shellac is calculated by using the applicable maximum price for bleached shellac established in paragraph (f) of § 1415.115 of Maximum Price Regulation No. 245.

(*c*) The mark-up shall be calculated as follows:

| Cut in pounds | When the delivered cost of alcohol used is— | | |
|---|---|---|---|
| | 35¢ or less per gallon the mark-up shall be— | More than 35¢ but less than 48¢ per gallon the mark-up shall be— | 48¢ or more per gallon the mark-up shall be— |
| | *Per gallon of shellac varnish* | *Per gallon of shellac varnish* | *Per gallon of shellac varnish* |
| 1 | $0.24 | $0.27 | $0.31 |
| 2 | .33 | .37 | .40 |
| 3 | .42 | .45 | .48 |
| 3½ | .45 | .49 | .52 |
| 4 | .49 | .52 | .55 |
| 5 | .55 | .58 | .61 |
| 6 | .60 | .63 | .65 |
| 7 | .65 | .68 | .70 |
| 8 | .69 | .72 | .74 |
| 9 | .73 | .76 | .78 |
| 10 | .77 | .79 | .81 |

(ii) *Container differentials.* For sales of shellac varnish in containers smaller than a barrel the following additional charges per gallon may be added to the maximum prices established above:

| Container | Size | Per gallon |
|---|---|---|
| ½ barrel | 25-30 gallon | $0.05 |
| Wooden container | 5-15 gallon | .15 |
| Can | 5-gallon | .10 |
| Can | 1-gallon | .20 |
| Glass jug | 1-gallon | .25 |
| Can | ½-gallon | .30 |
| Glass bottle | 1-quart | .50 |
| Can | 1-quart | .50 |
| Glass bottle | 1-pint | .75 |
| Can | 1-pint | .75 |
| Glass bottle | ½-pint | 1.15 |
| Can | ½-pint | 1.15 |
| Glass bottle | ¼-pint | 2.30 |
| Can | ¼-pint | 2.30 |

(2) *Maximum prices for sales by manufacturers at retail.* The maximum price for sales of shellac varnish sold at retail by such manufacturers shall be 150 percent of the maximum prices established above.

(b) *Wholesalers' maximum prices.* Any wholesaler may, at his option, sell shellac varnish and any person may buy shellac varnish at the maximum prices established herein instead of at the maximum prices established for shellac varnish pursuant to other provisions of the General Maximum Price Regulation.

(1) *Maximum prices for sales by wholesalers to retailers, industrial and commercial users.* The maximum price of shellac varnish for sales by a wholesaler to a retailer or an industrial or commercial user shall be 125 per cent of the actual delivered cost of such shellac varnish to such wholesaler.

"Industrial or commercial user" means a person (i) who buys in less than carload quantities for use in the manufacture or production of, or for application to, articles manufactured or produced by him for sale; or (ii) who buys in less than carlot quantities for use in connection with services rendered by him in the normal course of his business.

*Examples:* A wholesaler may sell shellac varnish in less than carlot quantities at the ceilings established by this subparagraph (1) to a manufacturer of furniture, kitchen cabinets or other articles for use in manufacturing or producing such items which he sells.

A wholesaler may sell shellac varnish in less than carlot quantities at the ceilings established by this subparagraph (1) to persons such as floor finishing contractors who require shellac varnish to supply their normal services.

(2) *Maximum prices for sales by a wholesaler who repackages and sells to retailers.* The maximum price for sales of shellac varnish to retailers by a wholesaler who repackages such shellac varnish in smaller containers shall be 125 percent of the sum of the following items: the actual delivered cost of the shellac varnish to the wholesaler and the applicable differential shown herewith.

| Container | Size | Per gallon |
|---|---|---|
| ½ barrel | 25-30 gallon | $0.05 |
| Wooden container | 5-15 gallon | .15 |
| Can | 5-gallon | .10 |
| Can | 1-gallon | .20 |
| Glass jar | 1-gallon | .25 |
| Can | ½-gallon | .30 |
| Glass bottle | 1-quart | .50 |
| Can | 1-quart | .50 |
| Glass bottle | 1-pint | .75 |
| Can | 1-pint | .75 |
| Glass bottle | ½-pint | 1.15 |
| Can | ½-pint | 1.15 |
| Glass bottle | ¼-pint | 2.30 |
| Can | ¼-pint | 2.30 |

| *For example* | *Per gallon* |
|---|---|
| Delivered cost of white shellac varnish in barrels to wholesaler is | $2.20 |
| Differential for repackaging from barrels to quarts is | .50 |
| | 2.70 |
| 125 percent of $2.70 is | 3.38 |
| | *Per quart* |
| Wholesaler's maximum price for quart, including container, is $3.38÷4 or | $0.85 |

(3) *Maximum prices for sales by wholesalers at retail.* The maximum price for sales of shellac varnish at retail by a wholesaler shall be 150 per cent of the delivered cost of such shellac varnish to such wholesaler.

(4) *Maximum prices for sales by a wholesaler who repackages and sells at retail.* The maximum price for sales of shellac varnish at retail by a wholesaler who repackages such shellac varnish in smaller containers shall be 150 per cent of the sum of the following items: the actual delivered cost of the shellac varnish to the wholesaler and the applicable differential shown in (2) above.

(c) *Retailers' maximum prices.* Any retailer may sell shellac varnish at retail at the maximum prices established herein instead of at the maximum prices established for shellac varnish pursuant to other provisions of the General Maximum Price Regulation.

(1) For sales of shellac varnish by a retailer the maximum price shall be 150 percent of the actual delivered cost of such shellac varnish to such retailer.

(2) For sales of shellac varnish by retailers who repackage in smaller packages the maximum price shall be 150 percent of the sum of the following items: the delivered cost of such shellac varnish to such retailer and the applicable differential shown herewith.

| Container | Size | Per gallon |
|---|---|---|
| ½ barrel | 25-30 gallon | $0.05 |
| Wooden container | 5-15 gallon | .15 |
| Can | 5-gallon | .15 |
| Can | 1-gallon | .20 |
| Glass jug | 1-gallon | .25 |
| Can | ½-gallon | .30 |
| Glass bottle | 1-quart | .50 |
| Can | 1-quart | .50 |
| Glass bottle | 1-pint | .75 |
| Can | 1-pint | .75 |
| Glass bottle | ½-pint | 1.15 |
| Can | ½-pint | 1.15 |
| Glass bottle | ¼-pint | 2.30 |
| Can | ¼-pint | 2.30 |

| *For example* | *Per gallon* |
|---|---|
| Delivered cost of white shellac varnish in barrels to retailer is | $2.20 |
| Differential for repackaging from barrels to quarts is | .50 |
| | 2.70 |
| 150 per cent of $2.70 is | 4.05 |
| | *Per quart* |
| Retailer's maximum price for quart, including container, is $4.05÷4 or | $1.01 |

(d) *Additional container charges prohibited.* The maximum prices established in this section may not be increased by reason of any charge for containers other than the container differentials set forth herein, except that where sales of shellac varnish are made to the United States or any agency thereof, if the contract of sale requires special packaging, an additional charge may be made for the actual cost of such packaging provided that it is separately stated on the invoice.

(e) *Notification to retailers by sellers determining maximum prices under paragraphs* (a) *and* (b) Any seller who determines his maximum price for shellac varnish under paragraphs (a) and (b) shall deliver invoices to retailers covering sales subject to this section, and at the time of delivery attach to his first invoice to each such retailer on any sale at a price so determined a notice as follows:

The Office of Price Administration has permitted us to raise our maximum price on (*manufacturer inserts description of shellac varnish herein*) shellac varnish, . pound cut, from (*manufacturer inserts old price*) to (*manufacturer inserts new price*) per

(*manufacturer inserts container size*). This increase represents only that part of cost increases which we are unable to absorb. Retailers are authorized to, (a) maintain their March 1942, ceiling price on such shellac varnish, or (b) determine a ceiling price by multiplying the current net delivered cost to such retailer by 1.50, whichever is higher. If such retailer repackages this shellac in smaller packages and also elects to determine a new ceiling price, according to the method provided under (b) above, he may add the appropriate differential from the following list before multiplying by 1.50:

CONTAINER DIFFERENTIALS

| Container | Size | Differential per gallon |
|---|---|---|
| ½ barrel | 25-30 gallon | $0.05 |
| Wooden container | 5-15 gallon | .15 |
| Can | 5-gallon | .10 |
| Can | 1-gallon | .20 |
| Glass jug | 1-gallon | .25 |
| Can | ½-gallon | .30 |
| Glass bottle | 1-quart | .50 |
| Can | 1-quart | .50 |
| Glass bottle | 1-pint | .75 |
| Can | 1-pint | .75 |
| Glass bottle | ½-pint | 1.15 |
| Can | ½-pint | 1.15 |
| Glass bottle | ¼-pint | 2.30 |
| Can | ¼-pint | 2.30 |

The Office of Price Administration requires retailers to keep this notice for examination.

SEC. 4. *Sulfuric acid sold on long term contracts.* (a) The maximum prices for sales of sulfuric acid by any manufacturer thereof to any buyer under a contract entered into prior to March 1942, under which the contract price is to be adjusted for fluctuations in the cost of raw materials, labor or both shall be the maximum prices for such sales as determined under § 1499.2 of the General Maximum Price Regulation: *Provided,* That, the buyer and seller may adjust prices under such a contract on deliveries completed after April 2, 1943 subject to the following limitations:

(1) On deliveries completed after April 2, 1943 and prior to April 1, 1944, the total amount paid for such acid shall not exceed the manufacturing cost thereof.

(2) On deliveries completed after March 31, 1944, payment may be made only at prices not in excess of the maximum prices established under § 1499.2 unless the buyer has filed with the Office of Price Administration, Washington, D. C., a written agreement that it will not use the increase in maximum price permitted by this section, directly or indirectly, as a basis for requesting an increase in the maximum price of any commodity or service sold by it.

If the buyer has filed such agreement, payment under the contract may be made at prices in excess of the maximum price established under §1499.2, but in no case at prices higher than those which will make the total amount paid for the acid covered by any payment exceed the manufacturing cost of such acid.

(b) Any manufacturer of sulfuric acid who increases his maximum prices under the provisions of this section shall within thirty days after making a settlement at such increased maximum prices file with the Office of Price Administration in Washington, D. C. a written report showing:

(1) The number of tons of acid involved in the settlement, the grade thereof, and the maximum price therefor as established under the provisions of the General Maximum Price Regulation without reference to this section.

(2) The terms of the settlement.

(3) A detailed analysis of the manufacturing cost of the acid involved in the settlement.

Any settlement made under the provisions of this section shall be subject to adjustment by the Office of Price Administration, and refunds may be required where the amount of the settlement exceeds that permitted by this section.

(c) As used in this section, "manufacturing cost" means all costs directly assignable to the production of sulfuric acid. It includes but is not limited to direct labor, material, and fuel or power costs, together with reasonable allocations of indirect labor, supplies, depreciation at normal rates on plant and equipment actually used in manufacture, maintenance and repairs, insurance, property taxes, and similar items. It does not include expenses incurred in connection with the general administration of the applicant's business, nor selling expenses incurred in connection with the distribution of its products. Specifically excluded are executive and administrative salaries, office expenses, idle plant expenses, commissions, advertising, income and excess profits taxes, charges to war reserves for contingencies, and similar items.

SEC. 5. *Charcoal.* The Office of Price Administration, or any duly authorized representative thereof, may by order establish specific maximum prices for sales of charcoal by sellers located in any area or region. Any order establishing maximum prices issued under the authority of this provision will supersede the General Maximum Price Regulation with respect to the sales of charcoal subject to such orders.

SEC. 6. *Synthetic propionic acid*—(a) *Maximum prices.* The maximum prices for a producer's sales of synthetic propionic acid shall be those established under § 1499.2 of the General Maximum Price Regulation or those listed below, whichever are higher.

(1) Tank cars: 19¼ cents per lb., f. o. b. production point.

(2) Returnable drums, carload lots: 20¼ cents per lb., f. o. b. production point.

(3) The customary differentials shall apply for sales in other quantities or other containers.

(b) *Definition.* "Synthetic propionic acid" means propionic acid produced by the catalytic reaction of carbon monoxide and ethyl alcohol.

SEC. 7. *Guanidine carbonate.* The following maximum prices are established for sales of guanidine carbonate by any producer thereof, f. o. b. such producer's shipping point, containers included:

| | Per pound |
|---|---|
| Carload lots | $0.57 |
| 1 ton to carload | .58 |
| 1 barrel to 1 ton | .585 |
| 50 lbs. to 1 barrel | .635 |
| Less than 50 lbs | .735 |

SEC. 8. *"War grade" iron-free aluminum sulphate*—(a) *Maximum prices*—(1) *Sales by manufacturer* A manufacturer of "war grade" iron-free aluminum sulphate who has complied with the reporting requirements of subdivision (i) below may add to his maximum prices per 100 pounds for such commodity as established under § 1499.2 of the General Maximum Price Regulation an amount equal to the amount by which his average total cost per 100 pounds for producing such commodity during the months of March, April, and May 1943 exceeds his average net sales realization per 100 pounds of the iron-free aluminum sulphate delivered during March 1942; *Provided,* That such addition may in no case exceed 50¢ per 100 pounds.

(i) *Report.* The provision of this subparagraph (1) shall apply only to sales by a manufacturer of "war grade" iron-free aluminum sulphate who prior to September 13, 1943 has filed with the Office of Price Administration in Washington, D. C., a statement showing:

(*a*) His maximum prices for sales of iron-free aluminum sulphate as established under § 1499.2.

(*b*) The amount he has added under the provisions of this subparagraph (1) to the maximum prices referred to in subdivision (i) (*a*)

(*c*) Full details of the calculation used to arrive at the addition referred to in subdivision (i) (*b*), including a full explanation of the basis of allocation of all costs not directly attributable to the manufacture of "war grade" iron-free aluminum sulphate.

(*d*) His maximum prices per 100 pounds for "war grade" iron-free aluminum sulphate after application of the addition referred to in subdivision (i) (*b*)

(b) A reseller of "war grade" iron-free aluminum sulphate may add to the maximum prices determined under § 1499.2 for such commodity an amount per 100 pounds not in excess of the amount per 100 pounds added by his supplier under the provisions of this section to such supplier's maximum price for such commodity.

(c) *Notification.* Any seller of "war grade" iron-free aluminum sulphate who increases his maximum prices therefor under the provisions of this section shall, with or prior to the first delivery to a purchaser of such commodity after such increase, furnish the purchaser the following notice:

The Office of Price Administration has given us permission to increase our maximum price for "war grade" iron-free aluminum sulphate (specify quantity and container) from $-------- to $-------- per 100 pounds. You are permitted to increase your maximum price for sales of this commodity by the same amount. If you do so, you are required to furnish each customer with or prior to the first delivery after such increase a written notice similar to this one.

(d) *Definitions.* As used in this section the term:

(1) "'War grade' iron-free aluminum sulphate" means aluminum sulphate containing less than .008 percent of iron by weight and produced directly from bauxite.

(2) "Average total cost per 100 pounds" means the total cost for the period specified divided by the number of hundreds of pounds of "war grade" iron-free aluminum sulphate produced during such period.

(3) "Total cost" means all costs assignable to the production of "war grade" iron-free aluminum sulphate during the period specified less a credit equal to the net sales value of any by-product or joint product produced during such period after subtracting all costs directly attributable to additional processing, packaging, or delivery of such by-product or joint product. Such costs include direct labor, material, fuel, power, and container costs, together with reasonable allocations of indirect labor, supplies, depreciation of plant and equipment actually used in manufacture, maintenance and repairs, and similar items commonly associated with factory operations, plus reasonable allocations of insurance, property taxes, general administrative and selling expenses and similar items, but do not include idle plant expenses, profits, income and excess profits taxes, or war reserves or other reserves for contingencies.

(4) "Average net sales realization per 100 pounds" means the total net sales revenue received by the manufacturer from deliveries of iron-free aluminum sulphate during the period specified, after allowance of all discounts and after payment of all transportation charges incurred by him, divided by the total number of hundreds of pounds delivered during such period.

SEC. 9. *Potassium chlorate*—(a) *Applicability.* This section applies to sales and deliveries by new manufacturers thereof of potassium chlorate other than potassium chlorate meeting United States Army Specification No. 50-11-11B and Navy Specification O. S. No. 831.

(b) *Maximum prices.* (1) Maximum prices for potassium chlorate containing at least 99.5 per cent $KClO_3$ by weight are established as follows: (*Provided, however* That the maximum prices hereinafter established for International Minerals and Chemical Corp. shall be applicable only until December 31, 1944, or such earlier date as the Administrator may determine.)

(i) Contract sales, per 100 lbs., containers included, f. o. b. manufacturer's shipping point:

| | International Minerals and Chemical Corporation | All other new manufacturers |
|---|---|---|
| 20 tons or more | $15.75 | $10.75 |
| 10 to, but not including, 20 tons | 15.90 | 10.90 |
| 1 to, but not including, 10 tons | 16.50 | 11.50 |
| Less than 1 ton | 17.00 | 12.00 |

(ii) *Spot sales.* For spot sales $1.00 per hundred pounds may be added to the maximum prices for contract sales established in subdivision (i) above.

(2) The maximum prices for potassium chlorate containing less than 99.5 per cent $KClO_3$ by weight shall be the prices computed by multiplying the maximum prices established in subparagraph (1) above for potassium chlorate containing at least 99.5 per cent $KClO_3$ by weight by the figure obtained by dividing by 99.5 the percentage by weight of $KClO_3$ in the potassium chlorate being priced. If the percentage by weight is less than 99.5 percent, the seller shall furnish the buyer with an invoice showing the percentage by weight of $KClO_3$ in the potassium chlorate delivered.

(c) *Definitions.* As used in this section, the term:

(1) "New manufacturer" means a manufacturer of commercial grade potassium chlorate who did not manufacture this commodity for sale prior to January 1, 1941.

(2) "Contract sale" means a sale to a single agency of the United States under a contract to purchase at least fifty tons of potassium chlorate or a sale to any other person under a contract to purchase at least fifty tons of potassium chlorate in approximately equal monthly installments over a period of one year from the date of such contract.

(3) "Spot sale" means a sale other than a contract sale.

(d) *Report.* Each new manufacturer of potassium chlorate shall file with the Office of Price Administration in Washington, D. C., on or before December 31, 1944 a report with respect to production and sales of potassium chlorate other than potassium chlorate meeting United States Army Specification No. 50-11-11B and Navy Specification O. S. No. 831 which shall include the following.

(1) Production of potassium chlorate in pounds, by months, during the six month period ending November 30, 1944.

(2) A statement of the cost of manufacturing potassium chlorate, by months, for the same period, showing material, labor, power, and factory overhead, in the detail, and broken down in the manner in which such statements are customarily prepared for management purposes by the company. In the event that allocations of packaging, outbound transportation, and general administrative and selling expense are made to the product, show the amount, and explain the method employed in making such allocation. If the cost figures submitted include amounts arising from the amortization of plant facilities at emergency rates, the amount of such emergency amortization shall be shown separately.

(3) Total number of pounds of potassium chlorate sold and total net dollar sales less all discounts paid and all transportation costs incurred by the seller, by months for the same period.

SEC. 10. *Maximum prices for sales of linseed replacement oil.* The maximum prices for sales of linseed replacement oil shall be as follows:

(a) *Sales other than at retail*—(1) *Tank cars or carlots delivered.*

| | Per gallon |
|---|---|
| Tank cars | $1.12 |
| Carlot drums | 1.15 |

(2) *Deliveries of less than tank cars or carlots*—(i) *Delivered in city in which seller has a warehouse or plant*—(a) *Sales of tank car or carlot quantities where deliveries are made in installments of:*

| | Per gallon |
|---|---|
| Tank wagons | $1.13 |
| 10 drums or more | 1.16 |
| 5 to 9 drums | 1.18 |
| 1 to 4 drums | 1.20 |

(b) *Sales of less than tank car or carlot quantities where deliveries are made in quantities of:*

| | Per gallon |
|---|---|
| Tank wagons | $1.15 |
| 10 drums or more | 1.19 |
| 5 to 9 drums | 1.21 |
| 1 to 4 drums | 1.23 |

(ii) *Delivered outside city in which seller has a warehouse or plant.* The maximum prices for sales outside the corporate limits of any city in which the seller has a warehouse or plant, shall be the maximum prices set forth for the quantities specified in paragraph (a) (2) (i) above, plus any pro rata amount of freight charges the seller was required to pay for delivery from his supplier and the actual cost of delivery to the buyer from the seller's nearest warehouse or plant. Such transportation charges shall be shown as separate items on all records and invoices.

(3) *Other containers and quantities.* For a sale in containers or in quantities other than those specified in paragraphs (a) (1) and (2) above, the maximum price shall be the maximum tank car price set forth in paragraph (a) (1) above, plus the usual or normal differential customarily applicable to such a sale of linseed oil.

(b) *Sales at retail.* Maximum prices for sales at retail shall be:

(1) *Listed containers.* Maximum prices for a sale of linseed oil established by section 7.1 of Maximum Price Regulation No. 53, as amended by Amendment No. 5, issued August 30, 1943, or the price set forth below, whichever is lower:

| | Per gallon |
|---|---|
| Drums | $1.40 |
| 5 gallon container | 1.50 |
| 1 gallon container | 1.60 |
| Quart container | 2.00 or .50 for each quart container |

Any pro rata amount of freight charges the seller at retail was required to pay for delivery from his supplier may be added to the above listed prices. Such transportation charges shall be shown as separate items on all records and invoices.

(2) *Other containers and quantities.* For a sale in containers or in quantities other than those listed in paragraph (b) (1) above, the maximum price shall be the maximum drum price set forth in

paragraph (b) (1) above, plus the usual or normal differential customarily applicable to such a sale of linseed oil.

(c) *Containers.* No extra charge may be made for containers under 55 gallons. A reasonable deposit may be required to insure the return of containers of 5 gallons or more. In the case of 55 gallon drums, such deposit may only be required where no extra charge is made for the drum.

The seller may, if the buyer is willing, make sales in 55 gallon drums on a drum included basis and make an extra charge for the drum. This charge may not exceed the maximum price that would be applicable under Maximum Price Regulation No. 43 on a sale of a raw used drum if the seller of the linseed replacement oil were considered the emptier of the drum and the buyer of the oil as the buyer of the raw used drum. In no case may the extra charge be made for 55 gallon drums unless the buyer is furnished with an invoice prior to payment by him substantially as follows, affording alternative methods of settlement:

(1) Linseed replacement oil (55 gallon drums included) $____ plus $____ (here indicate your established ceiling price for the replacement oil under this section 10 plus the applicable charge for the drum under Maximum Price Regulation 43 as indicated above).

or

(2) Linseed replacement oil $____ plus $____ 55 gallon drum deposit to be refunded on return of the drum.

On sales at retail a deposit of $0.25 may be required to insure the return of containers under 5 gallons but not under one gallon owned by the retailer, but only when the retailer fills such containers on his own premises.

The permitted deposit on containers and drums must be refunded to the buyer upon their return in good condition within a reasonable time. Transportation costs with respect to the return of such empty containers and drums to the seller shall in all cases be borne by the seller.

(d) *Geographical applicability.* The provisions of this section 10 shall be applicable to the forty-eight States of the United States and the District of Columbia.

(e) *Definitions.* "Linseed replacement oil" means oil conforming to Federal Specification TT-O-371, approved May 1, 1943, by the Director of Procurement which is substituted for 100 per cent pure linseed oil.

SEC. 11. *Vegetable adhesives.* Any manufacturer of vegetable adhesives who established a maximum price or prices under the General Maximum Price Regulation for a particular vegetable adhesive on both an f. o. b. factory basis and an f. o. b. factory, transportation cost allowed basis, may make all sales of such product on an f. o. b. factory basis to all buyers upon complying with the following conditions:

(a) The manufacturer's established maximum f. o. b. factory price or prices for the particular adhesive shall be reduced by an amount arrived at by dividing the total amount of transportation cost in dollars and cents allowed on the particular product between May 12, 1942 and May 11, 1943, inclusive, by the total number of units (i. e., pounds, gallons, etc.) of the product sold during said period.

(b) Before any manufacturer may change his practices in regard to charging transportation cost, he shall submit by registered mail to the Office of Price Administration, Washington, D. C., a report showing how he computed his reduced f. o. b. factory maximum price for the product. After mailing the report, the manufacturer may make deliveries at a price not in excess of that reported and on a uniform f. o. b. factory basis. If, at the expiration of twenty days from the date of mailing the report, the manufacturer has not received from the Office of Price Administration a written disapproval of the reported reduced f. o. b. factory maximum price and change of practice as to charging for transportation cost, such price and changed practice shall be considered as authorized. If the change is not approved, the Office of Price Administration may require refunds to be made.

SEC. 12. *Phosphorus produced in October November and December 1943 and sold to the Chemical Warfare Service*—(a) *Maximum prices.* The maximum price per pound for sales and deliveries to the Chemical Warfare Service of the United States Army of phosphorous produced in the months of October, November and December 1943 shall be:

(1) For phosphorous produced with power purchased at normal rates, the maximum price established under § 1499.2 of the General Maximum Price Regulation.

(2) For phosphorous produced with high cost power, the maximum price established under § 1499.2, or the actual cost of production of such phosphorus divided by the number of pounds so produced, whichever is higher.

(i) The actual cost of production of phosphorus produced with high cost power means the sum of the following:

(*a*) The cost of the power used and

(*b*) The manufacturing cost of such phosphorus, including all costs except the cost of power, general administrative and selling expense, income and excess profits taxes, provision for war reserves and reserves for contingencies, and similar items. Normal depreciation rates shall be used in computing cost.

(ii) The number of pounds of phosphorus produced with high cost power shall be considered to be the total number of pounds of phosphorus produced in the months of October, November, and December 1943 multiplied by the ratio of the number of kilowatt hours of high cost power used during such period to the total number of kilowatt hours used during such period.

(b) *Provisional settlements.* The buyer and seller may make provisional monthly settlements for deliveries of phosphorus produced in the months of October, November, and December 1943 at a price in excess of the seller's maximum price under § 1499.2: *Provided* That on or before March 1, 1944, final settlement is made for such deliveries at the maximum prices herein established.

(c) *Report.* On or before March 1, 1944, each person who sells phosphorus to the Chemical Warfare Service under the terms of this section shall report in writing to the Office of Price Administration, Washington, D. C., showing:

(1) The number of pounds of phosphorus produced during the months of October, November, and December 1943, the number of pounds produced with power purchased at normal rates, and the number of pounds produced with high cost power;

(2) The total number of pounds of such phosphorus sold to the Chemical Warfare Service;

(3) The prices charged on sales and deliveries to the Chemical Warfare Service; and

(4) The cost of production (as defined herein) of the phosphorus produced with high cost power, broken down in the detail and in accordance with the method customarily used by the seller in computing his cost of production of phosphorus, together with an explanation of the method of allocation of any costs not directly attributable to the production of phosphorus.

SEC. 13. *Furfural.* (a) The maximum price for sales of furfural by producers, in tank cars, shall be 9.5 cents per pound, f. o. b. producer's plant.

(b) The maximum price set forth in paragraph (a) above applies only to sales in tank cars, and all differentials, discounts, allowances and trade practices in effect on sales of furfural by a producer during March 1942 shall apply to the base maximum tank car price set forth in paragraph (a)

(c) The provisions of this section 13 apply to the forty-eight states of the United States and the District of Columbia.

SEC. 14. *Sales of calcium carbide by the Defense Supplies Corporation or Rubber Reserve Company*—(a) *Maximum prices.* Maximum prices for sales and deliveries of calcium carbide are established as follows:

| Grade and class of purchaser | Container | Quantity of shipment | Maximum price per ton |
|---|---|---|---|
| (1) Generator grades or mixed grades: | | | |
| (i) For domestic use: | | | |
| (a) Industrial customers not receiving allocations. | 100 lb. drums | LCL | $95.00, delivered warehouse cities. |
| (b) Industrial customers receiving allocations. | 100 lb. drums | LCL | $93.00, delivered warehouse cities. |
| | 100 lb. drums | CL | $87.00, delivered purchaser's siding. |
| | All other containers | CL | $85.00, delivered purchaser's siding. |
| (c) Shipyards | | | Appropriate price specified in (a) or (b) less $1.00 per ton. |
| (d) Acetylene plants | 100 lb. drums | CL | $87.00, f. o. b. producing point. |
| | All other containers | CL | $85.00, f. o. b. producing point. |
| (e) Chemical plants allocated more than 50 tons per month. | 100 lb. drums | CL | $87.00, f. o. b. producing point. |
| | 250-400 lb. drums | CL | $85.00, f. o. b. producing point. |
| | 600-1,100 lb. drums | CL | $83.00, f. o. b. producing point. |
| | 5-ton bulk containers | CL | $79.00, f. o. b. producing point. |
| (ii) For export | 100 lb. drums | CL | $89.00, f. o. b. producing point. |
| | 100 lb. drums | LCL | Appropriate price specified in (i) (c) or (b). |
| (2) Rice and 14ND | | | Appropriate price specified in (1) plus $7.00 per ton. |
| (3) Fines—all purchasers | All containers | CL | $85.00, f. o. b. producing point. |

The above prices for sales in containers in 400 lbs. or less include containers. On sales in containers of more than 400 lbs., the above prices do not include containers.

(b) *Exceptions.* Nothing in the General Maximum Price Regulation or any supplementary regulation thereto shall apply to sales and deliveries of calcium carbide by the Defense Supplies Corporation or Rubber Reserve Company to: (1) The United States or any agency thereof or to the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," or any agency of any such government; nor (2) Persons (other than operators of shipyards) who will use the calcium carbide so purchased in the fulfillment of contracts with the United States or any agency thereof in which the price is determined on the basis of cost-plus-a-fee, except that, in the case of sales to persons who will use some but not all of the calcium carbide so purchased in fulfillment of such a contract, the Defense Supplies Corporation or Rubber Reserve Company may charge for the entire amount so purchased a price other than that established by this section, making periodic settlement at the maximum prices established by this section with the buyer for that portion of the calcium carbide which the buyer satisfactorily demonstrates has not been used in the fulfillment of such contracts.

(c) *Definitions.* When used in this section, the term:

(1) "Generator grades" means calcium carbide in the sizes ¼ x 1/12 to and including 3½ x 2. It also includes the grade 2 x D.

(2) "Rice" "14ND" and "Fines" have the meaning commonly given to these terms in the trade, except that "Fines" shall include the grade ¼ x D.

(3) "Warehouse cities" means those cities in the United States in which the Defense Supplies Corporation or Rubber Reserve Company maintains warehouse stocks of calcium carbide.

(4) "Delivered warehouse cities" means that the price includes free delivery to customers located within such cities, and is f. o. b. warehouse for points outside of such cities.

SEC. 15. *Sales of rosin size by manufacturers*—(a) *Maximum prices.* The maximum price per hundred pounds for a sale by a manufacturer of rosin size shall be the maximum price established without the use of this section 15, plus an amount equal to the difference between the current market price and the highest market price during March 1942 per hundred pounds of the grade of gum rosin contained in the rosin size being priced multiplied by the percentage of such gum rosin specified by the applicable formula as contained in such rosin size. The actual percentage of such gum rosin per 100 pounds of such rosin size which is delivered shall not vary more than three percent from the percentage specified by the formula.

(b) *Invoices.* The manufacturer shall show as separate items on all invoices for such rosin size the maximum price per 100 pounds for a sale of rosin size established under the General Maximum Price Regulation without the use of this section 15, the difference between the current market price and the highest market price during March 1942 per hundred pounds of the grade of gum rosin specified by the applicable formula as contained in such rosin size, and the adjusted maximum selling price under this section 15. An invoice containing the above required information shall be furnished the buyer prior to payment by him.

(c) *Definitions.* "Market price" means the price quoted for gum rosin on the Savannah, Georgia Cotton and Naval Stores Exchange for deliveries at Savannah, Georgia. "Current market price" means the price so quoted on the day the Exchange is open for business next preceding the day on which the manufacturer accepts the order for the rosin size being priced.

"Rosin size" means sodium resinate produced in whole or in part from gum rosin.

SEC. 16. *Tapioca products other than flour and foods*—(a) *Applicability*—(1) *Products.* This section applies to tapioca adhesives, sizings and dextrines. It does not apply to products consisting entirely of unprocessed tapioca flour nor to edible products.

(2) *Geographical applicability.* This section 16 applies in the forty-eight States of the United States and the District of Columbia.

(b) *Maximum prices.* (1) The maximum price per 100 pounds for the sale and delivery of a tapioca product by any person, shall be the seller's maximum price as determined under the General Maximum Price Regulation plus an amount computed by multiplying $1.38 by the percentage by weight of tapioca flour or dextrine contained in the tapioca product.

Where such a tapioca product is sold in a dry state, the maximum price set forth in this subparagraph (1) does not include containers and the seller may make an additional charge for containers. Such additional charge shall not exceed the maximum price for the container actually used as established by the applicable maximum price regulation of the Office of Price Administration, or the actual delivered cost of the container to the seller of the tapioca product, whichever is lower.

(2) Where the seller's maximum price is determined under § 1499.3 (b) of the General Maximum Price Regulation, the maximum price to be used for the comparable product shall be the maximum price established under § 1499.2 (a) (1), and the report or application required by § 1499.3 (b) shall be filed with the Chemicals and Drugs Branch, Office of Price Administration, Washington, D. C. Such report or application shall include the percentage by weight of tapioca in the product.

(c) *Notification.* Every seller who increases his maximum price on a tapioca product under the provisions of this section shall, with or prior to the first delivery at the increased price, furnish each purchaser who is not an ultimate consumer a copy of this section 16 of Supplementary Regulation No. 14F, and a written notice containing the following information:

(1) Maximum price for sales of the product to that purchaser as determined under the General Maximum Price Regulation.

(2) Adjusted maximum price for sales of the product to that purchaser under this section.

(d) *Report.* Each seller of a tapioca product shall file with the Chemicals and Drugs Branch, Office of Price Administration, Washington, D. C. before March 6, 1944, a report on OPA Form No. 692-660 containing the information specified therein. A supplemental report shall be filed within thirty days after the end of each calendar quarter beginning with the calendar quarter which ends on March 31, 1944. Each such supplemental report shall cover tapioca products not included in previous reports. Copies of the form may be obtained from the district, regional or national offices of the Office of Price Administration. A form copied from such form may be used.

SEC. 17. *Boiled-down vegetable oil foots soap stock—Basis 65 percent T. F A.*—(a) *Maximum prices for sales of soybean, peanut, corn, or cottonseed oil soap stock in car lots.* Notwithstanding any other provision of the General

Maximum Price Regulation, the maximum prices for all sales of boiled-down soybean, peanut, corn or cottonseed oil soap stock—basis 65 percent T. F. A. in car lots, shall be the maximum delivered prices specified below:

(1) *Soap stock produced in Texas.*—(i) For deliveries within Texas:

| | Cents per pound |
|---|---|
| From soybean oil foots | 6.125 |
| From peanut oil foots | 6.50 |
| From corn oil foots | 6.125 |
| From cottonseed oil foots | 6.25 |

(ii) For deliveries to any point outside Texas except the states mentioned in (iii) below:

| | Cents per pound |
|---|---|
| From soybean oil foots | 6.375 |
| From peanut oil foots | 6.75 |
| From corn oil foots | 6.375 |
| From cottonseed oil foots | 6.50 |

(iii) For deliveries to any point in Washington, Oregon, California, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey Maryland, Delaware, District of Columbia, Virginia, and West Virginia.

| | Cents per pound |
|---|---|
| From soybean oil foots | 6.50 |
| From peanut oil foots | 6.875 |
| From corn oil foots | 6.50 |
| From cottonseed oil foots | 6.625 |

(2) *Soap stock produced in California.* (i) For deliveries within California.

| | Cents per pound |
|---|---|
| From soybean oil foots | 6.125 |
| From peanut oil foots | 6.50 |
| From corn oil foots | 6.125 |
| From cottonseed oil foots | 6.25 |

(ii) For deliveries in any state west of the Mississippi River except California:

| | Cents per pound |
|---|---|
| From soybean oil foots | 6.375 |
| From peanut oil foots | 6.75 |
| From corn oil foots | 6.375 |
| From cottonseed oil foots | 6.50 |

(iii) For deliveries to any state east of the Mississippi River:

| | Cents per pound |
|---|---|
| From soybean oil foots | 6.50 |
| From peanut oil foots | 6.875 |
| From corn oil foots | 6.50 |
| From cottonseed oil foots | 6.625 |

(b) *Maximum prices for sales of all other vegetable oil foots soap stock in car lots.* Notwithstanding any other provision of the General Maximum Price Regulation, the maximum prices for all sales in car lots of boiled-down soap stock—basis 65 per cent T. F. A. manufactured from vegetable oil foots other than those specified in (a) above shall be the maximum delivered price for the sale of the foots used, as determined under Maximum Price Regulation No. 53, Chicago basing point, plus:

(1) *For soap stock produced in Texas.* (i) For deliveries within Texas, 2.75 cents per pound.

(ii) For deliveries to any point outside Texas, except the states mentioned in (iii) below, 3 cents per pound.

(iii) For deliveries to any point in Washington, Oregon, California, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Delaware, District of Columbia, Virginia and West Virginia, 3.125 cents per pound.

(2) *For soap stock produced in California.* (i) For deliveries within California, 2.75 cents per pound.

(ii) For deliveries in any state west of the Mississippi River, except California, 3 cents per pound.

(iii) For deliveries to any state east of the Mississippi River, 3.125 cents per pound.

(c) *Maximum prices for sales of mixed foots soap stock in car lots.* (1) Notwithstanding any other provisions of the General Maximum Price Regulation the maximum delivered price in car lots for any sale of boiled-down soap stock manufactured from mixed vegetable oil foots shall not exceed the maximum delivered price applicable to boiled-down soap stock made from the lowest priced foots in the mixture. For example, the maximum delivered price of a mixed foots soap stock made from cottonseed, peanut, and corn oil foots, is 6.125 cents per pound (if produced in Texas and delivered within Texas), which is the delivered price applicable to boiled-down soap stock made from corn oil foots, the lowest priced foots in the mixture.

(2) Any seller of mixed foots boiled-down soap stock shall furnish the buyer, prior to payment by him, a notice or invoice, indicating what vegetable oil foots are contained in the soap stock sold.

(d) *Maximum prices for sales in l. c. l. quantities.* Maximum delivered prices for less-than-carload quantities of boiled-down soap stock shall be the same as carload delivered prices set forth in (a), (b) and (c) above, except that deliveries to buyers within the metropolitan areas of Los Angeles, California, Dallas, Texas, and Houston, Texas, for consumption in those areas, shall be at the expense of such buyers.

(e) *Maximum prices for imported boiled-down soap stock.* (1) The maximum delivered price for any sale of boiled-down soap stock imported to an Atlantic Ocean or Gulf of Mexico port shall not exceed the maximum delivered price for such boiled-down soap stock produced in Texas and delivered to the same buyer.

(2) The maximum delivered price for any sale of boiled-down soap stock imported to a Pacific Ocean port shall not exceed the maximum delivered price for such boiled-down soap stock produced in California and delivered to the same buyer.

(f) *Other charges.* The above maximum delivered prices shall not be increased by any charges for containers or brokers' fees.

SEC. 18. *Compressed gas cylinder demurrage.* (a) Notwithstanding any other provision of the General Maximum Price Regulation, a seller of a compressed gas who is lawfully required by his supplier to pay demurrage on a compressed gas cylinder may require his purchasers to pay demurrage on such cylinder in the same amount on the same terms as are lawfully imposed on the seller by his supplier.

(1) Any seller who institutes or modifies a cylinder demurrage charge under this paragraph (a) shall, with or prior to the first delivery to each buyer which is subject to such demurrage charge, furnish such buyer with a written notice containing the following:

(i) A full statement as to the amount of and the conditions governing the demurrage charge.

(ii) A statement that the demurrage charge is instituted under the provisions of section 18 of Supplementary Regulation No. 14F to the General Maximum Price Regulation together with a copy of this paragraph (a)

(2) Any reseller of a compressed gas who receives from his supplier the notice required by subparagraph (1) shall, so long as the Emergency Price Control Act of 1942, as amended, remained in effect, retain such notice for inspection by the Office of Price Administration or any buyer during ordinary business hours.

(b) Where the seller of a compressed gas who owns the cylinders in which it is sold may not, under the provisions of the General Maximum Price Regulation, impose any cylinder demurrage charge on sales of such compressed gas to a class of purchasers, he may, on approval of the Office of Price Administration, institute a cylinder demurrage charge on sales of such compressed gas to that class of purchasers which is of an amount and subject to such conditions as are in line with those in effect by competitive sellers of such compressed gas to purchasers of the same class.

(1) A written application for approval of such a demurrage charge and the conditions governing the same shall be made in writing to the appropriate field office of the Office of Price Administration. Such application shall show:

(i) The compressed gas and the class of purchasers to whom it is proposed to institute a cylinder demurrage charge.

(ii) The proposed demurrage charge and proposed conditions to govern the same.

(iii) The names and addresses of the nearest three competitive sellers of such compressed gas, and the cylinder demurrage charges and governing conditions imposed by such sellers on sales of such compressed gas to purchasers of the same class. Where the applicant is unable to furnish the information as to the cylinder demurrage charges and governing conditions imposed by such sellers and so certifies, he may omit this information.

(2) The proposed demurrage charges and governing conditions shall be considered as approved unless the Office of Price Administration specifically disapproves them within thirty days after the application is mailed. They shall be subject to adjustment at any time by the Office of Price Administration.

(3) Any regional office of the Office of Price Administration, or such other offices as may be authorized by order issued by the appropriate regional offices, may approve, disapprove, and make adjustments in demurrage charges and gov-

erning conditions reported under this paragraph (b)

(4) Any seller who institutes a cylinder demurrage charge under this paragraph (b) shall, with or prior to the first delivery to each buyer which is subject to such demurrage charge, furnish such buyer with the written notice specified in paragraph (a) (1) Any reseller of a compressed gas who receives such notice from his supplier shall, so long as the Emergency Price Control Act of 1942, as amended, remains in effect retain such notice for inspection by the Office of Price Administration or any buyer during ordinary business hours.

SEC. 19. *Powdered and granular castile soap, U. S. P X*—(a) *Sales by producers.* Notwithstanding any other provision of this General Maximum Price Regulation, the maximum prices for sales of powdered and granular castile soap, meeting the specifications set forth in the tenth revision of the United States Pharmacopoeia, by producers thereof to industrial consumers and governmental agencies shall be the maximum prices set forth below, f. o. b. plant:

| | *Per pound* |
|---|---|
| Powdered castile soap, U. S. P. X | $0.46 |
| Granular castile soap, U. S. P. X | 41 |

(b) *Discounts and allowances.* The maximum prices set forth in paragraph (a) above are subject to all differentials, discounts, allowances and trade practices on sales of powdered and granular castile soap, U. S. P X, in effect by a producer during March 1942.

(c) *Other charges.* The maximum prices established by paragraphs (a) and (b) above shall not be increased by any charges for containers or brokers' fees.

(d) *Geographical applicability.* The provisions of this section 19 apply to the 48 states of the United States and the District of Columbia.

SEC. 20. *Railway signal track torpedoes.* The maximum price on sales of railway signal track torpedoes of the type hereinafter described shall be $4.00 per gross f. o. b. seller's shipping point or the seller's maximum price otherwise established under the General Maximum Price Regulation, whichever is higher.

This section applies to a railway signal track torpedo which meets the specifications of the Association of American Railroads and is narrow-shaped, one-piece, multifold-jacketed, aluminum or lead foil type containing a soft dry load packed in a waterproof and steamproof kraft paper cartridge case.

SEC. 21. *Corn oil meal fur cleaner* (a) "Corn oil meal fur cleaner" is corn oil meal specially treated for use in cleaning furs.

(b) The maximum price for the sale of corn oil meal fur cleaner by the manufacturer shall be his lawful maximum price determined under § 1499.2 of the General Maximum Price Regulation, plus an addition at the rate of $10.00 per ton.

SEC. 22. *FF wood rosin and pale grades of wood rosin*—(a) *Maximum prices.* The maximum prices for sales of FF wood rosin and pale grades X, WW, WG, N, M, K, I, H, G, F, E and D of wood rosin shall be those established under any other provisions of the General Maximum Price Regulation, or those set forth below, whichever are higher:

(1) *Sales by producers*—(i) *FF wood rosin and pale grades of wood rosin*—(a) *Base maximum prices.*

| | |
|---|---|
| FF wood rosin | $3.50 per 100 pounds in carload drums, bags or barrels f. o. b. plant. |
| Pale grades X, WW, WG, N, M, K, I, H, G, F, E, D of wood rosin. | $3.50 per 100 pounds in carload drums f. o. b. plant. |

(b) *Differentials.* The maximum prices for sales in other containers and quantities shall be established by applying to the base prices set forth in (a) above the dollar and cent differentials, discounts, and allowances established for such sales under any other provisions of the General Maximum Price Regulation.

(ii) *Pale-grades of wood rosin; applications for readjustment of maximum prices*—(a) *Eligibility.* The maximum prices otherwise established under this section 22 for sales of pale grades X, WW, WG, N, M, K, I, H, G, F, E and D of wood rosin by a producer thereof whose base maximum prices for any of such grades of wood rosin have been increased to $3.50 per 100 pounds in carload drums f. o. b. plant under (i) (a) above may, upon application therefor, be readjusted. The readjusted maximum prices shall be established in such a way that they will not result in an increase in the aggregate value in dollars, at the maximum prices otherwise established under this section 22, of applicant's sales of all such pale grades during the 12 calendar months immediately preceding time of filing application hereunder.

The application shall be submitted to the Chemicals and Drugs Price Branch, Office of Price Administration, Washington 25, D. C., and shall contain the information hereafter specified.

(b) *Information to be submitted.* (1) The maximum prices otherwise established under this section 22 for the pale grades of wood rosin listed in (a) above.

(2) The proposed readjusted maximum prices for the pale grades of wood rosin listed in (a) above.

(3) Production and sales in pounds of each of the pale grades of wood rosin listed in (a) above during the 12 calendar months immediately preceding time of filing application hereunder.

(4) Value in dollars of the preceding 12 calendar months' sales of each pale grade of wood rosin listed in (a) above at the maximum prices otherwise established under this section 22 and at the proposed readjusted maximum prices.

(c) *Quarterly reports.* Within 20 days, from the end of the three calendar month period immediately following the effective date of any readjustment order issued under (d) below and every consecutive three calendar month period thereafter in case no new readjustment order has been issued, a producer whose maximum prices for pale grades of wood rosin have been readjusted hereunder shall submit to the Chemicals and Drugs Price Branch, Washington 25, D. C., the following information:

(1) Production and sales in pounds of each of the pale grades of wood rosin listed in (a) above during the preceding three calendar month period.

(2) Value in dollars of the preceding three calendar months' sales of each pale grade of wood rosin listed in (a) above at the maximum prices otherwise established under this section 22 and at the readjusted maximum prices last authorized by order under (d) below.

(d) *Orders issued under this subparagraph (ii)* The Price Administrator may authorize or deny by order the proposed readjusted maximum prices or any modification thereof deemed appropriate by the Price Administrator on the basis of the initial application or subsequent quarterly reports required to be submitted under (c) above. In cases where such readjustments are granted to manufacturers, and in cases where manufacturers' base maximum prices of any pale grades have been increased to $3.50 per 100 pounds in carload drums f. o. b. plant under this section 22, he may also establish maximum prices for resellers, and may require in appropriate cases a compensatory decrease in the maximum prices for another product or products manufactured by the applicant.

Any order issued hereunder may be amended or revoked at any time.

(2) *Sales by resellers.* A reseller of FF wood rosin or pale grades X, WW WG, N, M, K, I, H, G, F E and D of wood rosin may add to his maximum price per unit established therefor under any other provisions of the General Maximum Price Regulation his increased acquisition cost per unit under this section 22. His increased acquisition cost per unit is the increase (in dollar and cents) in the price to him per unit over his supplier's maximum price per unit established under any other provisions of the General Maximum Price Regulation as determined from the invoice required to be furnished him under (b) below.

(b) *Invoices.* The producer or reseller of FF wood rosin or pale grades X, WW WG, N, M, K, I, H, G, F E and D of wood rosin for which maximum prices are established under (a) above shall show as separate items on all invoices therefor:

(1) The maximum price established for a sale of such product under any other provisions of the General Maximum Price Regulation.

(2) The adjusted selling price (not in excess of the maximum price under this section 22).

An invoice containing the above required information shall be furnished the buyer prior to payment by him.

SEC. 23. *Laboratory reagent specialty solutions*—(a) *Definition.* Laboratory reagent specialty solutions are solutions of dyes, chemicals or other substances sold for the following purposes: scientific and medical research; analytical, educational and clinical laboratory uses; and quality control of industrial products.

(b) *Maximum prices*—(1) *Manufacturers.* Manufacturers of laboratory reagent specialty solutions which contain U. S. tax-paid ethyl alcohol

and for which no Treasury drawback is obtainable under law, may add to their maximum prices established under this General Maximum Price Regulation without the use of this section 23 for sales of such solutions the exact amount of the tax in excess of $4.00 per proof gallon paid on the alcohol contained therein. The added amount permitted to be charged shall be separately stated by the seller on an invoice furnished the buyer prior to payment.

(2) *Resellers.* Resellers of laboratory reagent specialty solutions may add to their maximum selling prices the amount of the increase in their buying prices permitted by the preceding subparagraph (1) and shall separately show such amount on an invoice furnished their buyers prior to payment.

SEC. 24. *White rye flour adhesives for corrugated paper board*—(a) *Applicability*—(1) *Products.* This section applies to adhesives made from chemically treated white rye flour and sold for use in the manufacture of corrugated paper board.

(2) *Geographical applicability.* This section 24 applies to the forty-eight states of the United States and the District of Columbia.

(b) *Maximum prices.* (1) The maximum price per 100 pounds for the sale and delivery of a white rye flour adhesive, subject to this section, by any person, shall be the seller's maximum price established under the General Maximum Price Regulation, plus an amount computed by multiplying 65 cents by the percentage by weight of white rye flour contained in the product.

(2) Where the seller's maximum price is determined under § 1499.3 (b) of the General Maximum Price Regulation, the maximum price to be used for the comparable product shall be the maximum price established under § 1499.2 (a) (1) and the report or application required by § 1499.3 (b) shall be filed with the Chemicals and Drugs Branch, Office of Price Administration, Washington, D. C. Such report or application shall include the percentage by weight of white rye flour in the product.

(c) *Notification.* Every seller who increases his maximum price on a white rye flour adhesive under the provisions of this section shall, with or prior to the first delivery at the increased price, furnish each purchaser who is not an ultimate consumer a copy of this section 24 of Supplementary Regulation 14F and a written notice containing the following information:

(1) Maximum price for sales of the product to that purchaser as determined under the General Maximum Price Regulation.

(2) Adjusted maximum price for sales of the product to that purchaser under this section.

(d) *Reports.* Each seller of a product subject to this section shall file with the Chemicals and Drugs Branch, Office of Price Administration, Washington, D. C. before June 1, 1944, a report containing the following information:

(1) The name or trade designation of each white rye flour adhesive sold by him for use in the manufacture of corrugated paper board.

(2) The percentage by weight of white rye flour in each product.

(3) The maximum price for each product under the General Maximum Price Regulation.

(4) The maximum price calculated under this section. A supplemental report containing the same information shall be filed prior to the first delivery to a buyer of any new or different white rye flour adhesive subject to this section not included in previous reports.

SEC. 25. *Sales of steam distilled turpentine, dipentene, solros, and wood rosin size*—(a) *Maximum prices.* The maximum prices for sales of steam distilled turpentine, dipentene, wood rosin size, and processed wood rosin used in the manufacture of core oil known as solros shall be those established under any other provisions of the General Maximum Price Regulation, or those set forth below, whichever are higher:

(1) *Sales by producers*—(i) *Steam distilled turpentine, dipentene, and solros*—(a) *Base maximum prices.*

| | |
|---|---|
| Steam distilled turpentine. | $0.68 per gallon in tank cars f. o. b. plant. |
| Dipentene | $0.49 per gallon in tank cars f. o. b. plant. |
| Processed wood rosin used in the manufacture of core oil known as solros. | $3.90 per hundred pounds in carload drums f. o. b. plant. |

(b) *Differentials.* Maximum prices for sales in other containers and quantities shall be established by applying to the base prices set forth in (a) above the dollar and cent differentials, discounts and allowances established for such sales under any other provisions of the General Maximum Price Regulation.

(ii) *Wood rosin size*—(a) *Maximum prices.* The maximum price per hundred pounds shall be a figure equal to total costs per hundred pounds.

(b) *Definition.* "Total costs per hundred pounds" means the sum of the following:

(1) Direct material cost per 100 pounds during the first quarter of 1944, except as noted below with respect to purchased wood rosin. In computing the cost of the quantity of the grade of wood rosin contained in 100 pounds of the wood rosin size being priced, a weighted average, based on the percentage of that grade of wood rosin the manufacturer purchased and the percentage the manufacturer himself produced during the second calendar month preceding date of mailing the report required by (c) below, shall be used. The cost per 100 pounds of such grade of wood rosin purchased shall be the delivered price per 100 pounds in the customary quantities and containers the manufacturer is currently required to pay (not in excess of the supplier's maximum price plus transportation costs, if any) The cost per 100 pounds of such grade of wood rosin the manufacturer himself produced shall be the lowest price per 100 pounds f. o. b. plant he charged for such grade of wood rosin during the second calendar month preceding date of mailing the report required by (c) below (not in excess of his maximum price), less his selling and administrative expense per 100 pounds during the first quarter of 1944.

(2) Direct labor cost per hundred pounds during the first quarter of 1944. Increases in labor costs since October 3, 1942, may be considered only if such increases were approved by the War Labor Board or War Labor Board approval was not necessary.

(3) Other manufacturing costs per hundred pounds during the first quarter of 1944, directly assignable to the production of the size being priced. This may include indirect labor, factory supplies, repairs and maintenance of building, machinery and equipment, insurance, property taxes, depreciation at normal rates on plant and equipment actually used in manufacture, purchased utilities services, and other items commonly associated with factory operation.

(4) General selling and administrative expenses per hundred pounds during the first quarter of 1944. This includes executive and administrative salaries, office expense, commissions, advertising, and similar items but not including income or excess profit taxes, charges to war reserves, or reserves for contingencies.

(c) *Reports.* The maximum price determined for the wood rosin size being priced under (a) above and the following information shall, before such wood rosin size is offered for sale at the adjusted maximum price, be reported by the producer to the Chemicals and Drugs Price Branch, Office of Price Administration, Washington 25, D. C..

(1) Cost of grade of wood rosin used per hundred pounds of size being priced computed in accordance with (b) (1) above on the basis of the following: _____

(i) Amount used in size being priced during second calendar month preceding date of mailing report required by this subdivision (c) broken down as follows:

(A) Amount purchased by manufacturer in pounds. _____

(B) Amount produced by manufacturer in pounds. _____

(ii) Amount used per hundred pounds of size being priced in pounds. _____

(iii) Current delivered purchase price per hundred pounds in customary quantities and containers. _____

(iv) Cost of that produced by manufacturer as follows:

(A) Lowest price per hundred pounds f. o. b. plant charged by manufacturer during the second calendar month preceding date of mailing the report required by this subdivision (c). _____

(B) Less amount deducted for selling and administrative expense per hundred pounds during first quarter of 1944. _____

(2) Other material costs per hundred pounds of size being priced as defined in (b) (1) above. _____

(3) Direct labor cost per hundred pounds of size being priced as defined in (b) (2) above. _____

(4) Other manufacturing costs directly assignable to the production per hundred pounds of the size being priced as defined in (b) (3) above. _____

(5) General selling and administrative expenses per hundred pounds of the size being priced as defined in (b) (4) above. ------

(6) Total cost per hundred pounds of the size being priced (sum of items (1), (2), (3), (4), and (5)). ------

(2) *Sales by resellers.* A reseller of steam distilled turpentine, dipentene, processed wood rosin used in the manufacture of core oil known as solros, or wood rosin size, acquired under this section 25 at a cost higher than the supplier's maximum price established under any other provisions of the General Maximum Price Regulation, may add to his maximum price per unit established under any other provisions of the General Maximum Price Regulation for the higher cost product being priced, the increase (in dollars and cents) in the price to him per unit over his supplier's maximum price per unit established under any other provisions of the General Maximum Price Regulation as determined from the invoice required to be furnished him by paragraph (b) below. The resulting figure is the reseller's maximum price per unit under this subparagraph (2)

(b) *Invoices.* The producer or reseller shall show as separate items on all invoices for steam distilled turpentine, dipentene, processed wood rosin used in the manufacture of core oil known as solros, or wood rosin size for which maximum prices are established under paragraph (a) above:

(1) The maximum price established for a sale of such product under any other provisions of the General Maximum Price Regulation.

(2) The adjusted selling price (not in excess of the maximum price under this section 25)

An invoice containing the above required information shall be furnished the buyer prior to payment by him.

SEC. 26. *Sales of ethyl benzoyl acetate.* The maximum price on sales of ethyl benzoyl acetate shall be $1.80 per pound f. o. b. plant, containers included, or the seller's maximum price otherwise established under the General Maximum Price Regulation, whichever is higher.

SEC. 27. *Sales of cinchona alkaloids and their salts by Defense Supplies Corporation*—(a) *Maximum prices.* Maximum prices for sales of cinchona alkaloids and their salts by Defense Supplies Corporation shall be as follows:

(1) Sales to the U. S. government, or any foreign government, or any agency of one or more of these governments, or to industrial users for use in fulfilling contracts with any of the above:

| Commodity: | *Maximum price per oz.* |
|---|---|
| 1. Quinine sulfate | $1.43 |
| 2. Quinine hydrochloride | 1.66 |
| 3. Quinine bisulfate | 1.36 |

Maximum prices in line with the above prices for sales to the above purchasers of other cinchona alkaloids or salts may be established by order of the Administrator upon application by Defense Supplies Corporation.

(2) Sales to other industrial users and primary distributors:

| Commodity | Maximum price per ounce | |
|---|---|---|
| | To industrial users and drug wholesalers | To primary distributors |
| Quinine: | | |
| Alkaloid | $0.975 | $0.853 |
| Hydrochloride | .825 | .753 |
| Sulfate | .825 | .731 |
| Dihydrochloride | .625 | .671 |
| Bisulfate | .725 | .613 |
| Quinidine: | | |
| Alkaloid (powder) | 1.125 | 1.032 |
| Alkaloid (crystal) | 1.125 | 1.045 |
| Sulfate | .845 | .729 |
| Cinchonine: | | |
| Alkaloid (powder) | .715 | .625 |
| Alkaloid (crystal) | .725 | .631 |
| Sulfate | .625 | .495 |
| Hydrochloride | .625 | .625 |
| Cinchonidine: | | |
| Alkaloid (powder) | .625 | .871 |
| Alkaloid (crystal) | 1.025 | .837 |
| Sulfate | .625 | .532 |

(b) *Definition.* "Primary distributor" means one of the following persons purchasing for resale:

Mallinckrodt Chemical Works.
Merck and Company, Inc.
S. B. Penick & Co.
The New York Quinine Chemical Works, Inc.

SEC. 28. *Incremental output of easy processing channel carbon black sold to Defense Supplies Corporation*—(a) *Applicability.* (1) Any seller of incremental output of easy processing channel carbon black, produced under the War Production Board program for increasing the supply of such carbon black, may use the maximum prices established by this section in place of his maximum prices established under other provisions of the General Maximum Price Regulation for his sales of such incremental output to Defense Supplies Corporation.

(2) "Incremental output" means output from new facilities. New facilities are:

(i) "New plants," which are:

(*a*) Plants which did not operate at any time during June 1944.

(*b*) Plants, or portions of plants, which operated during June, 1944, but have been moved to a new location where gas costs are substantially greater than at the old location and have been set up as a new plant.

(ii) "Expanded plants," which are existing plants (plants in operation at any time during June, 1944), in which the number of burner units in operation has been increased above the maximum number in operation during June, 1944.

(b) *Determination of amount of incremental output.* (1) The amount of incremental output at any new facility shall be determined by actual physical measurement where this is feasible.

(2) Where it is not feasible to separate the incremental output of easy processing channel carbon black produced at a new facility, the incremental output shall be computed by multiplying the estimated yield in pounds per MCF by the number of MCF of supplemental gas used. "Supplemental gas" means the gas used to operate the new facility. The yield estimate shall be based on the new gas acquired for this purpose and shall be made in accordance with customary methods of estimating yield.

The producer shall, prior to sale of any incremental output, the amount of which is determined on the basis of estimated yield, submit in writing to the Chemicals and Drugs Price Branch, Office of Price Administration, Washington 25, D. C., a full description of the tests made in arriving at the estimated yield of the supplemental gas; a statement as to the sources of supply of such gas and the amount to be obtained from each source; and the yield figure the producer proposes to use. If within 20 days of mailing this report the producer has not received a written disapproval of the yield figure proposed, the producer may use such yield figure in computing his additional production and maximum prices therefor. The Office of Price Administration may at any time disapprove, or modify, the yield figure proposed, and in doing so may consider the yields obtained by other producers of easy processing channel carbon black using the same gas. The producer may at any time request modification of the yield estimate and submit evidence in support of such request, and such request and supporting evidence shall be considered by the Office of Price Administration, which shall make such adjustment in the yield figure as may be warranted.

(c) *Maximum prices.* (1) The maximum price per pound in covered hopper cars, f. o. b. plant, for sales of the incremental output of easy processing channel carbon black produced at any new facility, shall be the sum of the following items per pound of such incremental output. The computation is to be made in accordance with subparagraph (2) below and reported in accordance with subparagraph (4) below.

(i) Gas cost.

(ii) Gas delivery cost.

(iii) Gas treatment cost.

(iv) Amortization of preparatory expense involved in rehabilitation of existing plants and depreciation.

All items of preparatory expense involved in the rehabilitation of existing plants which, in accordance with good accounting practice and the regulations of the Bureau of Internal Revenue, need not be capitalized, may be written off within a period of not less than one year. All items of preparatory expense involved in the rehabilitation of existing plants, which in accordance with good accounting practice and the regulations of the Bureau of Internal Revenue are considered depreciable items and the cost of building new plants and moving idle plants to new locations shall be depreciated at normal rates applicable to like items. The Administrator may, on application by the producer, permit the use of a higher than normal rate where he finds that because of particular circumstances applying to the plant such higher rate is necessary to reflect the probable useful economic life of the plant.

(v) Defense Plant Corporation rentals.

(vi) Direct labor cost.

(vii) Other manufacturing costs properly assignable to the incremental output. Such costs include indirect labor, factory supplies, repairs and maintenance of buildings, machinery and equipment used in the manufacture of incremental output, insurance, property taxes, purchased utility services, and other items commonly associated with factory operations. They do not include depreciation, amortization of preparatory expense, or Defense Plant Corporation rentals.

(viii) Selling and administrative expenses. This includes executive and administrative salaries, office expense, commissions, and other selling expenses, advertising, and similar items, but does not include other excess profits taxes, or charges to war reserves or reserves for contingencies.

(2) *Computation of items specified in subparagraph (1)* (i) Item (viii) shall be taken as equal to the average cost for selling and administrative expense per pound of easy processing channel carbon black produced by the producer at all plants during the first six months of 1944, except that the amount per pound by which the Texas carbon black production tax applicable to the incremental output exceeds 31/240¢ may be added to such average cost in those cases where such tax has not otherwise been included in costs.

(ii) Items (i) to (vii) inclusive, shall be based on actual costs at the new facility during the period covered by the report required in subparagraph (4) below, subject to the following exceptions:

(*a*) For the first report required by subparagraph (4) below, Items (i) to (vii) inclusive, shall be based on an estimate of costs for the period covered by such first report.

(*b*) In the case of an expanded plant (as defined in paragraph (a) (2) (ii)) Items (vi) and (vii) shall on all reports be taken as equal to the average cost for such items per pound of easy processing channel carbon black produced at that plant during the first six months of 1944. In those cases where the weighted average wage rate in the plant has increased over the weighted average wage rate at the plant during the first six months of 1944, the labor costs included in such average cost may be adjusted to reflect such increase. Such adjustment shall be made by multiplying the average labor cost per pound during the first six months of 1944 by the ratio of the current weighted average wage rate to the weighted average wage rate during the first six months of 1944. Any such adjustment shall be shown separately on the report required in subparagraph (4) No adjustment shall be made on account of increases in wage rates not in accordance with War Labor Board regulations.

(*c*) Where the carbon black producer is also the producer of the gas used, he may use his maximum price for sales of such gas to channel carbon black producers in determining the cost of gas.

(3) *Maximum prices for sales other than in covered hopper cars.* The maximum price for sales by any seller of incremental output other than in covered hopper cars shall be the maximum price determined by the producer in accordance with subparagraphs (1) and (2) for sales in covered hopper cars, plus the seller's dollar-and-cents quantity and container differentials established under other provisions of the General Maximum Price Regulation for sales of easy processing channel carbon black.

(4) *Determination of maximum prices.* (i) Maximum prices computed pursuant to subparagraphs (1) (2) and (3) above for incremental output produced in any period shall be determined separately for each new facility upon the basis of actual operations at that facility during the period. Such maximum prices shall apply to an amount of easy processing channel black sold to Defense Supplies Corporation equal to the incremental output actually produced during the period. Until the end of a period the amount of incremental output to be produced during that period and the maximum prices therefor shall be based on estimated operations during the period. The estimate of output during a period shall be based on expected operations during the period. The estimated price for any calendar month after the first two full calendar months of operation shall be the maximum price determined on the basis of actual operations during the second calendar month preceding the calendar month for which a price is being estimated.

Within 15 days after the end of a period a report of actual production of incremental output during the period and a determination of maximum prices based on actual operations during the period shall be filed in accordance with subdivision (ii) below. The estimated prices shall be adjusted upward or downward in accordance with the determination of maximum prices upon the basis of actual operations. If excess payment has been made, whether because of sales at a price in excess of the adjusted price or because of sales of an amount of easy processing channel black in excess of the incremental output actually produced during the period, the seller shall refund the excess.

A maximum price so determined on the basis of actual operations shall be subject to disapproval in writing at any time by the Office of Price Administration, and if a maximum price reported pursuant to this subparagraph (4) is revised downward by the Office of Price Administration and if any payment has been made at a price higher than the price approved by the Office of Price Administration, the seller shall refund the excess.

(ii) *Reports.* (*a*) Prior to making the first delivery of incremental output from a new facility, the producer shall submit a report on OPA Form No. 692-2051 of the output and maximum price on the basis of expected operations during the initial period from the beginning of operations through the end of the calendar month following the first full calendar month of operations at the new facility.

(*b*) Within 15 days after the end of the initial period the producer shall submit a report on OPA Form No. 692-2051 of actual output during the initial period and maximum prices based on actual operations during the period. The adjustment specified in (i) above shall be made for the entire initial period on the basis of this report.

(*c*) Within 15 days after the end of the first full calendar month of operations and within 15 days after the end of each calendar month thereafter the producer shall file a report on OPA Form No. 692-2051 of the actual output during the calendar month and the maximum prices based on actual operations during the calendar month. For every calendar month after the initial period, the adjustment specified in (i) above shall be made on the basis of the report of actual operations during that calendar month.

(*d*) The reports required by this subdivision (ii) shall be filed in duplicate, one copy being mailed to the Chemicals and Drugs Price Branch, Office of Price Administration, Washington 25, D. C., the other to the Defense Supplies Corporation, Washington 25, D. C. Copies of OPA Form No. 692-2051 may be obtained from the Office of Price Administration, Washington 25, D. C.

(d) *Records.* (1) Each producer of incremental output shall keep for each new facility, records of the incremental output at that facility and records of the deliveries of incremental output from that facility, showing the name of the buyer, the number of pounds delivered and date of delivery, the containers in which delivered, and the price charged. Such records shall be kept for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(2) Each producer of incremental output 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, all his existing records relating to the costs of producing and selling channel carbon black during the first six months of 1944.

(3) Each producer of incremental output shall keep books and records relating to the costs of producing incremental output at each new facility and preserve the same for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect. Such books and records shall set out the costs in the detail customarily used by the producer for management purposes, but in all cases in sufficient detail to enable verification of the computation of maximum prices under the provisions of this section 28.

(e) *Tolling arrangements.* Where incremental output of easy processing channel carbon black is produced for the Defense Supplies Corporation from supplemental gas furnished the producer by that corporation, the producer shall determine his maximum price for the conversion service in accordance with paragraph (c) of this section, except that in computing a maximum price thereunder no costs shall be included for any items

of material or service furnished by the Defense Supplies Corporation. The seller of the conversion service shall keep the records and file the reports required of producers of incremental output by this section.

SEC. 29. *Retail sales of certain wallpaper cleaners.* Any seller at retail of wallpaper cleaner containing approximately 45 percent by weight of patent wheat flour and approximately 17 percent by weight of salt may at his option use the maximum prices listed below for his sales at retail of a package of the size there specified in place of the maximum price otherwise established under the General Maximum Price Regulation for such sale:

12 oz. package..... 7¢ each; 3 for 20¢.
40 oz. package..... 19¢ each.

SEC. 30. *Certain 5 and 10 cent sizes of cosmetics*—(a) *Maximum prices.* Where a cosmetic is packaged by or for the manufacturer thereof in a package contracted for by the manufacturer or packager prior to September 11, 1942, and where such package contains a lesser quantity of cosmetic than was contained in a package of cosmetic of the same kind, quality, and brand name sold at retail for 5 or 10 cents for which maximum prices for sales by the manufacturer were established under § 1499.2 of the General Maximum Price Regulation, the maximum prices for sales by any seller of such package of cosmetic containing a lesser quantity of cosmetic shall be the maximum prices established under the General Maximum Price Regulation for sales by such seller of the package of cosmetic which contained a greater quantity of cosmetic.

(b) *Definition.* "Manufacturer" means a person who packages a cosmetic under his own brand name or causes the same to be packaged for him under his own brand name.

(c) *Notification*—(1) *By manufacturers.* The manufacturer of a package of cosmetic containing a lesser quantity of cosmetic for which maximum prices are established under this section shall with or prior to the first delivery thereof to any purchaser furnish him with a notice reading as follows:

Maximum prices for sales by any seller of (describe package of cosmetic containing lesser quantity) are the same as the maximum prices established under the General Maximum Price Regulation for sales by that seller of (describe package of cosmetic containing greater quantity).

(2) *By wholesalers.* Any wholesaler of such a package of cosmetic shall with or prior to the first shipment thereof to a retailer furnish such retailer with the notice of the same kind as set forth in subparagraph (1) above.

This regulation shall become effective January 29, 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 29th day of January 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-1735; Filed, Jan. 29, 1945; 11:41 a. m.]

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PART 1499—COMMODITIES AND SERVICES

[SR 14H]

MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN TRANSPORTATION SERVICES

This Supplementary Regulation 14H to the General Maximum Price Regulation contains the provisions heretofore embodied in sections 7.1, 7.2, 7.5–7.11, 7.13, 7.15, and 7.19, of Revised Supplementary Regulation 14 relating to certain transportation services. Second Revised Supplementary Regulation 14, which is issued simultaneously with this regulation, continues the provisions relating to miscellaneous commodities and services and includes a table of cross references which shows the present counterparts of the former provisions of Supplementary Regulation 14 and Revised Supplementary Regulation 14, their effective dates and the amendments by which they were originally added or later amended.

A statement of the considerations involved in the issuance of this Supplementary Regulation 14H has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Sec.
1. Transportation of coal in barges along the Atlantic Coast.
2. Transportation of coal by motor vehicle from mines in Fayette, Westmoreland, and Greene Counties, Pennsylvania.
3. Transportation of fluid milk by motor truck.
4. Rates for transportation of petroleum and petroleum products in bulk by barge and charter rates therefor on the Gulf Intracoastal Waterway, the Atlantic Intracoastal Waterway south of Norfolk, Virginia, the Mississippi River, including their tributary waterways, and the Gulf of Mexico.
5. Transportation by motor vehicle within the New York City metropolitan area.
6. Transportation of fresh meat, meat products or packing house products and supplies from points of origin in Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, West Virginia or Wisconsin.
7. Transportation of rubbish, paving and asphalt materials and supplies, etc., for the City of Detroit.
8. Transportation by motor vehicle within the Chicago metropolitan area.
9. Adjustment of maximum rates for the transportation of property by carriers performing pick-up and delivery or local transfer service for rail, motor and water line haul carriers.
10. Transportation services performed within the State of Michigan by carriers other than common carriers.
11. Transportation services performed within the Commonwealth of Kentucky by carriers other than common carriers.
12. Maximum rates for the charter of tugboats.

AUTHORITY: § 1499.81 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

SECTION 1. *Transportation of coal in barges along the Atlantic Coast.* (a) Maximum prices for the transportation of coal in barges along the Atlantic Coast between the origins and destinations referred to below by carriers other than common carriers within the exemption conferred by section 302 (c) (2) of the Emergency Price Control Act of 1942 shall be as follows:

MAXIMUM RATES [1] FOR TRANSPORTATION OF COAL IN BARGES

| From [2] New York [3] to— | Weight of cargo in net tons per barge | | | | |
|---|---|---|---|---|---|
| | 700 or less | Over 700, but not over 1,200 | Over 1,200 but not over 1,800 | Over 1,800 but not over 2,000 | Over 2,000 |
| Stamford, Conn. | $0.00 | $0.80 | $0.75 | $0.70 | $0.65 |
| Norwalk, Conn. | .95 | .85 | .80 | .75 | .70 |
| Bridgeport, Conn. | .95 | .85 | .80 | .75 | .70 |
| Stratford, Conn. | 1.15 | 1.05 | 1.00 | .95 | .90 |
| Devon, Conn. | 1.15 | 1.05 | 1.00 | .95 | .90 |
| New Haven, Conn. | .95 | .85 | .80 | .75 | .70 |
| Branford, Conn. | 1.15 | 1.05 | 1.00 | .95 | .90 |
| Middletown, Conn. | 1.35 | 1.25 | 1.20 | 1.15 | 1.10 |
| Hartford, Conn. | 1.35 | 1.25 | 1.20 | 1.15 | 1.10 |
| New London, Conn. | 1.35 | 1.25 | 1.15 | 1.05 | 1.00 |
| Allyns Point, Conn. | 1.40 | 1.30 | 1.20 | 1.10 | 1.05 |
| Montville, Conn. | 1.40 | 1.30 | 1.20 | 1.10 | 1.05 |
| Norwich, Conn. | 1.45 | 1.25 | 1.25 | 1.15 | 1.10 |
| Newport, R. I. | 1.00 | 1.70 | 1.60 | 1.45 | 1.35 |
| Providence, R. I. | 1.00 | 1.70 | 1.60 | 1.45 | 1.35 |
| Pawtucket, R. I. | 2.00 | 1.85 | 1.70 | 1.55 | 1.45 |
| Warren, R. I. | 1.95 | 1.80 | 1.65 | 1.50 | 1.40 |
| Fall River, Mass. | 1.00 | 1.75 | 1.60 | 1.45 | 1.35 |
| Somerset, Mass. | 1.00 | 1.75 | 1.60 | 1.45 | 1.35 |
| Woods Hole, Mass. | 2.15 | 2.00 | 1.85 | 1.70 | 1.60 |
| Martha's Vineyard, Mass. | 2.30 | 2.15 | 2.00 | 1.85 | 1.75 |
| Nantucket, Mass. | 2.50 | 2.35 | 2.20 | 2.05 | 1.95 |
| New Bedford, Mass. | 2.05 | 1.90 | 1.75 | 1.60 | 1.50 |
| Plymouth, Mass. | 2.45 | 2.30 | 2.15 | 1.85 | 1.75 |
| Hull, Mass. | 2.50 | 2.35 | 2.15 | 1.90 | 1.80 |
| Weymouth, Mass. | 2.45 | 2.30 | 2.05 | 1.80 | 1.70 |
| Boston, Mass. | 2.45 | 2.25 | 2.00 | 1.75 | 1.65 |
| Lynn, Mass. | 2.45 | 2.30 | 2.05 | 1.80 | 1.70 |
| West Lynn, Mass. | 2.50 | 2.35 | 2.10 | 1.85 | 1.75 |
| Marblehead, Mass. | 2.45 | 2.30 | 2.05 | 1.80 | 1.70 |
| Salem, Mass. | 2.45 | 2.25 | 2.00 | 1.75 | 1.65 |
| Beverly, Mass. | 2.45 | 2.30 | 2.05 | 1.80 | 1.70 |
| Gloucester, Mass. | 2.50 | 2.35 | 2.10 | 1.85 | 1.75 |
| Newburyport, Mass. | 4.15 | 4.00 | 3.75 | 3.50 | 3.40 |
| Portsmouth, N. H. | 2.05 | 2.50 | 2.25 | 2.00 | 1.90 |
| Biddeford, Me. | 4.15 | 4.00 | 3.75 | 3.50 | 3.40 |
| Saco, Me. | 4.15 | 4.00 | 3.75 | 3.50 | 3.40 |
| Portland, Me. | 2.75 | 2.60 | 2.35 | 2.10 | 2.00 |
| Portland, Me. (Fort McKinley) | 3.55 | 3.40 | 3.15 | 3.00 | 2.70 |
| Boothbay, Me. | 2.90 | 2.75 | 2.50 | 2.25 | 2.15 |
| Bath, Me. [4] | 3.05 | 2.90 | 2.65 | 2.40 | 2.30 |
| Gardiner, Me. | 3.55 | 3.40 | 3.15 | 2.90 | 2.80 |
| Hallowell, Me. | 3.70 | 3.55 | 3.30 | 3.05 | 2.95 |
| Augusta, Me. | 3.80 | 3.65 | 3.40 | 3.15 | 3.05 |
| Rockland, Me. [4] | 3.30 | 3.15 | 2.90 | 2.70 | 2.60 |
| Belfast, Me. | 3.90 | 3.75 | 3.50 | 3.35 | 3.05 |
| Camden, Me. | 3.90 | 3.75 | 3.50 | 3.25 | 3.05 |
| Searsport, Me. | 3.50 | 3.35 | 3.10 | 2.85 | 2.75 |
| Sandy Point, Me. | 3.50 | 3.35 | 3.10 | 2.85 | 2.75 |
| Buckeport, Me. | 3.75 | 3.40 | 3.15 | 2.90 | 2.80 |
| Castine, Me. | 4.00 | 3.85 | 3.60 | 3.35 | 3.25 |
| N. E. Harbor, Me. | 4.00 | 3.85 | 3.60 | 3.35 | 3.25 |
| S. W. Harbor, Me. | 4.00 | 3.85 | 3.60 | 3.35 | 3.25 |
| Bar Harbor, Me. | 4.00 | 3.85 | 3.60 | 3.35 | 3.25 |
| Bangor, Me. | 3.80 | 3.65 | 3.40 | 3.15 | 3.05 |
| Brewer, Me. | 4.00 | 3.85 | 3.60 | 3.35 | 3.25 |
| Stonington, Me. | 4.00 | 3.85 | 3.60 | 3.35 | 3.25 |
| Eastport, Me. | 4.00 | 4.75 | 4.50 | 4.25 | 4.15 |

[1] Rates are stated in terms of dollars per net ton and are exclusive of expenses for loading and discharging and for cargo insurance. The trimming charge made at loading piers is for the account of the vessel and is included in the rate.

[2] From Hampton Roads to New York, the maximum rate for all cargoes shall be $2.60 per net ton. From Hampton Roads to the destinations described in this paragraph (a), the maximum rates set forth herein shall be increased by $1.25 per net ton.

[3] Rates shown apply from Lower New Jersey piers, including South Amboy, Perth Amboy, Port Reading and Elizabethport. Deduct 5 cents per net ton when transportation commences at Upper New Jersey piers, including Jersey City, Hoboken, Weehawken, Guttenberg, and Edgewater.

[4] Add 25 cents per net ton when transportation is to piers with no more than fourteen feet of water.

The maximum rate applicable to any destination on the Atlantic Coast northerly from New York not specified above shall be the rate shown from the same origin to the closest destination set forth above.

(b) The provisions of the General Maximum Price Regulation, other than § 1499.11 (a) shall not apply until August 3, 1942, to the transportation of coal in barges between the origins and destinations referred to in paragraph (a) above, when such transportation is performed by carriers other than common carriers within the exemption conferred by section 302 (c) (2) of the Emergency Price Control Act of 1942.

SEC. 2. *Transportation of coal by motor vehicle from mines in Fayette, Westmoreland, and Greene Counties, Pennsylvania.* (a) The maximum rate per net ton that may be charged by truck owners and operators for transporting coal from mines in Fayette, Westmoreland, and Greene Counties, Pennsylvania, to beehive coke ovens, or to barges on the Monongahela River, or to rail cars, all in Fayette, Westmoreland and Greene Counties, Pennsylvania for distances up to and including 25 miles, shall be:

10¢ per mile—for the first 2 miles
6¢ per mile—for the next 3 miles
5¢ per mile—thereafter

5 cents per net ton additional for coal transported from stripping plants, 2 cents per net ton additional for accessorial services performed on contracts under which the contracting motor carrier operator assumes responsibility for the entire movement of the coal and supervises all trucks performing the transportation.

SEC. 3. *Transportation of fluid milk by motor truck.* (a) Maximum prices arrived at in accordance with the provisions of § 1499.2 of the General Maximum Price Regulation for the transportation by truck of fluid milk consigned from the producers thereof to processing plants located in Coldwater, Ohio; Holgate, Ohio; Abington, Virginia; and Oostburg, Wisconsin, may be increased as follows:

(1) Milk consigned from the producer thereof to processing plants in Coldwater, Ohio; Holgate, Ohio; and Abington, Virginia, 5 cents per hundred pounds.

(2) Milk consigned from the producer thereof to processing plants in Oostburg, Wisconsin, 2 cents per hundred pounds.

SEC. 4. *Rates for transportation of petroleum and petroleum products in bulk by barge and charter rates therefor on the Gulf Intracoastal Waterway, the Atlantic Intracoastal Waterway south of Norfolk, Virginia, the Mississippi River including their tributary waterways, and the Gulf of Mexico*—(a) *Definitions.* (1) "Barge" means all non-self-propelled water craft licensed by the U. S. Coast Guard, Bureau of Inspection and Navigation, and used, for the transportation of petroleum or petroleum products in bulk.

(2) "Petroleum" and "petroleum products" mean products of Grade B and lower as defined in the Code of Federal Regulations, Title 46, Chapter I, Subchapter D, Part 30. "Tank Vessels" (Bureau of Marine Inspection and Navigation, U. S. Coast Guard) Rates and charges for the transportation of Grade A petroleum products in bulk by barge shall continue to be determined under the provisions of § 1499.2 of the General Maximum Price Regulation.

(3) "Ton" and "net ton" mean two thousand (2,000) pounds avoirdupois.

(4) "Points on the Gulf Intracoastal Waterway" mean all points which are or may be served with barge transportation by use of the Gulf Intracoastal Waterway and all its navigable and connecting tributary waterways, except points on the Mississippi River and its tributaries north of North Baton Rouge, Louisiana, and except points on the Mobile-Warrior-Tombigbee Rivers north of Mobile, Alabama.

(5) "Points on the Gulf of Mexico" mean all points in the United States which are or may be served with barge transportation conducted wholly or in principal part on the Gulf of Mexico.

(6) "Points on the Atlantic Intracoastal Waterway" mean all points which are or may be served with barge transportation by use of the Atlantic Intracoastal Waterway south of, and including, Norfolk, Virginia, and all points on the tributaries of the Atlantic Intracoastal Waterway south of Norfolk, Virginia.

(7) "Points on the Mississippi River and its tributaries" mean all points which are or may be served with barge transportation by use of the rivers in Group A, Group B and Group C, as hereinafter defined.

(8) "Group A" and "Group B" mean:

| *Group A* | *Group B* |
|---|---|
| Lower Mississippi River | Tennessee River |
| Ohio River | Cumberland River |
| Kanawha River | Green River |
| Illinois River | Barren River |
| Allegheny River | Kentucky River |
| St. Croix River | Ouachita River |
| Stillwater River | Missouri River |
| Monongahela River | Licking River |

(9) "Group C" means the Upper Mississippi River and its tributaries (except the Illinois and Missouri Rivers) north of St. Louis, Missouri, including all loading stations located within a radius of 25 miles of St. Louis.

(b) *Maximum rates for transportation on the Gulf Intracoastal Waterway.* Maximum rates for the transportation, by carriers other than common carriers, of petroleum and petroleum products in bulk by barge between points on the Gulf Intracoastal Waterway for distances of 75 [1] miles or more, shall be as set forth in the table below. (See proviso in paragraph (e) of this section 4.)

[1] Rates and charges for distances less than 75 miles and for harbor towage and towage within harbor district areas are exempt from maximum price regulation under § 1499.46 (b) (125) and (126) of Revised Supplementary Regulation No. 11 to the General Maximum Price Regulation.

[Rate in mills per net ton per mile]

| Distance in miles | Minimum cargoes in tow | | | |
|---|---|---|---|---|
| | 500 tons | 1,000 tons | 2,000 tons | 3,000 tons |
| 75 to, but not including, 100 miles | 7.00 | 6.50 | 6.00 | 5.50 |
| 100 to, but not including, 150 miles | 6.50 | 6.25 | 5.80 | 5.00 |
| 150 miles and over | 6.00 | 5.70 | 5.30 | 4.25 |

*Rules and Regulations Applicable to the Gulf Intracoastal Waterway*

(1) *Distances.* Distances shall be determined in accordance with the official distance tables of the U. S. Engineers, except that three miles may be added in the case of movements having one terminus east of Canal Street, New Orleans, Louisiana, and the other west of Harvey Canal Lock.

(2) *Application of rates to cargoes in tow.* The rates set forth in the above table are for the furnishing of tugs and barges by the carrier. Maximum rates for furnishing towing services only shall not exceed 75% of the maximum rates herein provided for furnishing tugs and barges.

The rates set forth in the above table are based on the specified minimum cargoes in tow. The maximum charge for a cargo in tow of less than 500 tons for distances over 75 miles shall be either (i) the charge determined by agreement between the parties, or (ii) the maximum charge for a cargo of 500 tons computed at the 500-ton rate for the applicable distance. Charges determined under subdivision (i) of this subparagraph which exceed the maximum charges computed in accordance with the terms of subdivision (ii) shall be reported by the carrier within 10 days of the date of the agreement to the District Office of the Office of Price Administration, Canal Building, New Orleans, Louisiana.

The maximum charge for a particular cargo shall not, in any case, exceed the maximum charge for a cargo of the next higher minimum tonnage computed at the rate applicable thereto. For example, the maximum charge for a cargo in tow of more than 500 tons but less than 1,000 tons shall be computed at the rate established in the above table for minimum cargoes of 500 tons, unless the charge thus computed exceeds the charge for a cargo of 1,000 tons computed at the 1,000-ton rate, in which event the latter charge shall prevail.

The maximum charge for a voyage shall not in any case exceed the maximum charge for the transportation of the same cargo a greater distance.

(3) *Wharfage and dockage.* Wharfage and dockage charges are not included in the rates set forth in the above table.

(4) *Tolls and port charges.* Canal tollage, lock charges, and port charges are included in the rates set forth in the above table for tugs and barges but are not included in the rates for towing only.

(5) *Insurance.* Cargo insurance is not included in the rates set forth in the above table. Insurance on barges is

included in the rates for tugs and barges but is not included in the rates for towing only.

(6) *Pumping out by carrier* When cargo is discharged by use of carrier's pumps, a charge of three-quarters (¾) of one cent per barrel may be made for use of carrier's pumps. In addition, if the carrier performs discharging service, at the request of the shipper, an additional charge therefor may be made, which shall not exceed the actual cost to the carrier of furnishing such service.

(7) *Cleaning of equipment.* Where cleaning is required to render barges suitable for the transportation of the products of a particular shipper, the cost of cleaning shall be paid by the carrier or shipper, as determined by agreement between the parties: *Provided,* That the amount which may be added to the maximum prices herein specified shall not exceed the actual cost of such cleaning. In the event the shipper does not clean barges which have become dirtied in his service, the carrier may make an additional charge not to exceed the actual cost incurred for the cleaning necessary to render such barges suitable for the transportation of the commodities for which they were suitable when placed in the shipper's service. In addition, the carrier may charge for all time necessarily consumed for such cleaning, whether performed by carrier or shipper, at the rates specified below for demurrage.

(8) *Demurrage.* The rates specified above include free time of three hours at loading point and three hours at unloading point plus one hour in each case for each barge in excess of three in the tow. Loading and discharge rates shall be determined by agreement between the parties, or, in the absence of such agreement, the loading rate shall be 2,500 barrels per running hour and the discharge rate shall be 1,500 barrels per running hour day and night, Saturdays, Sundays and holidays not excepted. Demurrage for all time in addition to the free time and the loading and discharge time may be charged at the rate of three cents per hour per indicated or rated horsepower, as the case may be, with a minimum charge of $10.00 per tug per hour or fraction thereof and $2.50 per barge per hour or fraction thereof.

(9) *Additional charge for operating on the Gulf of Mexico.* When operating conditions on the Gulf Intracoastal Waterway between Panama City and Port St. Joe, Florida necessitate operation on the Gulf of Mexico, an additional charge may be made of not more than 33¢ per ton when the maximum rate is based on a minimum cargo of 2,000 tons or less and 24¢ per ton when the maximum rate is based on a minimum cargo of 3,000 tons.

(10) *Split deliveries.* When a tow consists of more than one delivery, the total maximum charge for the services shall be the lower of the charges resulting from the following methods of computation: (1) the total of the charges for each delivery computed separately as if it were unaccompanied in the same tow by other deliveries; or, (2) the charge for the total tonnage of the tow at the rate appropriate for the distance to the farthest port of discharge, as if such total tonnage were transported to such farthest port of discharge.

(c) *Maximum rates for transportation on the Gulf of Mexico.* Maximum rates for the transportation, by carriers other than common carriers, of petroleum and petroleum products in bulk by barge between points on the Gulf of Mexico shall continue to be determined under the provisions of § 1499.2 of the General Maximum Price Regulation, except that, for distances of 75 miles and over, maximum prices shall be as follows:

[Rate in mills per net ton per mile]

| Distance in miles | Minimum cargoes in tow | | |
|---|---|---|---|
| | 1,000 tons | 2,000 tons | 3,000 tons |
| Under 100 miles | 6.40 | 6.00 | 5.00 |
| 100 to, but not including, 200 miles | 6.25 | 5.00 | 4.60 |
| 200 to, but not including, 700 miles | 6.00 | 5.00 | 4.25 |
| 700 miles and over | 5.70 | 5.00 | 4.00 |

*Rules and Regulations Applicable to the Gulf of Mexico*

(1) *Distances.* Distances shall be determined in accordance with United States Coast and Geodetic Survey Charts, from the bar of the port of loading to the bar of the port of discharge, to which may be added actual mileage from the bar to the dock at each port.

(2) *Application of rates to cargoes in tow.* The rates set forth in the above table are for the furnishing of tugs and barges by the carrier. Maximum prices for furnishing towing service only shall not exceed 75% of the maximum prices herein provided for furnishing tugs and barges.

The rates set forth in the above table are based on the specified minimum cargoes in tow. The maximum charge for a cargo in tow of less than 1,000 tons shall be the maximum charge for a cargo of 1,000 tons computed at the 1,000-ton rate. The maximum charge for a particular cargo shall not, in any case, exceed the maximum charge for a cargo of the next higher minimum tonnage computed at the rate applicable thereto. For example, the maximum charge for a cargo in tow of more than 1,000 tons but less than 2,000 tons shall be computed at the rate established in the above table for minimum cargoes of 1,000 tons, unless the charge thus computed exceeds the charge for a cargo of 2,000 tons computed at the 2,000-ton rate, in which event, the latter charge shall prevail.

The maximum charge for a voyage shall not in any case exceed the maximum charge for the transportation of the same cargo a greater distance.

(3) *Wharfage and dockage.* Wharfage and dockage charges are not included in the rates set forth in the above table.

(4) *Port charges.* Port charges on vessels are included in the rates set forth in the above table.

(5) *Insurance and crew's bonus payments.* Cargo insurance is not included in the rates set forth in the above table, but insurance and war risk insurance on vessels, war risk insurance on crews and bonus payments to crew members are included.

(6) *Pumping out by carrier.* Use of the carrier's pumps for discharging and the service of pumping out cargo are included in the rates set forth in the above table.

(7) *Cleaning of equipment.* Where cleaning is required to render barges suitable for transportation of the products of a particular shipper, the cost of cleaning shall be paid by the carrier or shipper, as determined by agreement between the parties: *Provided,* That the amount which may be added to the maximum prices herein specified shall not exceed the actual cost of such cleaning. In the event the shipper does not clean barges which have become dirtied in his service, the carrier may make an additional charge not to exceed the actual cost incurred for the cleaning necessary to render such barges suitable for the transportation of the commodities for which they were suitable when placed in the shipper's service. In addition, the carrier may charge for all time necessarily consumed for such cleaning, whether performed by carrier or shipper, at the rates specified below for demurrage.

(8) *Demurrage.* The rates set forth in the above table include free time of three hours at loading point and three hours at unloading point for minimum cargoes in tow of less than 2,000 tons and six hours at loading point and six hours at unloading point for minimum cargoes in tow of 2,000 tons and over. Loading and discharge rates shall be determined by agreement between the parties or, in the absence of such agreement, they shall be the maximum loading and discharge rates of the available pumping equipment. Demurrage for all time in addition to the free time and the loading and discharge time may be charged at the rate of $35.00 per running hour or fraction thereof for tugs having minimum cargoes of 2,000 tons and over and $25.00 per running hour or fraction thereof for tugs having minimum cargoes in tow of less than 2,000 tons. The following demurrage rates for barges may be charged:

| | *Per running hour or fraction thereof* |
|---|---|
| Under 3,000 tons capacity[1] | $7.50 |
| 3,000 to, but not including, 4,000 tons capacity | 10.00 |
| 4,000 to, but not including, 5,000 tons capacity | 12.50 |
| 5,000 tons capacity and over | 15.00 |

[1] Capacity shall be the full cubical capacity of the barge as allowed in its certificate without regard to the density of the cargo.

(9) *Split deliveries.* When a tow consists of more than one delivery, the total maximum charge for the services shall be the lower of the charges resulting from the following methods of computation: (1) the total of the charges for each delivery computed separately as if it were unaccompanied in the same tow by other deliveries; or, (2) the charge for the total tonnage of the tow at the rate appropriate for the distance

to the farthest port of discharge, as if such total tonnage were transported to such farthest port of discharge.

(d) *Maximum rates for transportation on the Atlantic Intracoastal Waterway.* Maximum rates for the transportation, by carriers other than common carriers, of petroleum and petroleum products in bulk by barge between points on the Atlantic Intracoastal Waterway south of Norfolk, Virginia, and its tributaries, shall continue to be determined under the provisions of § 1499.2 of the General Maximum Price Regulation, except that the maximum rates for distances of 25 miles or more shall be as follows:

[Rate in mills per net ton per mile]

| Distance in miles | Minimum cargoes in tow | | | |
|---|---|---|---|---|
| | 750 tons | 1,000 tons | 2,000 tons | 3,000 tons |
| 25 to, but not including, 150 miles | 9.60 | 9.00 | 7.60 | 6.50 |
| 150 to, but not including, 300 miles | 9.40 | 8.60 | 6.60 | 5.50 |
| 300 miles and over | 9.20 | 8.30 | 6.30 | 5.25 |

*Rules and Regulations Applicable to the Atlantic Intracoastal Waterway*

(1) *Distances.* Distances shall be determined in accordance with the official distance tables of the U. S. Engineers, and, to the extent that distances are not thus ascertainable, in accordance with actual mileage.

(2) *Application of rates to cargoes in tow.* The rates set forth in the above table are for the furnishing of tugs and barges by the carrier. Maximum prices for furnishing towing services only shall not exceed 75% of the maximum prices herein provided for furnishing tugs and barges.

The rates set forth in the above table are based on the specified minimum cargoes in tow. The maximum charge for cargoes in tow of less than 750 tons shall be the charge for a cargo of 750 tons computed at the 750-ton rate. The maximum charge for a particular cargo shall not, in any case, exceed the maximum charge for a cargo of the next higher minimum tonnage computed at the rate applicable thereto. For example, the maximum charge for a cargo in tow of more than 750 tons but less than 1,000 tons shall be computed at the rate established in the above table for minimum cargoes of 750 tons, unless the charge thus computed exceeds the charge for a cargo of 1,000 tons computed at the 1,000-ton rate, in which event the latter charge shall prevail.

The maximum charge for a voyage shall not in any case exceed the maximum charge for the transportation of the same cargo a greater distance.

(3) *Wharfage and dockage.* Wharfage and dockage charges are not included in the rates set forth in the above table.

(4) *Tolls and port charges.* Canal tollage, lock charges and port charges are included in the rates set forth in the above table for tugs and barges but are not included in the rates for towing only.

(5) *Insurance.* Cargo insurance is not included in the rates set forth in the above table. Insurance on barges is included in the rates for tugs and barges but is not included in the rates for towing only.

(6) *Pumping out by carrier* When cargo is discharged by use of carrier's pumps, a charge of three-quarters (¾) of one cent per barrel may be made for use of carrier's pumps. In addition, if the carrier performs discharging service, at the request of the shipper, an additional charge therefor may be made, which shall not exceed the actual cost to the carrier of furnishing such service.

(7) *Cleaning of equipment.* Where cleaning is required to render barges suitable for transportation of the products of a particular shipper, the cost of cleaning shall be paid by the carrier or shipper, as determined by agreement between the parties: *Provided,* That the amount which may be added to the maximum prices herein specified shall not exceed the actual cost of such cleaning. In the event the shipper does not clean barges which have become dirtied in his service, the carrier may make an additional charge not to exceed the actual cost incurred for the cleaning necessary to render such barges suitable for the transportation of the commodities for which they were suitable when placed in the shipper's service. In addition, the carrier may charge for all time necessarily consumed for such cleaning, whether performed by carrier or shipper, at the rates specified below for demurrage.

(8) *Demurrage.* The rates set forth above include free time of three hours at loading point and three hours at unloading point. Loading and discharge rates shall be determined by agreement between the parties, or, in the absence of such agreement, the loading rate shall be 1,250 barrels per running hour and the discharge rate shall be 750 barrels per running hour, day or night, Saturdays, Sundays and holidays not excepted. Demurrage for all time in addition to the free time and the loading and discharge time may be charged at the rate of $10.00 per running hour or fraction thereof per tug, and $2.50 per running hour or fraction thereof per barge.

(9) *Split deliveries.* When a tow consists of more than one delivery, the total maximum charge for the services shall be the lower of the charges resulting from the following methods of computation: (1) the total of the charges for each delivery computed separately as if it were unaccompanied in the same tow by other deliveries; or, (2) the charge for the total tonnage of the tow at the rate appropriate for the distance to the farthest port of discharge, as if such total tonnage were transported to such farthest port of discharge.

(e) *Maximum rates on the Mississippi River* Maximum rates for the transportation, by carriers other than common carriers, of petroleum and petroleum products in bulk by barge between points on the Mississippi River and its tributaries, shall continue to be determined under the provisions of § 1499.2 of the General Maximum Price Regulation, except that the maximum prices for distances of 150 miles or more shall be as set forth below: *Provided,* That the provisions of paragraph (b) of this section 4, governing transportation on the Gulf Intracoastal Waterway, shall apply to transportation which originates on the Gulf Intracoastal Waterway and terminates at a point on the Mississippi River south of, and including, North Baton Rouge, Louisiana, and also to movements on the Mississippi River wholly between points south of, and including, North Baton Rouge, Louisiana, and, with respect to movements originating on the Gulf Intracoastal Waterway which are transferred or interchanged at a point on the Mississippi River south of, and including, North Baton Rouge for further transportation beyond North Baton Rouge, to that part of the transportation performed prior to such transfer or interchange.

[Rate in mills per net ton per mile]

*Group A*

| | |
|---|---|
| 150 to, but not including, 300 miles | 4.00 |
| 300 miles and over | 3.75 |

*Group B*

| | |
|---|---|
| 150 to, but not including, 300 miles | 4.10 |
| 300 miles and over | 3.90 |

*Group C*

| | |
|---|---|
| 150 to, but not including, 300 miles | 3.75 |
| 300 miles and over | 3.50 |

*Rules and Regulations Applicable to the Mississippi River*

(1) *Distances.* Distances shall be determined in accordance with the 1942 U. S. Coast Guard Light List, with no deductions for cut-offs.

(2) *Application of rates to cargoes in tow.* The rates set forth in the above table are for the furnishing of tugs and barges or towboats and barges by the carrier. Maximum prices for furnishing towing services only shall not exceed 75% of the maximum prices herein provided for furnishing tugs and barges or towboats and barges.

The rates set forth above are based on minimum cargoes of 500 tons per barge. The maximum charge for cargoes of less than 500 tons per barge shall be the charge for a cargo of 500 tons.

(3) *Wharfage and dockage.* Wharfage and dockage charges are not included in the rates set forth in the above table.

(4) *Insurance.* Cargo insurance is not included in the rates set forth in the above table. Insurance on barges is included in the rates for tugs and barges and towboats and barges but is not included in the rates for towing only.

(5) *Pumping out by carrier* When cargo is discharged by use of carrier's pumps installed on barges, an additional charge of three-quarters (¾) of one cent per barrel may be made for use of carrier's pumps. If the carrier performs discharging service, at the request of the shipper, an additional charge therefor may be made, which shall not exceed the actual cost to the carrier of furnishing such service.

(6) *Cleaning of equipment.* Where cleaning is required to render barges

suitable for transportation of the products of a particular shipper, the cost of cleaning shall be paid by the carrier or shipper, as determined by agreement between the parties: *Provided,* That the amount which may be added to the maximum prices herein specified shall not exceed the actual cost of such cleaning. In the event the shipper does not clean barges which have become dirtied in his service, the carrier may make an additional charge not to exceed the actual cost incurred for the cleaning necessary to render such barges suitable for the transportation of the commodities for which they were suitable when placed in the shipper's service. In addition, the carrier may charge for all time necessarily consumed for such cleaning, whether performed by carrier or shipper, at the rates specified below for demurrage.

(7) *Demurrage.* The rates specified above include free time of three hours at loading point and three hours at unloading point plus one hour in each case for each barge in excess of three in the tow. Loading and discharge rates shall be determined by agreement between the parties or, in the absence of such agreement, the loading rate shall be 2,500 barrels per running hour and the discharge rate shall be 1,500 barrels per running hour, day or night, Saturdays, Sundays, and holidays not excepted. Demurrage for all time in addition to the free time and the loading and discharge time may be charged at rates for barges which shall not exceed three-tenths ($\frac{3}{10}$) of one mill per barrel of 42 gallons per hour, based on barge capacity, size of barge to be determined by Barge Calibration Table, and at rates for tugboats which shall not exceed three (3) cents per indicated or rated horsepower, as the case may be, per hour.

(8) *Split deliveries.* When a tow consists of more than one delivery, the total maximum charge for the services shall be the lower of the charges resulting from the following methods of computation: (1) the total of the charges for each delivery computed separately as if it were unaccompanied in the same tow by other deliveries; or, (2) the charge for the total tonnage of the tow at the rate appropriate for the distance to the farthest port of discharge, as if such total tonnage were transported to such farthest port of discharge.

(f) *Maximum rates for the charter of tank barges.* Maximum rates for the charter of tank barges for use in the transportation of petroleum and petroleum products between points on the Gulf Intracoastal Waterway, the Atlantic Intracoastal Waterway south of Norfolk, Virginia, and the Mississippi River, and their tributary waterways, shall be as follows:

| *Capacity of barge* | *Rate per barge per month* |
|---|---|
| Under 750 barrels | $187.50. |
| 750–1,499 barrels | 25 cents per barrel. |
| 1,500–2,999 barrels | 22 cents per barrel. |
| 3,000–5,999 barrels | $570, plus 11 cents per barrel over 3,000. |
| 6,000 barrels and over | $300, plus 9 cents per barrel over 6,000. |

*Rules and Regulations Applicable to the Charter of Tank Barges*

(1) Capacity shall be the full cubical capacity of the barge as allowed in its certificate without regard to the density of the cargo.

(2) The maximum charge for a particular barge shall not, in any case, exceed the maximum charge for a barge of the next greater capacity group computed at the rate applicable thereto. For example, the maximum charge for a barge of more than 750 barrels capacity but less than 1,500 barrels shall be computed at the rate established in the above table for barges of 750 to, but not including, 1,500 barrels, unless the charge thus computed exceeds the charge for a barge of 1,500 barrels capacity computed at the 1,500 barrel rate, in which event the latter charge shall prevail.

(3) The rates set forth in the above table may be increased by twenty percent (20%) for barges equipped with pumps.

(4) The rates set forth in the above table are for a period of one month extending from the date on which the charter commences to, but not including, the same date in the next calendar month, but, if there be no corresponding date in the next succeeding calendar month, it shall extend to and include the last day of that month. Fractions of a month shall be computed on the basis of one-thirtieth ($\frac{1}{30}$) of the monthly rate for each twenty-four hour period or fraction thereof.

(5) The rates set forth in the above table include hull insurance to be carried at the owner's expense for the benefit of the owner and the charterer as their interests may appear. The cost of P and I insurance shall be borne by the owner or the charterer as they may agree. All other insurance carried for the benefit of the charterer shall be at his expense.

(6) The rates set forth herein contemplate that the barge shall be returned to the owner in the same condition as when received, ordinary wear and tear excepted.

SEC. 5. *Transportation by motor vehicle within the New York City metropolitan area.* (a) Persons furnishing services as carriers other than common carriers, by motor vehicle in the New York City metropolitan area (hereby defined to include the area comprising the commercial zones of New York City as established by the Interstate Commerce Commission and by the New York Public Service Commission and in addition thereto all of Long Island) who employ members of Locals Nos. 282, 807, and 816 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America affiliated with the American Federation of Labor, or who conform to the provisions of the directive in the National War Labor Board Case No. BWA 365, may sell and deliver such carrier services at prices not to exceed 5 per cent above the maximum prices established by them in March, 1942, provided the gross operating revenues of such persons for the year 1942 did not exceed $250,000.

(b) The maximum prices authorized herein may apply as of the effective date of payment of the wage award in National War Labor Board Case No. BWA 365.

SEC. 6. *Transportation of fresh meat, meat products or packing house products and supplies from points of origin in Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, West Virginia, or Wisconsin.* (a) Carriers other than common carriers who transport shipments of fresh meat, meat products or packing house products and supplies from points of origin in Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, West Virginia or Wisconsin, may increase by not more than 8 per cent their maximum prices established for such service at March 1942, levels pursuant to the provisions of the General Maximum Price Regulation except that where the Office of Price Administration has heretofore granted to any such carrier an adjustment of maximum prices for such service, such adjusted maximum prices may, to the extent authorized, be charged by such carrier in lieu of the maximum prices authorized herein.

SEC. 7. *Transportation of rubbish, paving and asphalt materials and supplies, etc., for the City of Detroit.* (a) Persons furnishing services as carriers other than common carriers by motor vehicle for the Department of Public Works in Detroit, Michigan, may sell and deliver such carrier services at prices not to exceed the following maximum prices:

(1) Transportation of rubbish and other waste materials:

| | *Per day* |
|---|---|
| (i) Trucks of 6 cubic yards capacity | $14.50 |
| (ii) Trucks of 10 cubic yards capacity | 19.50 |

(2) Transportation of paving and asphalt materials..

| | *Per hour* |
|---|---|
| (i) 1½-ton trucks | $1.75 |
| (ii) 3½-ton trucks | 2.35 |
| (iii) 5-ton trucks | 2.75 |

(3) Transportation of material and equipment for sewer repair and construction:

| | *Per hour* |
|---|---|
| (i) 3½-ton trucks | $2.35 |

(4) Transportation of material and equipment for sidewalk repair and construction:

| | *Per hour* |
|---|---|
| (i) 1½-ton trucks | $1.75 |
| (ii) 5-ton trucks | 2.75 |

SEC. 8. *Transportation by motor vehicle within the Chicago Metropolitan Area.* (a) Persons furnishing services as carriers other than common carriers, by motor vehicle within the Chicago Metropolitan Area who employ members of Local 705 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, affiliated with the American Federation of Labor, or of Local 705 of the Chicago Truck Drivers, Chauffeurs and Helpers Union of Chicago and vicinity or who conform to the provisions of the directive in the National War Labor Case No. 11-153C may sell and deliver such car-

rier's services at prices not to exceed 8.5 per cent above the maximum prices established by them in March 1942.

(b) The maximum prices authorized herein may apply as of the effective date of payment of the wage award in National War Labor Case No. 11-153C.

SEC. 9. *Adjustment of maximum rates for the transportation of property by carriers performing pick-up and delivery or local transfer service for rail, motor and water line haul carriers*—(a) *Maximum rates.* The maximum rates for the transportation of property by carriers, other than common carriers, performing pick-up and delivery or local transfer service for rail, motor, and water line haul carriers shall be either (1) the maximum rate established for such service by § 1499.2 of the General Maximum Price Regulation, or (2) a rate agreed upon between the seller and purchaser of the service and approved by the Office of Price Administration pursuant to an application filed in the manner hereinafter stated and containing a certification by the seller of the service that the following facts exist:

(i) The actual cost of materials and labor used in supplying the service exceeds the cost on the "applicable base date" as defined in this section, by an amount so large that the continued supply of the service is threatened; and

(ii) The requested increase in the rate will not produce additional revenue in excess of the amount by which the cost of the material and labor used in supplying the service exceeds such cost on the "applicable base date" as defined in this section;

and by the purchaser of the service as follows:

(iii) It cannot procure satisfactory performance of the service from applicant or any other pick-up and delivery carrier at rates lower than the rates requested; and a discontinuance of such service will result in increased transportation cost to shippers and consignees; and

(iv) It agrees to pay and absorb the increase in the pick-up and delivery or local transfer rates requested in the application and will not increase its own charges on account of such increase in the pick-up and delivery or local transfer rates. (This statement is made without prejudice to the line-haul carrier's right to present for consideration by any regulatory authority, the increased cost resulting from the new pick-up and delivery or local transfer rates, together with any other cost increases, in any future application for a general rate increase based on revenue needs.)

(b) *Filing of application.* The application required in paragraph (a) (2) above shall be set forth on Form OPA 383:8, as revised from time to time, and filed by either the seller or the purchaser of the service with the Office of Price Administration, Transportation and Public Utilities Division, Washington, D. C., at least 30 days before the date on which the new rates are proposed to be made effective.

(c) *Approval, adjustment, or modification of rates.* The requested increase in maximum rates for pick-up and delivery service set forth in an application filed with the Office of Price Administration pursuant to this section shall be deemed approved by the Office of Price Administration, subject to subsequent adjustment or modification thereof, if a notice of disapproval of such rates or a request for additional information is not mailed by the Office of Price Administration to the seller and purchaser of the service within 30 days after the filing of such application.

(d) *Definitions.* (1) "Pick-up service" means the transportation of property to a terminal of a line haul carrier from the point of origin from which the line haul rate applies.

(2) "Delivery service" means the transportation of property from a terminal of a line haul carrier to the point of destination to which the line haul rate applies.

(3) "Local transfer service" means the local transfer of property from one terminal of a line haul carrier to another terminal of such line haul carrier or to that of a connecting line haul carrier.

(4) "Pick-up and delivery carrier" means a carrier who performs pick-up and delivery or local transfer service for a line haul carrier.

(5) "Applicable base date" refers to services performed during March 1942 and means October 1, 1941, or the date prior to March 31, 1942 upon which the present maximum rate became effective, whichever is closer to March 31, 1942; except that if the present maximum rate became effective after March 31, 1942 pursuant to approval of the Office of Price Administration, the date upon which such approved rate became effective is the "applicable base date."

(e) The types of carriers described in paragraph (a) of this section are not precluded from the alternative of seeking adjustment under the provisions of § 1499.75 (a) (3) of Supplementary Regulation 15 to the General Maximum Price Regulation, on the basis of substantial hardship and other factors as set forth therein.

SEC. 10. *Transportation services performed within the State of Michigan by carriers other than common carriers.* Carriers other than common carriers in the State of Michigan furnishing a transportation service subject to Supplemental Orders No. 9 to 43, inclusive, in Docket D-3094 of the Michigan Public Service Commission may charge as the maximum price for such service either the minimum rate established by the Michigan Public Service Commission in the said orders and the rules and regulations pertinent thereto, or the maximum price established by the General Maximum Price Regulation or any supplementary regulation or order issued by the Office of Price Administration, whichever is higher.

SEC. 11. *Transportation services performed within the commonwealth of Kentucky by carriers other than common carriers.* The maximum rates of carriers other than common carriers performing transportation services within the Commonwealth of Kentucky are the rates and charges published in Supplements Nos. 58, 60, 66, 67, 68, 70, 73 and 74 to Kentucky Intrastate Tariff No. 7, MF-DMT. Ky. No. 7, issued by the Central and Southern Motor Tariff Association, Inc., Agent, lawfully on file with the Division of Motor Transportation of the Commonwealth of Kentucky and legally in effect on November 8, 1943, or the maximum rates established by the General Maximum Price Regulation or any supplementary regulation or order issued by the Office of Price Administration, whichever rates are higher.

SEC. 12. *Maximum rates for the charter of tugboats.* Maximum rates for the charter of tugboats and towboats on a bare basis shall continue to be determined under the provisions of § 1499.2 of the General Maximum Price Regulation. The maximum rates for the charter on a fully manned and supplied basis of heavy-duty Diesel and steam-powered tugboats, for use in transportation service (other than salvage, deep-sea and harbor towage) for the movement of any and all commodities, either in tank barges or otherwise, on the Gulf Intracoastal Waterway and the Atlantic Intracoastal Waterway south of Norfolk, Virginia, and their tributary waterways shall be as follows:

| Description: | *Rate per hour* |
|---|---|
| 59 horsepower and under | $3.50 |
| 60 horsepower to 100 | 5.00 |
| 101 horsepower to 150 | 7.00 |
| 151 horsepower to 164 | 8.00 |
| 165 horsepower to 230 | 9.00 |
| 231 horsepower to 355 | 11.00 |
| 356 horsepower to 475 | 15.00 |
| 476 horsepower to 650 | 18.50 |
| 651 horsepower to 750 | 20.00 |
| 751 horsepower and over | 21.00 |

(a) *Definition.* The "Gulf Intracoastal Waterway" and the "Atlantic Intracoastal Waterway" as used herein are the waterways defined in subparagraphs (4) and (6), respectively of section 4 (a) of Supplementary Regulation No. 14H.

(b) *Rules and regulations applicable to the charter of tugboats.* (1) In determining the horsepower of Diesel tugboats, for purposes of this section, the rated horsepower at maximum revolutions per minute shall be used and the indicated horsepower shall be used in determining the horsepower of steam powered tugboats.

(2) The maximum price for the charter of a tugboat for less than 5 hours shall be the maximum price for a charter period of 5 hours computed on the basis of the rates set forth in the above table.

(3) In determining maximum prices for charter periods of less than seventy-two (72) hours but more than five (5) hours, ten percent (10%) may be added to the maximum prices computed on the basis of the rates set forth in the above table and, for charter periods of more than 30 consecutive days, ten percent (10%) shall be deducted.

(4) The above rates include the furnishing of full crew, subsistence for the crew, necessary supplies, fuel, maintenance, and insurance customarily pro-

vided by the owner. They do not include charges for wharfage, dockage, lockage or cargo insurance.

This regulation shall become effective January 29, 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 29th day of January 1945.

CHESTER BOWLES,
*Administrator*

[F. R. Doc. 45-1737; Filed, Jan. 29, 1945; 11:41 a. m.]

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PART 1499—COMMODITIES AND SERVICES

[SR 14G]

MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN METALS AND MINERALS AND PRODUCTS

This Supplementary Regulation 14G to the General Maximum Price Regulation contains the provisions heretofore embodied in sections 5.2, 5.3, 5.6, 5.7, and 6.53 of Revised Supplementary Regulation 14 relating to certain metals and minerals and products. Second Revised Supplementary Regulation 14, which is issued simultaneously with this regulation, continues the provisions relating to miscellaneous commodities and services and includes a table of cross references which shows the present counterparts of the former provisions of Supplementary Regulation 14 and Revised Supplementary Regulation 14, their effective dates and the amendments by which they were originally added or later amended.

A statement of the considerations involved in the issuance of this Supplementary Regulation 14G has been issued simultaneously herewith and filed with the Division of the Federal Register.

Sec.
1. Solder and babbitt metal containing silver.
2. Virgin aluminum ingot; sales by Metals Reserve Company.
3 Aluminum collapsible tubes.
4. Aluminum cans.
5. Quartz crystals; sales by the Metals Reserve Company.

AUTHORITY: § 1499.80 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

SECTION 1. *Solder and babbitt metal containing silver*—(a) *Maximum prices.* The seller's maximum price for any tin base, lead base or tin-lead base solder or any babbitt metal containing silver shall be the maximum price for such commodity as determined in accordance with § 1499.2 of the General Maximum Price Regulation, plus 9.634 cents per fine troy ounce of foreign silver contained, or plus 36.125 cents per fine troy ounce of domestic or Treasury silver contained.

(b) *Definitions.* (1) "Domestic silver" means silver mined subsequent to July 1, 1939, from natural deposits in the United States or any place subject to the jurisdiction thereof.

(2) "Treasury silver" means silver sold by the United States Treasury Department pursuant to an Act approved July 12, 1943, entitled "An Act To Authorize The Use For War Purposes of Silver Held Or Owned By The United States," (Pub. Law 137, 78th Cong.)

(3) "Foreign silver" means any silver other than domestic or Treasury silver, as defined above.

(4) "Solder containing silver" means any tin base, lead base or tin-lead base solder containing silver in the amount of 6% or less.

(c) *When solder or babbitt metal shall be deemed to contain domestic or Treasury silver* Solder or babbitt metal shall be deemed to contain domestic or Treasury silver only if the following conditions are met:

(1) The seller must certify to the buyer that the solder or babbitt metal contains domestic or Treasury silver. This certification should be on or attached to the invoice.

(2) The aggregate fine silver content of the solder or babbitt metal sold plus the fine silver content of all other commodities sold by the seller at the higher prices permitted by the Office of Price Administration for commodities containing domestic or Treasury silver must not, at any time, exceed the aggregate quantity of domestic or Treasury silver purchased by the seller and not otherwise disposed of.

(d) *Records.* In every case in which solder or babbitt metal is sold as containing domestic or Treasury silver the buyer shall retain the invoice and certificate, and the seller shall retain copies of these, for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

SEC. 2. *Virgin aluminum ingot; sales by Metals Reserve Company.* On and after February 1, 1943, Metals Reserve Company's maximum base price for virgin aluminum ingot 99.3 per cent pure shall be 15 cents per pound, regardless of the fact that individual shipments of such ingot may consist wholly or partially of material containing more or less than 99.3 per cent aluminum: *Provided,* That all of such ingot delivered by Metals Reserve Company to any single buyer during any calendar month shall have a minimum average analysis of 99.3 per cent aluminum.

SEC. 3. *Aluminum collapsible tubes*—(a) *Maximum prices.* The maximum price at which any person may sell or deliver any aluminum collapsible tube shall be a price approved by the Office of Price Administration. Every such price shall be reported to the Office of Price Administration, Washington, D. C., within fifteen days after the first sale or delivery of the commodity which is made on or after April 3, 1944.

Under the provisions of this section a seller may report for approval a price for a single item or a price schedule applicable to all or a part of all sales contemplated.

Pending action by the Office of Price Administration on prices submitted for approval under this section, any seller may sell or deliver and any person may buy, offer to buy or receive from such seller any aluminum collapsible tube at the price submitted for approval. If, however, the price submitted is disapproved the selling price shall be revised downward to the maximum price which shall be approved and any payment made in excess of the price so approved may be required to be refunded to the buyer within fifteen days after the date of the order establishing such revised price: *Provided,* That the price submitted by the seller for approval shall be deemed to be approved unless the Office of Price Administration specifically disapproves such price and establishes an approved price within fifteen days from the date on which the price submitted is received by the Office of Price Administration, or if further information is requested from the seller within such fifteen-day period, then within fifteen days from the date on which all such information is received by the Office of Price Administration. A price once approved shall thereafter be subject to adjustment (not to apply retroactively) by order issued by the Administrator.

SEC. 4. *Aluminum cans*—(a) *Maximum prices.* The maximum price at which any person shall sell or deliver any aluminum can shall be a price approved by the Office of Price Administration or a price determined by a pricing method or formula approved by the Office of Price Administration. Every such price or pricing method shall be reported to the Non-Ferrous Metals Branch of the Office of Price Administration, Washington, D. C., not later than fifteen days after the first delivery of the commodity to which it applies.

Under the provisions of this section, a seller may report for approval a price for a single item or a price schedule applicable to all or a part of all sales contemplated.

Pending action by the Office of Price Administration on a price or pricing method submitted for approval under this Section, any seller may sell or deliver and any buyer may buy or receive from such seller any aluminum can at the price submitted for approval or at a price determined by means of the pricing method submitted. If, however, the price or pricing method submitted is disapproved the selling price shall be revised downward to conform to the price or the pricing method which shall be approved and any payment made in excess of the maximum price may be required to be refunded to the buyer within fifteen days after the date of the order establishing such revised price or pricing method: *Provided,* That the price or pricing method submitted by the seller for approval shall be deemed to be approved unless the Office of Price Administration specifically disapproves such price or pricing method and establishes an approved price or pricing method within fifteen days from the date on which the price or pricing method submitted is received by the Office of Price Administration, or if further information is requested from

the seller within such fifteen-day period, then within fifteen days from the date on which all such information is received by the Office of Price Administration. A price or pricing method once approved shall thereafter be subject to adjustment (not to apply retroactively) by order issued by the Administrator.

(b) *Definitions.* (1) Aluminum can means any unused container made of aluminum and suitable for the packing of any commodity. It includes, for example, but not by way of limitation, aluminum cans and boxes for the packing of baking powder, lard, malted milk powder, tobacco, snuff, tooth powder, cereal beverages and soluble coffee, cocoa, pretzels, crackers, biscuits, potato chips and pharmaceuticals.

SEC. 5. *Quartz crystals; sales by the Metals Reserve Company.* The Metals Reserve Company's maximum prices for quartz crystals shall be those prices set out in the Metals Reserve Company price schedule dated February 18, 1944, and entitled "MRC Selling Prices for Quartz Crystal." Maximum prices determined under this section may, however, be adjusted by order issued by the Administrator.

This regulation shall become effective January 29, 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 29th day of January 1945.

CHESTER BOWLES,
*Administrator*

[F. R. Doc. 45-1736; Filed, Jan. 29, 1945; 11:41 a. m.]

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PART 1499—COMMODITIES AND SERVICES

[SR 14-I]

MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN STORAGE AND TERMINAL SERVICES

This Supplementary Regulation 14-I to the General Maximum Price Regulation contains the provisions heretofore embodied in sections 8.1, 8.2, 8.3, 8.4 and 8.5 of Revised Supplementary Regulation 14 relating to certain storage and terminal services. Certain provisions which are obsolete have been deleted. One provision has been restored and various provisions have been rearranged. Second Revised Supplementary Regulation 14, which is issued simultaneously with this regulation, continues the provisions relating to miscellaneous commodities and services and includes a table of cross references which shows the present counterparts of the former provisions of Supplementary Regulation 14 and Revised Supplementary Regulation 14, their effective dates and the amendments by which they were originally added or later amended.

A statement of the considerations involved in the issuance of this Supplementary Regulation 14-I has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Sec.
1. General provisions relating to storage and terminal services.
2. Storage and handling of commodities generally.
3. Cold storage services.
4. Cotton warehousing and cotton compressing.
5. Dry storage services—miscellaneous commodities.
6. Bulk storage of liquid commodities.
7. Terminal services.

AUTHORITY: § 1499.82 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

SECTION 1. *General provisions relating to storage and terminal services*—(a) *Public utility services excluded.* The provisions of the General Maximum Price Regulation are not applicable to storage and terminal services which are classified and regulated as public utilities by a state or a municipal body. (See Revised Supplementary Regulation 11 and Procedural Regulation 11.)

(b) *Conversion of storage and handling rates from net weight to gross weight basis.* Any person engaged in the storage of a packaged commodity for which his maximum price under the General Maximum Price Regulation is stated in terms of the net weight of the package, who is requested by Food Distribution Administration, Agricultural Marketing Administration, or Federal Surplus Commodities Corporation to state his rates, in connection with storage bids, in terms of the gross weight of the package, may convert his prices for storage and handling of such commodity to a gross weight basis by reducing his maximum price based on net weight by 10 per cent, adjusted to the nearest quarter cent per 100 lbs., and applying such reduced price to the gross weight of the package.

SEC. 2. *Storage and handling of commodities generally*—(a) *Storage of property, other than cold storage and other than tank storage of liquid commodities, for the War Department.* Maximum prices for the storage of property for the War Department (other than cold storage and other than tank storage of liquid commodities) and for services incidental thereto, except such storage and services which are exempt pursuant to § 1499.46 (b) (139) of Revised Supplementary Regulation No. 11, shall be (in the absence of a specific price in a regulation of the Office of Price Administration) the highest price charged for supplying or offering to supply the same service to a purchaser of the same class during March, 1942. If the same service was not supplied or offered to be supplied during March, 1942, the maximum price shall be a price agreed upon by the supplier of the service and the War Department, subject to the authority of the Office of Price Administration to modify or adjust such price at any time.

*Copies may be obtained from the Office of Price Administration.

(b) *Storage and handling of general commodities at Phoenix, Arizona*—(1) *Maximum price.* The maximum prices that may be charged by Warehousemen in Phoenix, Arizona may not exceed the prices contained in Arizona Warehouse Tariff No. 1, incorporated in their application, Docket VIII, § 1499.75 (a) (3), 44 W, and identified as Exhibit B.

(2) *Reporting provision.* Warehousemen subject to this paragraph shall file with the Transportation and Public Utilities Division, Office of Price Administration, Washington, D. C., detailed quarterly operating statements supported by balance sheets for a period of one year beginning with the last quarter of 1944, such statements shall be furnished within 30 days after the end of each quarter.

SEC. 3. *Cold storage services*—(a) *Storage of apples, apricots, peaches, pears, plums, and prunes in the States of Oregon and Washington*—(1) *Maximum prices.* (i) Sellers supplying same service during 1941–42 season. Maximum prices for the cold storage of apples, apricots, peaches, pears, plums, and prunes, including handling in and out of warehouse, in the States of Oregon and Washington shall be determined, as to each seller supplying the same service during the 1941–42 season, by adding the amounts listed below to the highest prices of such seller for supplying such services to purchasers of the same class during the 1941–42 season.

| *Service* | *Amount of increase* |
|---|---|
| Cold Storage of Apples and Pears other than Cannery Pears | 3¢ per box |
| Cold Storage of Cannery Apricots, Cannery Peaches, Cannery Pears, Cannery Plums and Cannery Prunes | $1.00 per ton |

Where the price of a seller during the 1941–42 season was on the basis of a single charge for the entire season or period of storage, the increase permitted above may be added to the seasonal charge of such seller. Where the price of a seller during the 1941–42 season was on the basis of a charge per month or other period shorter than the entire period of storage, the increase permitted above may be added by such seller to the charge for any particular period or may be divided among two or more periods, but the total increase for the entire period of storage may not exceed the amount specified above.

(ii) Sellers not supplying same service during 1941–42 season. Maximum prices for the cold storage of apples, apricots, peaches, pears, plums, and prunes, including handling in and out of warehouse, in the States of Oregon and Washington shall be, as to each seller not supplying the same service during the 1941–42 season, the maximum prices established under subparagraph (1) (i) hereof for the most closely competitive seller of the same class who supplied such services during the 1941–42 season.

(2) *Definitions.* As used in this paragraph (a) the term "season" refers to the period during which fruit maturing

in a particular year remains in cold storage, the term "1941–42 season" refers to the period of storage of fruit maturing during 1941, and the term "1942–43 season" refers to the period of storage of fruit maturing during 1942.

(b) *Storage of apples in States of Maryland, New York, Pennsylvania, Virginia and West Virginia*—(1) *Maximum prices.* Maximum prices for the cold storage of apples, including handling in and out of warehouse, in the States of Maryland, New York, Pennsylvania, Virginia and West Virginia shall continue to be determined under § 1499.2 of the General Maximum Price Regulation, except that any seller in any of such states whose maximum price under said § 1499.2 is less than 20 cents per season per bushel basket, bushel box, or bushel crate, or is less than 50 cents per barrel per season, may charge and collect for such storage and handling services 20 cents per season per bushel basket, bushel box or bushel crate and 50 cents per barrel per season: *Provided, however* That any such seller whose charges during the 1941–42 season were quoted on a per month as well as on a per season basis may charge, in addition to his maximum charge under § 1499.2 of the General Maximum Price Regulation, for the first month's storage, an amount equal to the increase in his per season charge authorized by this paragraph (b)

(2) *Definition.* As used in this paragraph (b) the term "season" means, as to each seller, a period corresponding to that to which the 1941–42 seasonal rates of such seller were applicable.

SEC. 4. *Cotton warehousing and cotton compressing*—(a) *Definitions.* When used in this section 4:

(1) The term "handling in and out" includes services ordinarily incident to receiving cotton for and delivering it from storage, such as weighing, marking, tagging, and sampling, but does not include services for which the particular seller customarily made a separate or different charge during the season from August 1, 1941, to July 31, 1942, in addition to or apart from his charges for receiving and delivering, and does not include penalty charges assessed for the delivery of uncompressed cotton from a warehouse operating compress facilities.

(2) The term "government loan cotton" means cotton which is subject to a loan made by the United States Government or any agency thereof.

(3) The term "government owned cotton" means cotton which is owned by the United States Government or any agency thereof.

(4) The term "warehouse operating compress facilities" means a warehouse which has compress facilities and which customarily makes a charge for compressing cotton or collects a penalty charge for delivery of uncompressed cotton.

(5) The term "warehouse not operating compress facilities" means a warehouse which does not have compress facilities, or a warehouse which does not customarily make a charge for compressing cotton or make a penalty charge for delivery of uncompressed cotton even though such warehouse does operate compress facilities.

(6) The term "emergency open yard storage" shall include the storage, handling, incidental drayage, and other services performed in connection with the storage of cotton in newly established facilities not used for open yard storage during the 1943–44 cotton season, or in space converted to open yard storage since August 1, 1944.

"Incidental drayage" includes the transportation of cotton from the "emergency open yard storage" facility to the enclosed warehouse facility.

(b) *Cotton other than government loan or government owned cotton.* Maximum prices for storage and handling in and out of warehouse of cotton, other than government loan or government owned cotton, actually received for storage on or before August 24, 1942, shall be the prices set forth in subparagraph (1) hereof. Maximum prices for storage and handling in and out of warehouse of cotton, other than government loan or government owned cotton, actually received for storage on or after August 25, 1942, shall be either the prices set forth in subparagraph (1) hereof or the prices set forth in subparagraph (2) hereof, and every person engaged in the storage of cotton other than government loan cotton or government owned cotton must file with the appropriate field office of the Office of Price Administration, on or before November 8, 1942, a notice of his election to observe as his maximum prices either the maximum prices specified in subparagraph (1) hereof or the maximum prices specified in subparagraph (2) hereof:

(1) Maximum prices for storage and handling in and out of warehouse computed under § 1499.2 of the General Maximum Price Regulation, or

(2) (i) For handling of cotton in and out of warehouse, 35¢ per bale; (ii) For storage: cotton stored in warehouses operating compress facilities, 17½¢ per bale per month, or fraction thereof, for the first six months of storage and 15¢ per bale per month, or fraction thereof, thereafter; cotton stored in warehouses not operating compress facilities, 20¢ per bale per month, or fraction thereof, for the first six months of storage and 17½¢ per bale per month, or fraction thereof, thereafter. The storage charge provided for in this subparagraph (2) includes fire insurance if the seller included fire insurance in the storage charge made to purchasers of the same class during the month of March, 1942.

(c) *Government loan cotton.* Maximum prices for storage and handling in and out of warehouse of government loan cotton actually received for storage on or after August 25, 1942, shall be the prices set forth above in subparagraph (b) (2) of this section.

Maximum prices for storage and handling in and out of warehouse of government loan cotton actually received for storage on or before August 24, 1942, shall be the prices established under subparagraph (b) (1) of this section.

(d) *Government-owned cotton of crops prior to August 1, 1944.* Maximum prices for storage and handling in and out of warehouse of government-owned cotton harvested prior to August 1, 1944 shall be the prices established under paragraph (b) (1) of this section.

(e) *Government-owned cotton of the 1944–45 crop.* (1) Maximum prices for storage and handling services performed on and after October 17, 1944, and until July 31, 1945, on government-owned cotton harvested in the crop year beginning August 1, 1944 and ending July 31, 1945 shall be:

(i) For transferring cotton from private to government ownership, no charge, unless the original receiving charge, including the services of weighing, marking, tagging, and sampling, was less than 41 cents per bale in which case the person selling to the government may be charged the difference between such charge and 41 cents. If the receiving charge included some storage, the value of such storage at the rate prevailing for subsequent storage shall be deducted before comparing with 41 cents.

(ii) For storage: Cotton stored in warehouses operating compress facilities, 18 cents per bale per month or fraction thereof; cotton stored in warehouses not operating compress facilities, 21 cents per bale per month or fraction thereof. From the foregoing rates shall be deducted one-half of the applicable insurance rate per $100 per month paid under the warehouseman's insurance policy covering cotton on which the warehouseman has insured warehouse receipts outstanding, or under the standard form of fire insurance policy approved by the State in which the cotton is stored.

(2) The rates and charges in cents per bale for the services specified, as set out in subparagraph (1), are not subject to the "emergency surcharge" permitted by paragraph (f).

(f) *Emergency surcharge during 1944–45 season.* (1) On and after August 1, 1944, and until and including July 31, 1945, cotton warehousemen may charge, for the services of storing, receiving, handling and compressing cotton and for miscellaneous services in connection with the warehousing of cotton, their maximum prices established by this section 4, plus a surcharge in the amount of 17%, unless subject to express provision barring or limiting such surcharge in particular cases.

(2) *Disposition of fractions.* Fractions resulting from the application of the 17% increase shall be disposed of in the manner prescribed by the following table:

| Base charge established by section 4: | *Maximum charge established by this paragraph (f)* |
|---|---|
| $0.001 | $0.0012 |
| $0.002 | .0023 |
| $0.003 | .0035 |
| $0.004 | .0047 |
| $0.005 | .0059 |
| $0.006 | .007 |
| $0.007 | .0032 |
| $0.003 | .0034 |

| Base charge established by section 4—Continued. | |
|---|---|
| $0.009 | $0.01 |
| $0.01 | .0125 |
| $0.015 | .0175 |
| $0.02 | .0225 |
| $0.025 | .03 |
| $0.03 | .035 |
| $0.035 | .04 |
| $0.04 | .0475 |
| $0.045 | .055 |
| $0.05 | .06 |
| $0.055 | .065 |
| $0.06 | .07 |
| $0.065 | .075 |
| $0.07 | .08 |
| $0.075 | .09 |
| $0.08 | .095 |
| $0.085 | .10 |
| $0.09 | .11 |
| $0.095 | .11 |
| $0.10 | .12 |

If a base charge is not specifically stated, use the next higher charge.

For base rates exceeding ten cents, if after adding 17% a fraction results, the new maximum charge shall be rounded to the nearest cent by dropping all fractions less than one-half cent and raising all fractions of one-half cent or greater to the next full cent.

(g) *"Emergency open yard storage" in Oklahoma and Texas.* The maximum prices for "emergency open yard storage," including handling, drayage and other services incidental thereto, of cotton received prior to February 1, 1945, shall be the maximum prices established by this section for the storage and handling of cotton at the nearest enclosed facility plus an additional "emergency open yard storage" receiving charge of 60 cents per bale in Oklahoma and 25 cents per bale in Texas (which receiving charges, however, shall not be subject to the surcharge permitted by paragraph (f)) *Provided,* That:

(1) The particular facility does not have available storage space within the warehouse building and is approved by the Commodity Credit Corporation in accordance with the terms of its "Agreement for storing cotton in open yards," Form 200–ADM–4.

(2) Each warehouseman furnishing "emergency open yard storage" shall maintain and make available for inspection by the Office of Price Administration with respect to each location at which "emergency open yard storage" is furnished a record of:

(i) The number of bales received and stored in "emergency open yard storage."

(ii) Revenues derived or accrued from the additional "emergency open yard storage" receiving charge.

(iii) Expenses for providing "emergency open yard storage."

(h) *"Emergency open yard storage" in Mississippi Valley and Southeast.* The maximum prices for "emergency open yard storage" in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina or Tennessee, including handling, drayage and other services incidental thereto, of cotton received prior to February 1, 1945, shall be the maximum prices established by this section for the storage and handling of cotton at the nearest enclosed facility plus an additional "emergency open yard storage" receiving charge of 25 cents per bale (which receiving charge, however, shall not be subject to paragraph (f)) *Provided,* That:

(1) The particular facility does not have available storage space within the warehouse building and is approved by the Commodity Credit Corporation in accordance with the terms of its "Agreement for storing cotton in open yards," Form 200–ADM–4.

(2) Each warehouseman assessing an additional "emergency open yard storage" receiving charge shall notify the director of the Transportation and Public Utilities Division in writing as to

(i) The date on which new open yard facilities were established or old open yard facilities were expanded,

(ii) The location of such facilities, including the distance from the nearest enclosed warehouse, and

(iii) The date or anticipated date of approval of the open yard facility by Commodity Credit Corporation in accordance with the terms of its "Agreement for storing cotton in open yards" This notice shall be furnished by November 20, 1944, or within 10 days after additional emergency open yard storage is undertaken, whichever date is later.

If an additional receiving charge is collected by a warehouseman who has failed to comply with the notice provisions of this subparagraph, each such collection shall constitute a price violation of this regulation.

(3) Each warehouseman assessing an additional "emergency yard storage" receiving charge shall maintain and make available for inspection by the Office of Price Administration with respect to each location at which "emergency open yard storage" space is furnished a record of:

(i) The number of bales received and stored in "emergency open yard storage"

(ii) Revenues derived or accrued from the additional "emergency open yard storage" receiving charge.

(iii) Expenses for providing the "emergency open yard storage"

(i) *Reweighing and resampling:* Unless a warehouseman elects as hereinafter provided in subparagraph (2) to retain his charges as established by § 1499.2 of the General Maximum Price Regulation, maximum charges for reweighing and resampling, including all necessary ranging shall be as specified in subparagraph (1)

(1) Reweighing (including furnishing weight sheets) or Resampling (including furnishing one set of samples and delivering samples locally):

| | *Cents per bale* |
|---|---|
| (i) Reweighing at time of shipment or compression or reweighing at time of unloading if this service is not included in receiving charge | 10 |
| (ii) Resampling at time of shipment or compression or resampling at time of unloading if this service is not included in the receiving charge | 10 |
| (iii) Reweighing, except at time of unloading, shipment or compression | 20 |
| (iv) Resampling, except at time of unloading, shipment or compression | 20 |
| (v) Reweighing and resampling, except at time of unloading, shipment or compression | 30 |
| (vi) Drawing an extra or double sample at time of any sampling | 10 |
| (vii) The above charges are subject to emergency surcharges as provided in paragraph (f) of this section. | |

(2) Any warehouseman who desires to continue the use of the maximum prices for reweighing, resampling, and ranging incident thereto, otherwise established by the General Maximum Price Regulation plus surcharges permitted by paragraph (f) may do so provided notice is furnished to the Director of the Transportation and Public Utilities Division, Office of Price Administration, Washington, D. C., on or before February 15, 1945.

Warehousemen may make separate elections for each warehouse operated by them, but may not make separate elections for particular charges, and may not elect to use these charges and continue to assess ranging in connection with reweighing and resampling, except ranging for reweighing and resampling to be performed by outside parties.

(j) *Recompression from standard density to high density.* (1) Maximum charges for recompression of cotton from standard density to high density shall be maximum charges otherwise established under the General Maximum Price Regulation or 50 cents per bale, whichever is higher.

(2) The above charges are subject to emergency surcharges as provided in paragraph (f)

SEC. 5. *Dry storage services, miscellaneous commodities*—(a) *Beans and peas, edible, dry*—(1) *Kansas City Area.* The maximum prices that may be charged by warehousemen in Clay and Jackson Counties, Missouri, and Wyandotte County, Kansas, for dry storage of dry edible beans and peas may not exceed the following amounts in cents per 100 pounds:

(i) When performed for War Food Administration:

| | *Cents per cwt.* |
|---|---|
| For handling in-and-out and first month's storage | 6 |
| For subsequent storage per month | 2 |

(ii) when performed for other customers:

| | *Cents per cwt.* |
|---|---|
| For handling in-and-out and first month's storage | 7 |
| For subsequent storage per month | 2 |

(2) *Colorado and Nebraska.* The maximum price that may be charged the War Food Administration by warehousemen in the States of Colorado and Nebraska for the storage of edible dry beans and peas may not exceed the following amounts in cents per 100 pounds:

| | |
|---|---|
| For handling in | 2 |
| For handling out | 2 |
| For storage per month | 2 |

(b) *Handling services incident to storage of peanuts for government agencies.* Maximum prices for the storage and warehousing of peanuts and for services incident thereto shall continue to be determined under the provisions of the General Maximum Price Regulation, except that the maximum prices for the following services, when performed for the United States Government or any agency thereof, shall be as follows:

| | *Cents per ton* |
|---|---|
| Loading in warehouses | 75 |
| Loading out of warehouses | 75 |

(c) *Storage of grain in Utah.* Maximum prices for storage of grain and for services incident thereto, performed by warehouses situated in Utah, shall continue to be determined under the provisions of the General Maximum Price Regulation, except that the maximum prices for the following services, when performed for persons other than the United States Government or any agency thereof, shall be as follows:

Storage of grain in warehouses, 15 cents per ton per month, with 30 days free storage.

Handling in and out of warehouse, $1.00 per ton.

(d) *Storage and handling of turpentine and rosin for the Commodity Credit Corporation.* The maximum prices that may be charged to the Commodity Credit Corporation for the storage of turpentine and rosin, and services incidental thereto, shall not exceed 3 cents per eligible wood barrel or metal drum of rosin per month, and 7 cents per 50-gallon unit of turpentine per month.

(e) *Handling of domestic shorn wool for Commodity Credit Corporation by warehousemen in the State of Texas*—(1) *Maximum prices.* Wool warehousemen in the State of Texas may charge for the service of handling domestic shorn wool under the current Wool Handler's Agreement of Commodity Credit Corporation either (i) their maximum prices established by § 1499.2 of the General Maximum Price Regulation or, (ii) 1¢ per pound of wool.

(2) *Definitions.* As used in this paragraph (e)

(i) The term "handling" includes the services of assembling, shipping, purchasing from the producer, selling for the account of Commodity Credit Corporation, storing during the warehouseman's free period as established by § 1499.2 of the General Maximum Price Regulation, and any other services contemplated within the term "handling" as used in the current Wool Handler's Agreements of Commodity Credit Corporation;

(ii) The term "wool" means all domestic shorn wool from sheep or lambs raised in the Continental United States and purchased for the account of Commodity Credit Corporation pursuant to the current Wool Handler's Agreements of Commodity Credit Corporation.

SEC. 6. *Bulk storage of liquid commodities*—(a) *Services connected with storage and distribution of aviation gasoline for War and Navy Departments*—(1) *Maximum prices.* Maximum prices for services involved in connection with the storage and distribution of aviation gasoline for the War Department and the Department of the Navy, including the services of arranging for shipment to and from supply and storage points, handling through terminals and bulk plants, delivery to points of consumption, and services incidental thereto, shall be either (i) the maximum prices established for such services by § 1499.2 of the General Maximum Price Regulation or (ii) prices agreed upon by the seller and the purchaser of such services and reported to the Office of Price Administration by such seller by February 16, 1943, or within 10 days of the date on which such agreement is made, whichever is later.

(2) *Adjustment of maximum prices by Office of Price Administration.* Maximum prices established pursuant to paragraph (1) (ii) shall be deemed to have been established and approved as maximum prices for the services to which they relate unless the Office of Price Administration disapproves or modifies such prices by an order mailed to the seller within 30 days after receipt of the report described in subparagraph (3) hereof. Such disapproval or modification shall become effective five days after the date of mailing of such order.

(3) *Form of report.* The report required by subparagraph (1) (ii) shall be mailed in duplicate to the Office of Price Administration, Transportation and Public Utilities Division, Washington, D. C., shall be entitled "Report of Maximum Prices for Storage and Distribution of Aviation Gasoline for Armed Services under section 6 of Supplementary Regulation No. 14-I" and shall contain the following information:

(i) The name and address of the supplier of the service;

(ii) Either a complete copy of the agreement between the supplier of the service and the War Department or the Department of the Navy or a statement describing in full the service or services to be performed, the price to be charged therefor, the location at which each service is to be performed, and the volume of aviation gasoline to be handled at each such location; and

(iii) In the event the contract provides for the payment of a single price for two or more services, a statement of the amount calculated for each service in determining such single price.

(4) *Definitions.* As used in this paragraph (a) the term "aviation gasoline" means gasoline with an octane rating of 87 or higher.

(b) *Storage of alcohol for Defense Supplies Corporation*—(1) *Maximum prices.* Maximum prices for the storage and handling of alcohol for or belonging to Defense Supplies Corporation shall be as follows, except that no charge shall be made for handling with respect to alcohol stored by the manufacturers thereof at the premises at which such alcohol was manufactured:

(i) *For storage.* One cent per barrel per month, based on the total storage capacity of all tanks used during such month; plus ¾ cent per barrel per month, based on the average quantity in storage during such month, whenever the supplier of the service assumes a warehouseman's liability with respect to the alcohol. Such average quantity shall be calculated by adding together the number of gallons shown on all reports filed with Defense Supplies Corporation during such month and dividing the total by the number of such reports.

(ii) *For handling*—(a) *To or from tank, barge, or tanker.* One cent per barrel for handling into storage and one cent per barrel for handling out of storage;

(b) *To or from tank car.* Two cents per barrel for handling into storage and two cents per barrel for handling out of storage;

(c) *To or from tank truck.* Three cents per barrel for handling into storage and three cents per barrel for handling out of storage.

(iii) *For conversion of premises.* A charge not exceeding the actual direct cost of labor and materials, if any, in making the premises suitable for the storage of alcohol: *Provided,* That no charge shall be made for materials unless the supplier of the service provides by contract with Defense Supplies Corporation that all materials for which such a charge is made shall be subject to removal or sale by Defense Supplies Corporation upon termination of the contract.

(iv) *For cost of alcohol tax unit bonds.* A charge not exceeding the actual premiums paid on all alcohol tax unit bonds which the warehouseman is required by law to obtain in order to store alcohol.

(2) *Definition.* As used in this paragraph (b) the term "barrel" means 42 wine gallons.

SEC. 7. *Terminal services—Handling, loading, unloading, wharfage and other terminal services performed in the State of Oregon.* Maximum prices for terminal services in Oregon shall continue to be determined in accordance with § 1499.2 of the General Maximum Price Regulation except that the wharfingers and terminal operators in Oregon may charge, on and after the effective dates specified in the tariff pages herein referred to, the rates set forth in the following pages of Terminal Tariff No. 2-A of the Commission of Public Docks of the City of Portland, Oregon:

1st revised page 17
3d revised page 18
6th revised page 19
2d revised page 19A
5th revised page 20
5th revised page 21
4th revised page 22
4th revised page 23

This regulation shall become effective January 29, 1945.

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 29th day of January 1945.

CHESTER BOWLES,
*Administrator*

[F. R. Doc. 45-1738; Filed, Jan. 29, 1945; 11:42 a. m.]

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PART 1499—COMMODITIES AND SERVICES

[SR 14J]

MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN CONSUMER GOODS

This Supplementary Regulation 14J to the General Maximum Price Regulation contains the provisions heretofore embodied in sections 6.2, 6.4, 6.8, 6.11, 6.15, 6.24, 6.26, 6.27, 6.29, 6.32, 6.36, 6.42, 6.43, 6.48, 6.49, 6.51, 6.52, 6.54 and 6.55 of Revised Supplementary Regulation 14 relating to certain consumer goods. Second Revised Supplementary Regulation 14, which is issued simultaneously with this regulation, continues the provisions relating to miscellaneous commodities and services and includes a table of cross references which shows the present counterparts of the former provisions of Supplementary Regulation 14 and Revised Supplementary Regulation 14, their effective dates and the amendments by which they were originally added or later amended.

A statement of the considerations involved in the issuance of this Supplementary Regulation 14J has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

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AUTHORITY: § 1499.83 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

ARTICLE I—EQUIPMENT AND SUPPLIES

SEC. 1.1 *Remington "Envoy" portable typewriters; sales to consumers*—(a) *Maximum price.* The maximum price, exclusive of Federal excise tax, for the sale by any person to a consumer, of a new Remington "Envoy" portable typewriter shall be $40.00.

(b) *Tagging.* Every person who offers a new Remington "Envoy" portable typewriter for sale to a consumer shall attach to it a tag reading as follows, with the blank appropriately filled in:

The Office of Price Administration has established a maximum retail price of $40.00 for this Remington "Envoy" portable typewriter, exclusive of Federal excise tax. Our selling price is $_____.

ARTICLE II—HARDWARE AND HOUSEWARE

SEC. 2.1 *Maximum prices for resale of an insecticide sprayer manufactured by the American Specialty Company of Amherst, Ohio*—(a) *Scope of this section.* This section fixes maximum prices for resale by Gulf Oil Corporation or Gulf Refining Company, as the case may be, its jobbers and retailers of a new insecticide sprayer designated as "Gulf Sprayer" and manufactured by the American Specialty Company, Amherst, Ohio. It covers only the sprayer described in an application filed September 13, 1943, and filed by the American Specialty Company pursuant to Maximum Price Regulation No. 188.

(b) *Maximum prices.* (1) For sales by the Gulf Oil Corporation or Gulf Refining Company, Gulf Building, Pittsburgh, Pennsylvania, the maximum prices for sales of the insecticide sprayer are those set forth below:

(1) For sales of the insecticide sprayer at retail the maximum price is $.55 per unit.

(2) For sales of the insecticide sprayer only, or as part of the sale of assorted specialties in the quantities listed below:

| | *Per dozen* |
|---|---|
| For sales to retailers in less than ½ gross lots | $4.82 |
| For sales to retailers in lots of ½ gross to one gross | 4.58 |
| For sales to retailers in lots of over one gross and less than two gross | $4.34 |
| For sales to retailers in lots of over two gross and less than three gross | 4.10 |
| For sales to retailers in lots of three gross and over | 3.86 |
| For sales to jobbers, minimum sale of one gross | 3.86 |

(2) For sales of the "Gulf Sprayer" by jobbers to retailers, the maximum price is $4.82 per dozen.

(3) For sales of the "Gulf Sprayer" at retail, the maximum price is $0.55 per unit.

(c) *Tagging.* To every insecticide sprayer shipped to a purchaser for resale, Gulf Oil Corporation or Gulf Refining Company shall attach a tag or label which plainly states the retail ceiling price.

(d) *Notification.* At the time of the first invoice on and after March 13, 1944, Gulf Oil Corporation or Gulf Refining Company, as the case may be, shall notify in writing each jobber and retailer and each jobber shall notify in writing each retailer who purchases from them of the maximum prices established by this amendment for resales of the sprayer by the purchaser. This written notice may be given in any convenient form.

SEC. 2.2 *Maximum prices for resales of an electric iron manufactured by Dominion Electrical Mfg. Inc.*—(a) *Maximum prices.* This section fixes maximum prices for resales of the Model No. 242A "Handyhot" electric iron with aluminum alloy sole plate manufactured by Dominion Electrical Mfg. Inc., Mansfield, Ohio, as follows:

(1) For all sales and deliveries on and after August 12, 1944, by the Chicago Electric Manufacturing Company 6333 West 65th Street, Chicago 38, Illinois, the maximum prices are those set forth below, inclusive of Federal Excise Tax:

| | *Each* |
|---|---|
| To jobbers | $3.04 |
| To retailers | 3.982 |

These prices are f. o. b. Chicago, Illinois or Galion, Ohio, and are subject to terms, discounts, and allowances no less favorable than those in effect during March 1942 on sales of similar articles by the seller.

(2) For all sales and deliveries on and after August 12, 1944, by jobbers to retailers, the maximum price shall be $3.982 each, inclusive of Federal Excise Tax. This price is f. o. b. seller's place of business and is subject to terms, discounts, and allowances no less favorable than those in effect during March 1942 on sales of similar articles by the seller.

(3) For all sales and deliveries by any person at retail, the maximum price is $6.50 each, inclusive of Federal Excise Tax.

(b) *Tagging.* To every Model 242A "Handyhot" electric iron which it delivers on and after August 12, 1944 Chicago Electric Manufacturing Co. shall attach a tag or label which plainly states the retail ceiling price established by this sec-

tion. A statement in the following form will be satisfactory:

O. P. A. Retail Ceiling Price..... $6.50

(c) *Notification.* At the time of or prior to the first invoice on and after August 12, 1944, covering a sale of the electric iron described above, Chicago Electric Manufacturing Co. and every jobber shall notify, in writing, their purchasers for resale of the maximum prices and conditions set by this section for resales by the purchaser. This notice may be given in any convenient form.

SEC. 2.3 *Maximum prices for wholesale and retail sales of electric irons*—(a) *Maximum prices.* This section fixes maximum prices for sales at wholesale and retail of certain electric irons as follows:

(1) For all sales and deliveries at retail on and after August 24, 1944, by any person, the maximum prices, inclusive of Federal excise tax, are those set forth below opposite each model of electric iron:

| Name | Model No. | Description | Retail ceiling price including Federal excise tax |
|---|---|---|---|
| American Electrical Heater Co., Detroit, Mich. | 55AB | Automatic 1,000 watts | $9.40 |
| Chicago Flexible Shaft Co., Chicago, Ill. | 8A4 | do | 9.95 |
| Dominion Electrical Mfg. Co., Mansfield, Ohio | 1002 | do | 8.40 |
| | 1002A | do | 8.40 |
| General Electric Co., Bridgeport, Conn. | 116F115 | do | 8.25 |
| | 116F112 | Automatic 600 watts | 5.70 |
| Knapp Monarch Co., St. Louis, Mo. | 400R | Automatic 1,000 watts | 5.95 |
| Landers, Frary & Clark, New Britain, Conn. | 0184 | do | 9.40 |
| | 0174 | Automatic 800 watts | 6.75 |
| | 0174X | do | 6.75 |
| Manning-Bowman Co., Meriden, Conn. | 2494 | Automatic 1,000 watts | 11.70 |
| Montgomery Ward, Chicago, Ill.. | | | |
| Mail order catalog | 86-2699 | Automatic 880 watts | 5.45 |
| Retail stores | 86-2699 | do | 5.75 |
| National Stamping & Electric Co., Chicago, Ill. | 351 | Automatic 1,000 watts | 8.25 |
| Proctor Electric Co., Philadelphia, Pa. | 975 | do | 9.50 |
| Sampson-United Corp., Rochester, N. Y. | 5000 | do | 8.25 |
| Sears, Roebuck, Chicago, Ill.. | | | |
| Mail order catalog | 20-6240 | do | 6.95 |
| Retail stores | 20-6240 | do | 7.50 |
| Mail order catalog | 20-6240A | do | 6.95 |
| Retail stores | 20-6240A | do | 7.50 |
| Mail order catalog | 20-6218 | do | 6.95 |
| Retail stores | 20-6218 | do | 7.50 |
| Son-Chief Electrics, Inc., Winsted, Conn. | C351ZM | Automatic 1,000 watts without cord. | 4.50 |
| | C361BR | Automatic 1,000 watts Steam nonautomatic. | 6.05 |
| Steem Electric Co., St. Louis, Mo. | 425 | 600 watts with cord and equipment. | 9.95 |
| Superior Electric Products, Inc., Cape Girardeau, Mo. | 205W | Nonautomatic 600 watts | 3.65 |
| | 220W | Automatic 1,000 watts | 6.95 |
| | 220 | do | 6.95 |
| Tennessee Valley Appliances, Nashville, Tenn. | 100 | Nonautomatic 615 watts | 7.60 |
| Waage Mfg. Co., Chicago, Ill. | 63B | Non-automatic | 5.50 |
| Waverly Tool Co., Irvington, N. J. | W-410 | Automatic 1000 watts | 14.25 |
| | B-200 | Steam automatic 1000 watts | 14.25 |
| Westinghouse Electric & Mfg. Co., Mansfield, Ohio. | LPC414 | Automatic 1000 watts | 8.75 |
| | LR24 | Automatic 700 watts | 5.95 |
| Winsted Hardware Mfg. Co., Winsted, Conn. | 191 | Automatic 750 watts | 7.19 |

(2) For all sales and deliveries at wholesale by any person other than the manufacturer, on and after August 24, 1944, of an electric iron listed above, the maximum price shall be the lower of the following:

(i) The highest price charged for the same iron by the wholesaler to each class of purchaser, during March 1942; or

(ii) The retail ceiling price specified above (reduced by the amount of the manufacturer's Federal Excise tax) less 40% for sales in quantities of six or more units, or less 35% for sales in quantities of less than six units, plus the amount of the manufacturer's Federal Excise tax.

(b) *Terms.* The maximum prices established by this section are subject to terms, discounts, and allowances, no less favorable than those in effect during March 1942, on sales of similar articles by the seller.

(c) *Tagging.* On and after August 24, 1944, no person may sell or deliver any electric iron listed in paragraph (a) (1) above, at retail, unless it has affixed to it a statement which plainly sets forth the retail ceiling price established by this section for sales of the particular model of electric iron.

SEC. 2.4 *Ash and garbage cans.* The Office of Price Administration, or any Regional Price Administrator, may by order establish specific maximum prices for sales of ash and garbage cans at wholesale and retail in any area or locality. Any order establishing maximum prices issued under the authority of this provision will supersede the General Maximum Price Regulation with respect to the sales of ash and garbage cans subject to such order.

SEC. 2.5 *Maximum prices for sales by jobbers to industrial and commercial users of steel wire garment hangers*—(a) *Scope of this section.* This section permits jobbers to add to their current delivered cost of steel wire garment hangers, the dollar mark-up they customarily enjoyed in October 1941 on sales of steel garment hangers. It applies only for sales to industrial or commercial users. When used in this section, the term "jobber" means any person who buys garment hangers from the manufacturer and resells them, without substantially changing their form, to industrial or commercial users.

(b) *Maximum prices for sales and deliveries of steel wire garment hangers by jobbers to industrial and commercial users.* If you are a jobber, you determine your maximum price for sales of steel wire garment hangers to industrial and commercial users in the following manner:

(1) Select from the garment hangers sold by you during October 1941 the type most similar to the steel wire garment hanger for which you are determining your ceiling price.

(2) Subtract from the highest price you charged industrial and commercial users, f.o.b. your warehouse, during October 1941 for that garment hanger, the amount you paid for that garment hanger, including any freight charges.

(3) Add the amount so obtained to your delivered cost of the steel wire garment hanger you are pricing. The resulting figure will be your ceiling price, f. o. b. your warehouse, for sales of steel wire garment hangers to industrial and commercial users. You must give the same discounts, freight allowances, and terms which you allowed during October 1941.

(c) *Maximum prices for sales and deliveries of steel wire garment hangers by jobbers who have no records.* If you are a jobber and do not have any records by which to determine a maximum price for your sales pursuant to this section, you must submit to your nearest Regional Office of the Office of Price Administration, a report applying for specific authorization of maximum prices for sales of such steel wire garment hangers. This report shall contain a description of the steel wire garment hanger, the manufacturer's name and address, your cost, and any other information which you may wish to submit. You must also submit such additional information as the Office of Price Administration may request. You may not sell such steel wire garment hangers until you have received authorization from the Office of Price Administration and must sell in accordance with the terms of such authorization. The maximum price authorized by the Office of Price Administration will be in line with the level of maximum prices established by this section for steel wire garment hangers.

Any Regional Office of the Office of Price Administration or such offices as may be authorized by the appropriate Regional Office, may, by order, establish maximum prices for sales of steel wire garment hangers by jobbers in any area or locality within its jurisdiction.

(d) *Records to be kept by jobbers.* If you are a jobber and have established maximum prices for your sales under this section, you must keep and make available for examination by the Office of Price Administration (1) records showing your cost and your selling price of the garment hangers sold by you in October 1941 which you have used in determining your maximum prices for garment hangers currently being sold, and (2) invoices showing your current costs of the steel wire garment hangers for which maximum prices have been established under this section.

ARTICLE III—RADIO AND MISCELLANEOUS

SEC. 3.1 *Military salvage and military scrap dry batteries*—(a) *Articles*

*and persons to which this section applies.* This section applies to all sales and deliveries of dry batteries which have been manufactured and sold for the eventual use of the military forces but subsequently sold or offered for sale by any person other than an agency of the United States Government. It also applies to any person who buys such batteries in the course of trade or business. As used in this section the term "battery" includes a unit in an individual container whether it consists of one or more cells. It applies to batteries whether they are in the form in which they were originally manufactured or whether they have been subsequently reassembled in a different form. For the purposes of this section, batteries are divided into two types—military salvage batteries and military scrap batteries. Each type is defined in paragraph (g)

(b) The maximum price for the sale or delivery of a military salvage or scrap dry battery is the price fixed by the appropriate District Office of the Office of Price Administration. Each District Director of each District Office is hereby authorized to fix maximum prices under this section.

(c) The maximum prices for sales and deliveries of military salvage batteries will be fixed by each District Office at 80 percent of the prevailing maximum price for the most closely comparable new civilian battery for sales to purchasers of the same class. The maximum prices for sales of military scrap batteries will be fixed on the basis of the electrical capacity or the scrap value left in the battery but in no case may the maximum price fixed exceed 50 per cent of the prevailing maximum price of the most closely comparable civilian battery for sales to purchasers of the same class.

(d) *Contents of application for the establishment of maximum prices.* Applications for the establishment of maximum prices shall be filed with the District Office of the Office of Price Administration in the district having jurisdiction of the seller's place of business and shall contain the following information:

(1) Applicant's name, address and type of business (wholesale or retail)

(2) Name and address of source from which the military batteries being priced were obtained.

(3) Quantity and description of the battery for which maximum prices are to be established, including (i) use (flashlight, radio "A" radio "B" etc.) (ii) voltages (1½ volt "A" 45 volt "B", etc.), (iii) size (over-all dimensions), (iv) Government Code or stock number.

(4) Manufacturer's stock number, brand name and description (as above), of the civilian battery most nearly comparable to the battery being priced.

(5) Prices determined from a manufacturer's published price list in effect during March 1942 for the civilian battery set forth in (4) above for sales to classes of purchasers to whom the applicant proposes to sell the military salvage or scrap batteries. Delivery charges may be included in these prices to the extent provided for by the manufacturer's price list. At the applicant's option, maximum retail prices may also be fixed, even if retail sales are not to be made by the applicant.

A wholesaler, selling to a retailer, must use the manufacturer's price to retailers; selling to a wholesaler, he must use the manufacturer's price to wholesalers. A retailer may not sell to a retailer at the retail price, but must use the manufacturer's price to retailers.

(6) Proposed maximum prices computed in the case of a military salvage battery at 80 percent of the maximum prices set forth in (5) above.

(7) Proposed maximum prices in the case of a military scrap battery not to exceed 50 per cent of the maximum prices set forth in (5) above, computed either on the basis of:

(i) The usable value of the scrap battery for any electrical purpose, or

(ii) The value that can be realized from the materials in the battery when broken into component parts.

(8) A statement that batteries to be sold as military salvage batteries meet the specifications for such batteries as set forth in paragraph (g)

(e) *Methods for the determination of maximum prices.* The prices applied for shall be the seller's maximum prices, effective ten days after he mails his application unless the Office of Price Administration specifically disapproves them within that time. These prices are subject to adjustment (not to apply retroactively) by the Office of Price Administration at any time after the ten-day period.

A retailer of military salvage or military scrap batteries for which maximum retail prices have been determined under this section in connection with the application of a previous seller, and who is selling the batteries in the same form in which he received them, is not required to file the application required in paragraph (d) if his supplier furnishes him with an invoice containing the following statement:

The batteries covered by this invoice were adapted for civilian use from military salvage (or scrap) stock and the maximum retail prices shown on this invoice were authorized under section 3.1 of Supplementary Regulation 14J [formerly Amendment No. 143 to Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation] upon application to the Office of Price Administration District Office located in _____ mailed _____.
(city and state) (date)
Signed _____

The purchaser is required to retain such invoice furnished by his supplier and to make it available for inspection by the Office of Price Administration at any time. The retailer's maximum price is the maximum retail price shown on the supplier's invoice.

(f) *Labelling or posting.* No person may sell or offer to sell at retail a military salvage or military scrap battery unless either

(1) The battery is labelled as follows: "Military salvage (or scrap) battery. OPA retail ceiling price $_____" or

(2) A poster, placed in a conspicuous place at the point of sale on the seller's premises, sets forth in easily readable lettering the maximum prices for military salvage and military scrap batteries, as well as the fact that such batteries are from military salvage or military scrap stocks.

(g) *Specifications for military salvage batteries*—(1) *Military salvage batteries.* For the purpose of this section a military salvage battery is any dry battery originally manufactured and sold for eventual use by the military forces, but subsequently sold or offered for sale by any person other than an agency of the United States Government for general civilian use either in its original factory-assembled state or as a made-up reassembled battery, which meets the following specifications:

(i) Single No. 6 dry cells and flashlight unit cells are enclosed in close-fitting jackets.

(ii) The voltage is at least equal to the minimum voltage specified below for that type of battery, tested on a properly calibrated Ohm-volt meter as follows:

| Type of battery | Ohms per volt | Volts per cell, or per groups of cells in parallel |
|---|---|---|
| Radio "B" and "C" batteries | 1,000 | 1.47 |
| Radio "A" flashlight and other "A" batteries of "C" size cells or smaller | 100 | 1.47 |
| Radio "A" flashlight, No. 6, and other batteries of "D" size cells or larger | 100 | 1.60 |

(iii) Individual cells and batteries are free from (*a*) loose terminals; (*b*) corrosion; (*c*) loose or cracked seals; (*d*) leaking or distorted zinc containers.

(2) *A military scrap battery* is one which does not meet the specifications of a military salvage battery.

(h) *Evasion.* You may not evade any provision of this section by any scheme or device or by any practice which has the effect of getting a higher-than-ceiling price. Specifically, you may not charge for any service such as the installation of batteries, for which you did not make a charge in March 1942, nor may you require the purchaser to agree to purchase any other service or commodity.

SEC. 3.2 *Tear gas equipment.* The maximum price for any item of tear gas equipment, including guns, shells, candles, and grenades, is the seller's maximum price as determined under § 1499.2 of the General Maximum Price Regulation or the price specified in the seller's price list in effect on April 15, 1942, whichever is higher.

SEC. 3.3 *Radio receiver tubes.* This section establishes maximum prices for all sales of new standard radio receiver tubes by all persons other than manufacturers, as defined and covered by Revised Price Schedule No. 84.[1]

For the purposes of this section: (a) standard tubes are tubes originally sold as such by the manufacturer, (b) radio receiver tubes are tubes that are used

[1] 7 F.R. 1362, 2000, 2132, 2169, 2303, 2512, 2543, 3821, 6771, 7902, 8948; 8 F.R. 3703, 5632, 15523; 9 F.R. 4349, 9616.

generally, but not exclusively, in home, auto, and portable radios and phonographs. Sub-standard tubes and used tubes are not covered by this amendment.

(a) *Maximum prices for sales at wholesale.* When used in this section, a sale at wholesale is a sale by a person who buys a radio receiver tube and resells it without substantially changing its form, to any person other than the ultimate consumer. The term also includes any sale to an industrial, commercial, governmental, or institutional user.

(1) *Tubes listed in paragraph (k)* The maximum prices inclusive of the manufacturers' Federal excise tax, for sales at wholesale of radio receiver tubes listed in paragraph (k) are set forth in the table below.

Column I of the table arranges in ascending order all the maximum retail prices which are set forth in paragraph (k)

Columns II, III, IV V and VI list the corresponding maximum wholesale prices for all the tubes to which the Column I retail prices apply. The quantity which determines the applicable wholesale price column is the total quantity of tubes of all types involved in the sale.

These maximum wholesale prices are f. o. b. point of shipment, and are subject to a discount of 2% if paid in ten days, net thirty days. The seller is required to continue the same guarantee or guarantee allowance extended by him on sales of tubes during March 1942. If the seller was not in business during March 1942, he is required to give the same guarantee or guarantee allowance extended by his most closely competitive seller of the same class to the same class of purchaser.

| Column I | Maximum wholesale prices | | | | |
|---|---|---|---|---|---|
| Maximum retail prices for tubes as listed in paragraph (k) | Column II Quantities of 1 to 5 | Column III Quantities of 6 to 49 | Column IV Quantities of 50 to 100 | Column V Quantities of 101 to 500 | Column VI Quantities over 500 |
| $0.70 | $0.41 | $0.37 | $0.35 | $0.33 | $0.31 |
| $0.75 | .45 | .41 | .38 | .36 | .34 |
| $0.80 | .48 | .43 | .40 | .38 | .37 |
| $0.85 | .51 | .46 | .43 | .41 | .39 |
| $0.90 | .54 | .49 | .46 | .43 | .41 |
| $1.00 | .60 | .54 | .51 | .48 | .46 |
| $1.10 | .67 | .61 | .57 | .54 | .51 |
| $1.30 | .80 | .72 | .67 | .65 | .61 |
| $1.60 | .99 | .90 | .83 | .80 | .76 |
| $1.95 | 1.21 | 1.10 | 1.02 | .97 | .92 |
| $2.35 | 1.46 | 1.32 | 1.23 | 1.17 | 1.12 |
| $2.85 | 1.78 | 1.61 | 1.50 | 1.43 | 1.36 |

The above prices include the manufacturers' Federal excise taxes. Lower prices may be charged.

(2) *Tubes not listed in paragraph (k)* To determine the maximum price for a tube not listed in paragraph (k) the wholesaler shall find the suggested retail price from the manufacturer's last schedule published prior to March 31, 1942, in which the tube is listed. The wholesaler shall then take the nearest maximum retail price shown in Column I of the table above and shall determine his maximum wholesale price in accordance with paragraph (a) (1)

(b) *Maximum prices for sales at retail.* When used in this section, a sale at retail means a sale to an ultimate consumer other than an industrial, commercial, governmental, or institutional user.

(1) *Maximum prices for sales by all retailers except those who purchased tubes from a manufacturer in March 1942.* The maximum prices for sales by all retailers, except those who purchased tubes from a manufacturer in March 1942, shall be those set forth below:

(i) *Tubes listed in paragraph (k)* The maximum price, inclusive of the manufacturers' Federal excise tax for a sale at retail of a radio receiver tube listed in paragraph (k) whether sold separately or in connection with the servicing of a radio or phonograph, shall be the price set forth in paragraph (k) for that tube.

(ii) *Tubes not listed in paragraph (k)* The maximum price, inclusive of the manufacturers' Federal excise tax, for a sale at retail of a radio receiver tube not listed in paragraph (k) whether sold separately or in connection with the servicing of a radio or phonograph, shall be the suggested retail price shown in the manufacturer's last schedule published prior to March 31, 1942, in which the tube is listed.

(2) *Maximum prices for sales by any retailer who in March 1942 purchased radio receiver tubes from the manufacturer.* When used in this section, a private brand radio receiver tube means a brand which is not offered by the manufacturer to his general trade but is manufactured for resale by a particular retail seller or sellers. A national brand radio receiver tube is any radio receiver tube other than a private brand tube.

The maximum price, inclusive of the manufacturers' Federal excise tax, for a sale at retail of a private brand radio receiver tube, by a retailer who purchased radio receiver tubes from the manufacturer in March 1942, shall be the highest price charged by the seller during March 1942 for a private brand tube of that type. The maximum price, inclusive of the manufacturers' Federal excise tax, for a sale at retail of a national brand radio receiver tube, by a retailer who purchased radio receiver tubes from the manufacturer in March 1942, shall be the highest price charged by the seller during March 1942 for any national brand tube of the same type. Maximum prices determined under this paragraph (b) (2) however, may not exceed the maximum prices listed in paragraph (k) and shall apply whether the tube is sold separately or in connection with the servicing of a radio or phonograph.

(c) *Other maximum prices.* The maximum price for any sale of a tube covered by this section which cannot be determined under the previous paragraphs shall be a price in line with the level of prices so determined, which has been specifically established by order of the Price Administrator. Applications for the establishment of a maximum price under this paragraph shall be made to the Office of Price Administration, Washington, D. C.

(d) *Service charges.* On and after May 20, 1944, the maximum prices for service charges established by this paragraph, supersede the provisions of Revised Maximum Price Regulation No. 165.[2] No charge may be made for testing radio receiver tubes brought to the seller's establishment by a customer. A maximum charge of $.50 may be made for removing, testing, and replacing all of the radio receiver tubes contained in the portable or table model radio or phonograph brought to the seller's establishment by the customer, if the radio tubes can be removed, tested, and replaced without detaching the chassis mechanism from the cabinet of the radio or phonograph. A maximum charge of $1.00 may be made for removing, testing, and replacing all of the radio receiver tubes contained in the portable or table model radio or phonograph brought to the seller's establishment by the customer, if the chassis mechanism must be detached from the cabinet before the radio tubes can be removed, tested, and replaced. All other service charges remain under Revised Maximum Price Regulation No. 165.

(e) *Guarantee.* The maximum price for a sale to an ultimate consumer of a radio receiver tube, shall include the standard guarantee against defects extended by the manufacturer of that tube. In no case shall the guarantee be for a period less than 90 days from the date of sale. If a tube subject to guarantee cannot be replaced within a reasonable period of time, the retailer shall give the consumer full credit, or refund the purchase price.

(f) *Federal, State, and local taxes.* Federal excise taxes levied after April 1, 1944, and state and local taxes imposed upon the sale of radio receiver tubes may be added to the maximum prices established under this section, provided they are separately stated and collected.

(g) *Posting.* A seller offering radio receiver tubes for sale at retail shall post and keep conspicuously posted, at the place in his business establishment where radio receiver tubes are offered for sale, whether offered separately or in connection with the servicing of a radio or phonograph, a copy of the table of maximum prices contained in paragraph (k) of this section together with the statement of guarantee and service charges contained therein.

A seller who establishes his prices under paragraph (b) (2) shall post these maximum prices in accordance with the preceding paragraph.

(h) *Sales slips, receipts, and invoices.* After May 19, 1944, every person making a sale at wholesale of a standard radio receiver tube shall furnish the purchaser with a sales slip, receipt, invoice, or other similar written evidence of purchase showing the name and address of the seller and the purchaser, the date of sale, the quantity, types, and prices charged for the radio receiver tubes. This sales slip, receipt, or invoice or other written evidence of purchase shall be kept by the purchaser, and a carbon copy of it kept by the seller for inspection by the Office of Price Administration.

[2] 9 F.R. 7439, 9107, 9411, 11173, 12040, 12969, 13211, 13697.

(i) *Credit charges for sales at retail.* (1) Charges for the extension of credit may be added to the maximum (ceiling) retail prices established by this section only to the extent permitted by and subject to the requirements of this paragraph. (i) Sellers who in March 1942 collected a separately stated additional charge for the extension of credit on sales of radio receiver tubes may collect a charge for the extension of credit on sales under this section, not exceeding such charge in March 1942 on a similar sale on similar terms to the same class of purchaser. (ii) Sellers who did not so state and collect an additional charge may collect a charge for the extension of credit only on instalment-plan sales; and the charge shall not exceed the separately stated additional charge collected for the extension of credit on a similar sale on similar terms to the same class of purchaser in March 1942 by the seller's closest competitor who made such a separately stated charge.

(2) An instalment-plan sale, as used in the above paragraph, means a sale where the unpaid balance is to be paid in instalments over a period of either (i) six weeks or more from the date of sale in the case of weekly instalments, or (ii) eight weeks or more in the case of other than weekly instalments.

(3) All charges for the extension of credit shall be quoted and stated separately. Any charge which is not quoted and stated separately or which otherwise does not conform to this paragraph, shall, for the purposes of this section, be considered to be part of the price charged for the article sold or services rendered.

(4) No seller may require as a condition of sale that the purchaser must buy on credit.

(j) *Applicability.* The provisions of this section shall be applicable to the forty-eight states of the United States and to the District of Columbia.

(k) *Table of maximum prices for sales to consumers.* (Lower prices than those listed below may be charged.)

| Type | Maximum retail price | Type | Maximum retail price |
|---|---|---|---|
| 00A | $2.35 | 1G4G | $1.30 |
| 01A | .90 | 1G4GT | 1.30 |
| 0A4G | 1.95 | 1G5G | 1.30 |
| 0Z4 | 1.60 | 1G6G | 1.60 |
| 0Z4G | 1.60 | 1G6GT | 1.60 |
| 1A4P | 1.60 | 1H4G | 1.00 |
| 1A5G | 1.60 | 1H5G | 1.30 |
| 1A5GT | 1.10 | 1H5GT | 1.10 |
| 1A6 | 1.30 | 1H6G | 1.30 |
| 1A7G | 1.60 | 1J5G | 1.95 |
| 1A7GT | 1.30 | 1J6G | 1.30 |
| 1B4P | 1.30 | 1LA4 | 2.35 |
| 1B5/25S | 1.30 | 1LA6 | 2.35 |
| 1B7GT | 1.30 | 1LB4 | 2.35 |
| 1C5G | 1.60 | 1LH4 | 2.35 |
| 1C5GT | 1.30 | 1LN5 | 2.35 |
| 1C6 | 1.30 | 1N5G | 1.60 |
| 1C7G | 1.30 | 1N5GT | 1.30 |
| 1D5GP | 1.30 | 1N6G | 1.30 |
| 1D5GT | 1.30 | 1P5GT | 1.60 |
| 1D7G | 1.60 | 1Q5GT | 1.60 |
| 1D8GT | 1.95 | 1R5 | 1.60 |
| 1E4G | 1.30 | 1S4 | 1.60 |
| 1E5GP | 1.60 | 1S5 | 1.60 |
| 1E7G | 2.35 | 1T4 | 1.60 |
| 1F4 | 1.30 | 1T5GT | 1.60 |
| 1F5G | 1.30 | 1V | 1.00 |
| 1F6 | 1.60 | 2A3 | 1.95 |
| 1F7GH | 1.60 | 2A4G | 2.35 |

*Table of maximum prices for sales to consumers*—Continued

| Type | Maximum retail price | Type | Maximum retail price |
|---|---|---|---|
| 2A5 | $1.00 | 6R7GT | $0.90 |
| 2A6 | 1.00 | 6S7 | 1.60 |
| 2A7 | 1.10 | 6S7G | 1.60 |
| 2B7 | 1.30 | 6SA7 | 1.00 |
| 2E5 | 1.30 | 6SA7GT | 1.10 |
| 2V3G | 2.85 | 6SC7 | 1.30 |
| 2X2/879 | 2.35 | 6SD7GT | 1.30 |
| 3A8GT | 2.35 | 6SF5 | 1.00 |
| 3Q5GT | 1.60 | 6SF5GT | 1.00 |
| 3S4 | 1.60 | 6SF7 | 1.30 |
| 5T4 | 1.95 | 6SG7 | 1.30 |
| 5U4G | 1.00 | 6SH7GT | 1.30 |
| 5V4G | 1.60 | 6SJ7 | 1.10 |
| 5W4 | 1.10 | 6SJ7GT | 1.10 |
| 5W4GT | .90 | 6SK7 | 1.00 |
| 5X4G | 1.10 | 6SK7GT | 1.10 |
| 5Y3G | .70 | 6SL7GT | 1.60 |
| 5Y4G | .75 | 6SN7GT | 1.30 |
| 5Z3 | 1.10 | 6SQ7 | 1.00 |
| 5Z4 | 1.30 | 6SQ7GT | 1.10 |
| 6A3 | 1.95 | 6SR7 | 1.10 |
| 6A4/LA | 1.60 | 6T7G | 1.30 |
| 6A5G | 2.85 | 6U5/6G5 | 1.30 |
| 6A6 | 1.60 | 6U6GT | 1.30 |
| 6A7 | 1.00 | 6U7G | 1.00 |
| 6A8 | 1.30 | 6V6 | 1.95 |
| 6A8G | 1.00 | 6V6G | 1.30 |
| 6A8GT | 1.00 | 6V6GT | 1.10 |
| 6AB5/6N5 | 1.60 | 6V7G | 1.30 |
| 6AB7/1853 | 1.95 | 6W5G | 1.95 |
| 6AC5G | 1.30 | 6W7G | 1.60 |
| 6AC5GT | 1.10 | 6X5 | 1.60 |
| 6AC7/1852 | 2.35 | 6X5G | 1.10 |
| 6AD6G | 1.60 | 6X5GT | 1.00 |
| 6AD7G | 1.60 | 6Y6G | 1.60 |
| 6AE5GT | 1.30 | 6Y7G | 1.60 |
| 6AE6G | 1.30 | 6Z7G | 1.95 |
| 6AE7GT | 1.30 | 6ZY5G | 1.30 |
| 6AF6G | 1.60 | 7A4 | 1.30 |
| 6AG7 | 2.35 | 7A5 | 1.30 |
| 6B4G | 1.95 | 7A6 | 1.30 |
| 6B5 | 1.95 | 7A7 | 1.30 |
| 6B6G | 1.10 | 7A8 | 1.30 |
| 6B7 | 1.30 | 7B4 | 1.30 |
| 6B8 | 1.95 | 7B5 | 1.30 |
| 6B8G | 1.30 | 7B6 | 1.30 |
| 6C5 | 1.10 | 7B7 | 1.30 |
| 6C5G | 1.00 | 7B8 | 1.30 |
| 6C5GT | 1.00 | 7C5 | 1.30 |
| 6C6 | 1.00 | 7C6 | 1.30 |
| 6C8G | 1.60 | 7C7 | 1.30 |
| 6D6 | 1.00 | 7E6 | 1.30 |
| 6D8G | 1.60 | 7E7 | 1.60 |
| 6E5 | 1.10 | 7F7 | 1.60 |
| 6E6 | 1.95 | 7G7/1232 | 1.95 |
| 6F5 | 1.10 | 7H7 | 1.95 |
| 6F5G | 1.10 | 7J7 | 1.95 |
| 6F5GT | 1.00 | 7K7 | 1.95 |
| 6F6 | 1.10 | 7L7 | 1.95 |
| 6F6G | .90 | 7N7 | 1.95 |
| 6F7 | 1.60 | 7Q7 | 1.30 |
| 6F8G | 1.30 | 7R7 | 1.95 |
| 6G6G | 1.30 | 7Y4 | 1.30 |
| 6H4GT | 1.95 | 10 | 2.85 |
| 6H6 | 1.10 | 12A | 1.00 |
| 6H6G | 1.10 | 12A5 | 2.35 |
| 6H6GT | 1.10 | 12A6GT | 1.95 |
| 6J5 | .90 | 12A8GT | 1.00 |
| 6J5G | 1.00 | 12B8GT | 1.60 |
| 6J5GT | .90 | 12C8 | 1.95 |
| 6J7 | 1.30 | 12F5GT | 1.00 |
| 6J7G | 1.10 | 12J5GT | 1.00 |
| 6J7GT | 1.10 | 12J7GT | 1.10 |
| 6J8G | 1.60 | 12K7GT | 1.00 |
| 6K5G | 1.10 | 12K8GT | 1.30 |
| 6K6G | 1.10 | 12Q7GT | .90 |
| 6K6GT | 1.00 | 12SA7 | 1.00 |
| 6K7 | 1.10 | 12SA7GT | 1.30 |
| 6K7G | 1.10 | 12SC7 | 1.30 |
| 6K7GT | 1.00 | 12SF5 | 1.10 |
| 6K8 | 1.30 | 12SF5GT | 1.10 |
| 6K8G | 1.30 | 12SH7GT | 1.30 |
| 6K8GT | 1.30 | 12SJ7 | 1.10 |
| 6L5G | 1.10 | 12SJ7GT | 1.10 |
| 6L6 | 1.95 | 12SK7 | 1.00 |
| 6L6G | 1.95 | 12SK7GT | 1.10 |
| 6L7 | 1.60 | 12SL7GT | 1.60 |
| 6L7G | 1.60 | 12SN7GT | 1.30 |
| 6N5 | 1.60 | 12SQ7 | 1.00 |
| 6N6G | 2.35 | 12SQ7GT | 1.10 |
| 6N7 | 1.60 | 12SR7 | 1.30 |
| 6N7G | 1.60 | 12SR7GT | 1.30 |
| 6P5G | .85 | 12Z3 | 1.00 |
| 6P5GT | .80 | 14A7/12B7 | 1.95 |
| 6P7G | 2.35 | 14H7 | 1.95 |
| 6Q7 | 1.30 | 15 | 1.95 |
| 6Q7G | .90 | 19 | 1.30 |
| 6Q7GT | .90 | 20 | 2.85 |
| 6R7 | 1.60 | 22 | 2.35 |
| 6R7G | 1.10 | 24A | .90 |

*Table of maximum prices for sales to consumers*—Continued

| Type | Maximum retail price | Type | Maximum retail price |
|---|---|---|---|
| 25A6 | $1.95 | 47 | $1.10 |
| 25A6G | 1.10 | 48 | 2.85 |
| 25A6GT | 1.10 | 49 | 1.30 |
| 25A7G | 1.60 | 50 | 2.35 |
| 25A7GT | 1.60 | 50C6G | 1.95 |
| 25AC5GT | 1.60 | 50L6GT | 1.10 |
| 25AC5G | 1.60 | 50Y6GT | 1.10 |
| 25B6G | 1.95 | 50Z7G | 1.30 |
| 25B8GT | 1.95 | 52 | 2.85 |
| 25C6G | 1.95 | 53 | 1.60 |
| 25L6 | 1.60 | 55 | 1.10 |
| 25L6G | 1.30 | 56 | .80 |
| 25L6GT | 1.10 | 57 | .90 |
| 25Y5 | 2.35 | 58 | .90 |
| 25Z5 | 1.00 | 59 | 1.60 |
| 25Z6 | 1.30 | 70A7GT | 2.35 |
| 25Z6G | 1.00 | 70L7GT | 1.95 |
| 25Z6GT | 1.00 | 71A | .90 |
| 26 | .75 | 75 | .85 |
| 27 | .70 | 76 | .90 |
| 30 | 1.00 | 77 | .90 |
| 31 | 1.00 | 78 | .90 |
| 32 | 1.30 | 79 | 1.60 |
| 32L7GT | 1.95 | 80 | .70 |
| 33 | 1.30 | 81 | 1.95 |
| 34 | 1.30 | 82 | 1.30 |
| 35 | 1.00 | 83 | 1.30 |
| 35A5 | 1.30 | 83V | 1.95 |
| 35L6GT | 1.00 | 84/6Z4 | 1.10 |
| 35Z3 | 1.30 | 85 | .90 |
| 35Z4GT | .80 | 89 | 1.00 |
| 35Z5GT | .85 | V99 | 2.85 |
| 35Z6G | 1.30 | X99 | 2.85 |
| 36 | 1.00 | 117L7GT | 2.35 |
| 37 | .85 | 117N7GT | 2.35 |
| 38 | 1.10 | 117Z6GT | 1.60 |
| 39/44 | 1.00 | 485 | 1.95 |
| 40 | 1.60 | 950 | 1.95 |
| 41 | .85 | XXD | 1.60 |
| 42 | .85 | XXL | 1.60 |
| 43 | 1.10 | VR90-30 | 2.35 |
| 45 | .80 | VR105-30 | 2.35 |
| 45Z5GT | 1.10 | VR150-30 | 2.35 |
| 46 | 1.10 | Majestic | 2.35 |

Standard radio receiver tubes are guaranteed against defects for a period of ninety (90) days from the date of sale. No extra charge for testing detached radio tubes. Maximum charge of $0.50 for testing all radio tubes in a set if they can be removed from the radio without detaching the radio mechanism from the cabinet. Maximum charge of $1.00 for testing all radio tubes in a set if the radio mechanism must be removed from the cabinet to test the tubes. These maximum charges apply to portable or table model radios or phonographs brought to this establishment.

SEC. 3.4 *Ammunition.* This section establishes maximum prices of ammunition, other than hand loaded or military items, for sales at wholesale and retail, including sales by individuals. Ammunition consists of a casing of metal or paper loaded with gun powder and containing a metallic bullet or metallic shot, designed to be fired in a pistol, revolver, rifle, or shot gun.

(a) *Maximum prices of jobbers.* (1) The maximum price inclusive of Federal Excise Tax, for a sale at wholesale of an item listed below shall be the price listed for that item in the zone in which the purchaser is located. The proper zone may be determined by reference to the listing of distributing points in the price lists of the Federal Cartridge Corporation, Peters Cartridge Division, Remington Arms Company, Inc., Western Cartridge Company and Winchester Repeating Arms Company.

TABLE OF MAXIMUM PRICES FOR SALES TO RETAILERS

LONG RANGE SHOTGUN SHELLS

| Gauge | Shell length | Powder drams | Ounces shot | Maximum price per 1000 | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | | Zone 1 | Zone 2 | Zone 3 | Zone 4 | Zone 5 |
| 10 | 2⅞" | 4¾ | 1⅝ ch | $51 24 | $51 62 | $52 00 | $52 37 | $52 76 |
| 10 | 3½" | 5 | 2 ch | 62 56 | 62 94 | 63 33 | 63 70 | 64 08 |
| 12 | 2¾" | 3¾ | 1¼ ch | 41 78 | 42 17 | 42 55 | 42 92 | 43 31 |
| 12 | 3" | 3¾ | 1¼ ch | 51 24 | 51 62 | 52 00 | 52 37 | 52 76 |
| 12 | 3" | 4¼ | 1⅛ ch | 55 14 | 55 51 | 55 89 | 56 28 | 56 66 |
| 16 | 2 9/16" | 3 | 1⅛ ch | 39 89 | 40 20 | 40 52 | 40 85 | 41 16 |
| 16 | 2¾" | 3¼ | 1⅛ ch | 41 72 | 42 04 | 42 36 | 42 67 | 43 00 |
| 20 | 2¾" | 2¾ | 1 ch. | 39 89 | 40 20 | 40 52 | 40 85 | 41 16 |
| 28 | 2⅞" | 2¼ | ¾ ch | 37 89 | 38 14 | 38 38 | 38 62 | 38 85 |
| 410 | 2½" | | ½ ch | 26 55 | 26 73 | 26 90 | 27 08 | 27 25 |
| 410 | 3" | | ¾ ch | 30 37 | 30 54 | 30 71 | 30 89 | 31 06 |

REGULAR SHOTGUN SHELLS

| Gauge | Shell length | Powder drams | Ounces shot | Zone 1 | Zone 2 | Zone 3 | Zone 4 | Zone 5 |
|---|---|---|---|---|---|---|---|---|
| 10 | 2⅞" | 4¾ | 1¼ soft | $39 95 | $40 33 | $40 72 | $41 10 | $41 48 |
| 10 | 2⅞" | 4¼ | 1¼ ch | 41 78 | 42 17 | 42 55 | 42 92 | 43 31 |
| 12 | 2⅝" | 3 | 1 soft | 29 39 | 29 77 | 30 16 | 30 53 | 30 91 |
| 12 | 2⅝" | 3 | 1⅛ soft | 30 53 | 30 95 | 31 34 | 31 72 | 32 10 |
| 12 | 2⅝" | 3 | 1⅛ ch | 32 41 | 32 79 | 33 17 | 33 56 | 33 94 |
| 12 | 2⅝" | 3¼ | 1⅛ soft | 32.41 | 32 79 | 33 17 | 33 56 | 33 94 |
| 12 | 2⅝" | 3¼ | 1⅛ ch | 34 31 | 34 69 | 35 08 | 35 46 | 35 84 |
| 16 | 2 9/16" | 2½ | 1 soft | 28 60 | 28 93 | 29 24 | 29 56 | 29 87 |
| 16 | 2 9/16" | 2½ | 1 soft. | 30 51 | 30 83 | 31 14 | 31 47 | 31 78 |
| 20 | 2½" | 2¼ | ⅞ soft | 28 60 | 28 93 | 29 24 | 29 56 | 29 87 |
| 20 | 2½" | 2¼ | ⅞ ch | 30 51 | 30 83 | 31 14 | 31 47 | 31 78 |
| 28 | 2½" | 1¾ | ⅝ ch | 27 97 | 28.21 | 28.44 | 28 69 | 28 93 |

RIFLED SLUG SHOTGUN SHELLS

| Gauge | Shell length | Powder drams | Ounces shot | Zone 1 | Zone 2 | Zone 3 | Zone 4 | Zone 5 |
|---|---|---|---|---|---|---|---|---|
| 12 | 2¾" | 3¾ | 1 | $67 13 | $67 50 | $67 89 | $68.27 | $68 65 |
| 16 | 2 9/16" | 3 | ⅞ | 65 48 | 65 79 | 66 11 | 66 42 | 66 75 |
| 20 | 2½" | 2¾ | ⅝ | 63 88 | 64 21 | 64 52 | 64 84 | 65 15 |
| 410 | 2½" | | ½ | 55.79 | 55.93 | 56.14 | 56.32 | 56.49 |

HIGH VELOCITY RIM FIRE CARTRIDGES

| | Maximum price per 1000 | | | | |
|---|---|---|---|---|---|
| | Zone 1 | Zone 2 | Zone 3 | Zone 4 | Zone 5 |
| .22 Short | $3 17 | $3.19 | $3 21 | $3.22 | $3 23 |
| .22 Short, hollow point | 3.83 | 3.89 | 3.91 | 3.94 | 3.96 |
| .22 Long | 4 07 | 4 10 | 4 12 | 4 14 | 4 16 |
| .22 Long hollow point | 4 76 | 4 78 | 4 80 | 4.82 | 4 84 |
| .22 Long rifle, hollow point | 5.46 | 5 49 | 5 51 | 5.54 | 5.57 |
| .22 W R F | 8.44 | 8.47 | 8.50 | 8 53 | 8 56 |
| .22 W R F, hollow point | 8.80 | 8.84 | 8 87 | 8.90 | 8 93 |

MEDIUM VELOCITY RIM FIRE CARTRIDGES

| | Zone 1 | Zone 2 | Zone 3 | Zone 4 | Zone 5 |
|---|---|---|---|---|---|
| .22 Short | $3 17 | $3.19 | $3 21 | $3 22 | $3 23 |
| .22 Long | 4 07 | 4 10 | 4 12 | 4 14 | 4 16 |
| .22 Long Rifle | 5.12 | 5.14 | 5.17 | 5.19 | 5.21 |

STANDARD VELOCITY RIM FIRE CARTRIDGES

| | Zone 1 | Zone 2 | Zone 3 | Zone 4 | Zone 5 |
|---|---|---|---|---|---|
| .22 Short | $3 35 | $3 36 | $3 38 | $3 39 | $3 40 |
| .22 Long Rifle | 5 12 | 5 14 | 5 17 | 5 19 | 5 21 |
| .22 W R F and Automatic | 8.44 | 8.47 | 8.50 | 8 53 | 8.56 |

TABLE OF MAXIMUM PRICES FOR SALES TO RETAILERS—Con

CENTER FIRE CARTRIDGES

| | Maximum price per 1000 | | | | |
|---|---|---|---|---|---|
| | Zone 1 | Zone 2 | Zone 3 | Zone 4 | Zone 5 |
| 22 Hornet | $25 47 | $25 53 | $25 58 | $25 64 | $25 70 |
| 220 Swift | 57 65 | 57 80 | 57 93 | 58 07 | 58 21 |
| 22 Savage Highspeed | 51 60 | 51 73 | 51 87 | 52 00 | 52 14 |
| 25 Remington | 53 12 | 53 28 | 53 43 | 53 58 | 53 73 |
| 25-20 Winchester (lead) | 25 66 | 25 74 | 25 81 | 25 89 | 25 97 |
| 250 Savage | 61 49 | 61 64 | 61 80 | 61 95 | 62 10 |
| 25-35 Winchester | 53 12 | 53 28 | 53 43 | 53 58 | 53 73 |
| 257 Roberts | 68 31 | 68 50 | 68 70 | 68 89 | 69 09 |
| 270 Winchester | 70 05 | 70 25 | 70 44 | 70 64 | 70 84 |
| 30-30 Winchester | 54 94 | 55 11 | 55 29 | 55 47 | 55 66 |
| 30 Remington | 54 94 | 55 11 | 55 29 | 55 47 | 55 66 |
| 30-40 Krag | 72 52 | 72 74 | 72 97 | 73 19 | 73 41 |
| 30-06 Springfield | 70 05 | 70 25 | 70 44 | 70 64 | 70 84 |
| 300 Savage | 69 40 | 69 57 | 69 75 | 69 93 | 70 12 |
| 303 Savage | 54 96 | 55 15 | 55 35 | 55 55 | 55 74 |
| 32 Special, Winchester | 54 94 | 55 13 | 55 31 | 55 50 | 55 68 |
| 32 Remington | 54 94 | 55 13 | 55 31 | 55 50 | 55 68 |
| 32 Smith & Wesson | 16 17 | 16 24 | 16 31 | 16 36 | 16 41 |
| 32 Smith & Wesson, Long | 18 13 | 18 20 | 18 27 | 18 34 | 18 41 |
| 32 Short Colt | 16 17 | 16 23 | 16 29 | 16 35 | 16 41 |
| 32 Long Colt | 18 12 | 18 18 | 18 23 | 18 29 | 18 35 |
| 32 Colt New Police | 18 13 | 18 20 | 18 27 | 18 34 | 18 41 |
| 32 Automatic Pistol | 21 43 | 21 49 | 21 55 | 21 62 | 21 69 |
| 32 Winchester Marlin Remington (lead) | 28 47 | 28 57 | 28 67 | 28 76 | 28 85 |
| 32 Special | 54 94 | 55 13 | 55 31 | 55 50 | 55 68 |
| 348 Winchester | 79 11 | 79 37 | 79 62 | 79 88 | 80 14 |
| 35 Remington | 61 53 | 61 74 | 61 94 | 62.15 | 62.37 |
| 357 Magnum | 32.52 | 32.65 | 32.76 | 32.88 | 32.91 |
| .380 Automatic Pistol | 30 31 | 30 41 | 30 49 | 30 56 | 30 63 |
| .38 Automatic Colt Pistol | 32.64 | 32.74 | 32.84 | 32.94 | 33 04 |
| .38 Super Automatic Colt Pistol | 32.64 | 32.74 | 32.84 | 32.94 | 33 04 |
| .38 Smith & Wesson | 21 13 | 21 23 | 21 33 | 21 43 | 21 53 |
| .38 Special (Lead) | 21 99 | 22 10 | 22 21 | 22 33 | 22 44 |
| .38 Colt New Police | 22.80 | 22.90 | 23 02 | 23 12 | 23 22 |
| .38 Short Colt | 21 12 | 21 22 | 21 31 | 21 40 | 21 49 |
| .38 Long Colt | 23 95 | 24 05 | 24 17 | 24 27 | 24 37 |
| .38 Colt Special | 24 99 | 25 10 | 25 21 | 25 33 | 25 44 |
| .38 (38/40) | 32.56 | 32.70 | 32.84 | 32.98 | 33 13 |
| .44 (44/40) | 33 08 | 33 22 | 33 37 | 33 52 | 33 67 |
| .45 Colt | 33 47 | 33 64 | 33 81 | 33 98 | 34 15 |
| .45 Automatic (Metal Case) | 40 47 | 40 63 | 40 78 | 40 95 | 41 11 |
| .45 Auto Rim (Metal Case) | 40 47 | 40 63 | 40 78 | 40 95 | 41 11 |
| .45 Auto Rim (Lead) | 39 59 | 39 76 | 39 93 | 40 09 | 40 25 |
| 45-70 Government | 61 63 | 61 92 | 62.23 | 62.53 | 62.83 |

(2) The maximum price for all sales at wholesale of articles of ammunition not listed in the above table shall be the prices contained in the manufacturers' wholesale price lists in effect during March 1942, for the zone in which the purchaser is located. All maximum prices established by this paragraph (a) for sales at wholesale shall be subject to the sellers' transportation terms and discounts off manufacturers' suggested wholesale prices which were in effect during March 1942

(b) *Maximum prices of retailers and others* (1) The maximum price, inclusive of Federal Excise Tax, for a sale by any person to an ultimate consumer of an item listed below shall be the price listed below for that item For sales in quantities of less than one box, the price per shell or per cartridge shall be determined by dividing the price per box by the number of shells or cartridges in the standard box

TABLE OF MAXIMUM PRICES FOR SALES TO CONSUMERS

LONG RANGE SHOTGUN SHELLS

| Gauge | Length of shell | Powder drams | Ounces shot | Shells per box | Maximum price per box |
|---|---|---|---|---|---|
| 10 | 2⅞" | 4¾ | 1⅝ ch | 25 | $1 70 |
| 10 | 3½" | 5 | 2 ch | 25 | 2 07 |
| 12 | 2¾" | 3¾ | 1¼ ch | 25 | 1 38 |
| 12 | 3" | 3¾ | 1¼ ch | 25 | 1 70 |
| 12 | 3" | 4¼ | 1⅛ ch | 25 | 1 83 |
| 16 | 2 9/16" | 3 | 1⅛ ch | 25 | 1 33 |
| 16 | 2¾" | 3¼ | 1⅛ ch | 25 | 1 38 |
| 20 | 2¾" | 2¾ | 1 ch. | 25 | 1 33 |
| 28 | 2⅞" | 2¼ | ¾ ch | 25 | 1 21 |
| 410 | 2½" | | ½ ch | 25 | 89 |
| 410 | 3" | | ¾ ch | 25 | 1 01 |

TABLE OF MAXIMUM PRICES FOR SALES TO CONSUMERS—Continued.

REGULAR SHOTGUN SHELLS

| Gauge | Length of shell | Powder drams | Ounces shot | Shells per box | Maximum price per box |
|---|---|---|---|---|---|
| 10 | 2⅞" | 4¼ | 1¼ soft | 25 | $1.32 |
| 10 | 2⅞" | 4¼ | 1¼ ch | 25 | 1.38 |
| 12 | 2⅝" | 3 | 1 soft | 25 | .97 |
| 12 | 2⅝" | 3 | 1⅛ soft | 25 | 1.01 |
| 12 | 2⅝" | 3 | 1⅛ ch | 25 | 1.07 |
| 12 | 2⅝" | 3¼ | 1⅛ soft | 25 | 1.07 |
| 12 | 2⅝" | 3¼ | 1⅛ ch | 25 | 1.13 |
| 16 | 2 9/16" | 2½ | 1 soft | 25 | .94 |
| 16 | 2 9/16" | 2½ | 1 ch | 25 | 1.01 |
| 20 | 2½" | 2¼ | ⅞ soft | 25 | .94 |
| 20 | 2½" | 2¼ | ⅞ ch | 25 | 1.01 |
| 28 | 2½" | 1¾ | ⅝ ch | 25 | .92 |

RIFLED SLUG

| | | | | | |
|---|---|---|---|---|---|
| 12 | 2¾" | 3¾ | 1 | 5 | $0.45 |
| 16 | 2 9/16" | 3 | ⅞ | 5 | .43 |
| 20 | 2½" | 2¾ | ⅝ | 5 | .42 |
| 410 | 2½" | | ½ | 5 | .37 |

HIGH VELOCITY RIM FIRE CARTRIDGES

| Caliber | Description | Shells per box | Maximum price per box |
|---|---|---|---|
| .22 | Short | 50 | $0.21 |
| .22 | Short hollow point | 50 | .26 |
| .22 | Long | 50 | .27 |
| .22 | Long hollow point | 50 | .32 |
| .22 | Long rifle hollow point | 50 | .36 |
| .22 | W. R. F. | 50 | .56 |
| .22 | W. R. F. hollow point | 50 | .58 |

MEDIUM VELOCITY RIM FIRE CARTRIDGES

| | | | |
|---|---|---|---|
| .22 | Short | 50 | $0.21 |
| .22 | Long | 50 | .27 |
| .22 | Long rifle | 50 | .34 |

STANDARD VELOCITY RIM FIRE CARTRIDGES

| | | | |
|---|---|---|---|
| .22 | Short | 50 | $0.22 |
| .22 | Long rifle | 50 | .34 |
| .22 | W. R. F. and automatic | 50 | .56 |

CENTER FIRE CARTRIDGES

| | | | |
|---|---|---|---|
| .22 | Hornet | 50 | $1.69 |
| .220 | Swift | 20 | 1.53 |
| .22 | Savage Hi-Speed | 20 | 1.37 |
| .25 | Remington | 20 | 1.41 |
| .25-2 | Winchester (lead) | 50 | 1.70 |
| .250 | Savage | 20 | 1.64 |
| .25-35 | Winchester | 20 | 1.41 |
| .257 | Roberts | 20 | 1.82 |
| .270 | Winchester | 20 | 2.10 |
| .30-30 | Winchester | 20 | 1.46 |
| .30 | Remington | 20 | 1.46 |
| .30-40 | Krag | 20 | 1.93 |
| .30-06 | Springfield | 20 | 2.10 |
| .300 | Savage | 20 | 1.85 |
| .303 | Savage | 20 | 1.46 |
| .32 | Special Winchester | 20 | 1.46 |
| .32 | Remington | 20 | 1.46 |
| .32 | Smith & Wesson | 50 | 1.08 |
| .32 | Smith & Wesson Long | 50 | 1.20 |
| .32 | Short Colt | 50 | 1.08 |
| .32 | Long Colt | 50 | 1.20 |
| .32 | Colt New Police | 50 | 1.20 |
| .32 | Automatic Pistol | 50 | 1.63 |
| .32 | Winchester, Marlin | 50 | 1.89 |
| .32 | Remington (lead) Special | 20 | 1.46 |
| .348 | Winchester | 20 | 2.10 |
| .35 | Remington | 20 | 1.64 |
| .357 | Magnum | 50 | 2.16 |
| .380 | Automatic Pistol | 50 | 2.02 |
| .38 | Automatic Colt Pistol | 50 | 2.17 |
| .38 | Super Automatic Colt Pistol | 50 | 2.17 |
| .38 | Smith & Wesson | 50 | 1.40 |
| .38 | Special (lead) | 50 | 1.66 |
| .38 | Colt New Police | 50 | 1.51 |
| .38 | Short Colt | 50 | 1.40 |
| .38 | Long Colt | 50 | 1.59 |
| .38 | Colt Special | 50 | 1.66 |
| .38 | .38/40 | 50 | 2.16 |
| .44 | .44/40 | 50 | 2.20 |
| .45 | Colt | 50 | 2.22 |
| .45 | Automatic M. C | 50 | 2.69 |
| .45 | Auto. Rim, M. C | 50 | 2.69 |
| .45 | Auto. Rim (lead) | 50 | 2.63 |
| 45-70 | Government | 20 | 1.64 |

(2) The maximum price for sales to an ultimate consumer of a box of ammunition not listed above shall be the price per thousand contained in the manufacturers' price lists, in effect during March 1942, divided by the number of boxes in the thousand. The maximum price per shell or cartridge for sales to an ultimate consumer of less than one box shall be the price per box, divided by the number of shells or cartridges in the standard box.

The following are examples of how to determine the maximum price of a box of shells or cartridges and a single shell or cartridge; 12 gauge long range shot shells are packaged 25 in a standard box. Dividing 1000 by 25 equals 40, the number of boxes per thousand. The manufacturers' list price of $55.20 per thousand, divided by 40, the number of boxes per thousand, equals $1.38 per box. To determine the price per shell, the maximum price per box $1.38 divided by 25, the number of shells per box, equals $.055, the maximum price per shell.

(c) *Addition of state and local taxes.* State and local sales taxes imposed upon the sale of ammunition at wholesale or retail may be added to the maximum prices established under this section provided they are stated as a separate charge on the invoice or sales slip.

(d) *Notification.* (1) The manufacturer shall forward to each of his customers a copy of this section.

(2) The jobber shall forward a copy of this section to each of his customers at the time of or prior to the first invoice of sale.

(e) *Posting.* Retailers must keep posted a copy of the table contained in paragraph (b) (1) of this section at the place in his business establishment where ammunition is offered for sale, so that it is clearly visible to purchasers of ammunition.

(f) *Applicability.* The provisions of this section shall be applicable to the 48 states of the United States and to the District of Columbia.

ARTICLE IV—ACCESSORIES

SEC. 4.1 *Separate statement of the manufacturers' Federal excise tax on electric light bulbs and tubes in the catalogues of persons selling at retail.* Retail sellers who sell electric light bulbs or tubes out of a mail order catalogue must, if they collect the increase in the manufacturers' Federal excise tax on electric light bulbs and tubes imposed by section 302 of the Revenue Act of 1943, separately state the tax by using one of the methods listed below in all catalogues which include prices:

(a) The retailer may state his price as a price exclusive of tax if he indicates the tax in dollars and cents; or

(b) He may state the price inclusive of tax with a notice following the price that the price includes the 20 percent manufacturers' Federal excise tax; or

(c) He may indicate on each page of the catalogue listing electric light bulbs or tubes that the prices include the 20 percent manufacturers' Federal excise tax.

SEC. 4.2 *Collection of manufacturers' Federal excise tax on electric light bulbs and tubes sold under contracts containing a free replacement guarantee.* This section applies only to persons who sell electric light bulbs or tubes to industrial users under contracts which include a guarantee of free replacement if the bulb or tube is defective or burns out during a specified period of time. Such sellers may collect the increase in the manufacturers' Federal excise tax imposed by section 302 of the Revenue Act of 1943 for all bulbs or tubes delivered under such contracts entered into on and after April 1, 1944, provided the increase in the tax is separately stated and collected.

SEC. 4.3 *Semi-vitreous china and pottery; sales by jobbers*—(a) *Maximum prices.* The maximum price for the sale by a jobber of any article of semi-vitreous china and pottery, on which the difference between the jobber's maximum price under § 1499.2 of the General Maximum Price Regulation and the manufacturer's maximum price to the jobber under Maximum Price Regulation No. 116 [8] is lower than the difference received by the jobber during the period October 1 to 15, 1941, on sales of the same or similar articles, shall be 102½ percent of the jobber's maximum prices established by § 1499.2 of the General Maximum Price Regulation.

(b) *Notification of purchasers.* Every jobber who increases the price of semi-vitreous china and pottery, pursuant to the authority herein granted, shall furnish each purchaser, on the first sale to such purchaser at the increased price, with a copy of the following notice: "This price increase of 2½% has been authorized by the Office of Price Administration. It represents the proportionate share of the increase in manufacturer's price granted by Maximum Price Regulation No. 116 which you are required to absorb. We are absorbing our share. You are, therefore, not permitted to raise your present ceiling prices."

SEC. 4.4 *Maximum prices for sales of 10-rib women's umbrella frames to umbrella manufacturers.* (a) On and after November 24, 1943, the maximum price for sales of 10-rib women's umbrella frames by all frame manufacturers to umbrella manufacturers shall be $3.70 per dozen.

SEC. 4.5 *Maximum prices for sales at wholesale of lamps and lamp shades*—(a) *Scope of this section.* This section establishes maximum prices for sales and deliveries of lamps and lamp shades by all jobbers. For the purposes of this section, a jobber is a person who buys lamps or shades and sells them to other persons for resale. Manufacturers of lamps are not covered by this section with respect to lamps or shades of their own manufacture, nor are they covered by this section with respect to shades not manufactured by them which they sell together with lamp bases of their own manufacture as completed units. However, if a manufacturer buys separate shades to resell as such, or complete

[8] 7 F.R. 3036, 3858, 6474, 7203, 8939, 8948; 8 F.R. 16995; 9 F.R. 393, 13524, 14530.

lamps for resale, that portion of his business is classed as jobbing and is covered by this section.

This section establishes several methods by which jobbers may establish their maximum prices, depending upon the type of sale the jobber is transacting. If you are a jobber of lamps or lamp shades, you should first determine which of the following descriptions covers the sale of the article for which you wish to establish a maximum price; then turn to the paragraph indicated for the procedure to be followed in establishing your maximum price.

(1) Sales of lamps or lamp shades purchased from manufacturers by jobbers who were in business during March 1942 (see paragraph (b)).

(2) Sales of lamps or lamp shades purchased from manufacturers by jobbers who were not in business during March 1942. This class of sales is divided as follows:

(i) Sales of lamps or shades purchased from a manufacturer located in the same zone as the jobber (see paragraph (c) (1)) "Zone" is defined in paragraph (e)

(ii) Sales of lamps or shades purchased from a manufacturer located in a different zone (see paragraph (c) (2))

(iii) Sales of lamps or shades which are shipped directly by the manufacturer to the jobber's customer (see paragraph (c) (3))

(3) Sales by jobbers who purchase lamps or shades from persons other than the manufacturer (see paragraph (d))

(b) *Maximum prices for sales* and *deliveries of lamps or lamp shades bought directly from the manufacturer by jobbers who were in the business of jobbing lamps or lamp shades during March 1942.* If you are a jobber who was in the business of jobbing lamps or lamp shades during March 1942 and have purchased lamps or lamp shades directly from the manufacturer, you determine your maximum prices for sales of lamps and lamp shades to retailers in the following manner:

(1) If you are now selling the identical lamp or lamp shade sold by you during March 1942, your present maximum price is the highest price you charged for such lamp or lamp shade during March 1942.

(2) *Lamps and lamp shades not sold during March 1942.* (i) Select a lamp or lamp shade purchased by you from the manufacturer and sold by you in March 1942 which has a cost nearest to your cost of the lamp or lamp shade now being sold. If more than one lamp or lamp shade has the same costs, select the one on which you did the largest volume of business during March 1942.

(ii) Divide the highest price charged by you f. o. b. your warehouse during March 1942 for the lamp or lamp shade selected, by the March 1942 cost of such lamp or lamp shade to you.

(iii) Multiply the percentage so obtained by the manufacturer's selling price to you of the new lamp or lamp shade. The resulting figure is your maximum price f. o. b. your warehouse.

(c) *Maximum prices for sales and deliveries of lamps or lamp shades bought directly from the manufacturer by jobbers who were not in the business of jobbing lamps or lamp shades during March 1942.* (1) If you are a jobber who was not in business of jobbing lamps or lamp shades during March 1942 and have purchased lamps or lamp shades directly from the manufacturer whose principal place of business is in the same zone; i. e. Eastern or Western, as your principal place of business, you determine your maximum price to retailers for those lamps or lamp shades which are shipped by you from your own stock by multiplying the manufacturer's selling price to you, f. o. b. manufacturer's city, by 1.35.

(2) If you are a jobber who was not in the business of jobbing lamps or lamp shades during March 1942, and have purchased lamps or lamp shades directly from the manufacturer whose principal place of business is not in the same zone; i. e. Eastern or Western, as your principal place of business, you determine your maximum price to retailers for those lamps or lamp shades shipped by you from your own stock by multiplying the manufacturer's selling price to you, f. o. b. manufacturer's city, by 1.40.

(3) If you are a jobber who was not in the business of jobbing lamps or lamp shades during March 1942, and have purchased lamps or lamp shades directly from the manufacturer, you determine your maximum price to retailers for those lamps or lamp shades for which delivery was made by your supplier directly to your customer by multiplying the manufacturer's selling price to you by 1.25.

(d) *Jobbers' maximum prices for sales of lamps or lamp shades purchased from persons other than the manufacturer.* If you are a jobber and have purchased lamps or lamp shades from persons other than the manufacturer, or if you do not have your purchase invoices, you must submit to the nearest District or Regional Office of the Office of Price Administration, a report applying for a specific authorization of a maximum price for such lamps or lamp shades. The report shall contain (1) a description of the lamps or lamp shades for which a maximum price is sought, (2) a statement of whether or not you were in the business of jobbing lamps or lamp shades in March 1942, (3) the name and address of the supplier from whom the article was purchased and the purchase price, (4) the name of the manufacturer of the lamps or lamp shades, the style number of the article and the manufacturer's maximum price to a jobber, if available, (5) the mark-up customarily enjoyed by you on sales of similar lamps or lamp shades as determined by paragraph (b) of this section, if you were a jobber in the business of selling lamps during March 1942, and (6) any other fact which you may wish to submit. You must also submit such additional information as the Office of Price Administration may request. You may not sell such lamps or lamp shades until you have received authorization from such District or Regional Office and must sell in accordance with the terms of such authorization. The maximum price authorized by the Office of Price Administration will be in line with the level of maximum prices established by this section.

Any Regional Administrator or any District Director so authorized by written order from his Regional Administrator may establish maximum prices for sales of lamps or lamp shades by jobbers as provided by this paragraph.

(e) *Definition of zones.* The western zone includes the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, and Wyoming. The rest of the country is in the eastern zone.

(f) *Invoices.* If you are a jobber of lamps or lamp shades, regardless of any former practice, after March 5, 1944, you must furnish each purchaser of such lamps and lamp shades with an invoice or other similar written evidence of purchase, setting forth the date of the invoice, your name and address, a description and lot number of each lamp or lamp shade, the price charged by you, and the name and address of the buyer. You must keep a carbon copy of this invoice for inspection by the Office of Price Administration.

On and after March 6, 1944, you must also keep for inspection by the Office of Price Administration all your purchase invoices. Although you may have purchased lamps or lamp shades directly from the manufacturer, if you do not have your purchase invoices, you may not price those lamps or lamp shades pursuant to paragraphs (b) (c) (1), (2) or (3), but must make an application for a price as set forth in paragraph (d)

ARTICLE V—FLOOR COVERINGS

SEC. 5.1 *Coir mats imported under contracts entered into prior to November 23, 1942.* (a) The maximum price of an importer for a coir mat contracted for him prior to November 23, 1942, shall be:

(1) His maximum price on May 18, 1942, plus

(2) The increase in the amount of customs duty paid over the amount payable prior to May 15, 1942, on the same mat.

(b) The amount of the duty which the importer shall have added to his existing maximum price of a coir mat under paragraph (a) above may be added to the existing maximum price of any purchaser of such mat from the importer.

(c) The amount of duty which shall have been added to the existing price of a seller under paragraphs (a) or (b) above may be added to the existing maximum price of any subsequent purchaser who has paid the addition.

(d) Before offering to sell or deliver one of the coir mats under the provisions of paragraphs (a), (b) or (c) above, any seller (other than a seller at retail) shall state on each invoice the following:

The Office of Price Administration has authorized the addition of an amount equal to the increase in duty to our maximum price for their coir mat. This charge has been stated separately on the invoice. You and your subsequent purchasers are also authorized to add to your maximum prices the exact amount of the increase which you have paid, provided you bill the amount as a separate charge.

(e) The importer and each subsequent seller (other than at retail) shall be permitted to add the amounts authorized in paragraphs (a), (b), (c), and (d) above to his maximum prices under the General Maximum Price Regulation

on the condition that he states it as a separate charge on the invoice.

(f) Prior to the first sale by the importer of any coir mat under the provisions of paragraph (a) above, the importer shall file with the Office of Price Administration in Washington, D. C., a statement of the number of coir mats contracted for prior to November 20, 1942, which became subject to an import duty of 12 cents per square foot, the number of such mats still on hand, and the number still to be imported.

SEC. 5.2 *Hand-hooked cotton rugs*—(a) *Articles to which this section applies.* (1) This section applies only to sales of hooked rugs made principally of new cotton textile waste materials (such as sock tops or spring covers) and manufactured by home workers by hand processes in the states of North Carolina, Kentucky, South Carolina, Georgia, Tennessee, Virginia and West Virginia. (The prices of other cotton novelty rugs are governed by Maximum Price Regulation No. 188 or the General Maximum Price Regulation) The rugs subject to this section are hereafter called "hand-hooked cotton rugs."

(2) When used in this section:

(i) A *"hit and miss"* rug is one which does not meet all the specifications for select rugs, but which has the following features:

(*a*) The rug weighs at least 6⅓ ozs. per square foot in an oval and at least 7 ozs. per square foot in an oblong, calculating the area in either case by multiplying the greatest length and width.

(*b*) The burlap backing is free from mold, loose dirt and other foreign materials. The string materials are clean new cotton waste materials.

(*c*) The rug is not stained, torn or otherwise damaged.

(*d*) The face material completely covers the backing, so that no backing is visible on the face side.

(ii) A *"select"* rug is one with the following features:

(*a*) The rug weighs at least 7⅓ ozs. per square foot in an oval and 8 ozs. per square foot in an oblong, again calculating the area in either case by multiplying the greatest length and width.

(*b*) The burlap backing is free from grease, mold, loose dirt and other foreign materials, and weighs at least 10 ozs. per square yard. The string materials are clean new cotton waste materials.

(*c*) The rug is not stained, torn or otherwise damaged.

(*d*) The face material completely covers the backing, so that no backing is visible on the face side.

(*e*) A distinct and prominent pattern (including floral, animal, landscape, nautical, greeting, or any other well-defined pattern) runs through the rug. A figured "geometrical" or "diamond" pattern qualifies if it is symmetrical. A random "hit and miss" string or block pattern does not qualify the rug as a select rug.

(*f*) The rug has been shaken or brushed to bring loose ends to the surface, and has been evenly clipped and pressed.

(*g*) The background colors (whether solid or mottled) are uniform, without obvious "streaking"

(*h*) The stitches hemming the edge of the rug are spaced not more than ½ inch apart.

(*i*) If the rug is an oblong, the sides are straight. If an oval, the shape is regular.

(iii) *"Matching"* rugs are rugs which fulfill the specifications of select rugs and in addition have the following features:

(*a*) The rugs of a particular pattern are regularly offered for sale, and are available for reordering, in two or more sizes.

(*b*) The rugs coincide with stencils or color plates of that pattern (in the different sizes) designated for the purpose and furnished by a shipper.

(*c*) The same background colors are used in the several sizes of rugs of the same pattern.

(iv) *"Seconds"* are rugs which do not meet the specifications of "select", "matching" or "hit and miss" rugs.

(3) Hand-hooked cotton rugs which are sold or offered for sale in sizes of 30" x 60" or smaller may not fall short of their stated sizes by more than 2" in length and 1½" in width. Rugs larger than 30" x 60" may not fall short of their stated sizes by more than 3" in length and 2" in width. A rug which does not meet these tolerances takes the maximum price of the next smaller size in the table below.

(b) *Transactions and persons covered by this section.* (1) This section covers all sales of hand-hooked cotton rugs made by any person to any shipper, jobber, retailer, or to any consumer, including sales made at auction. However, rugs sold or delivered by a maker directly to an ultimate consumer are exempt from the provisions of this section; *Provided,* That the total of such sales or deliveries does not exceed $75.00 in any one calendar month. Also, rugs delivered by a shipper (or in the inventory of a jobber or dealer) prior to December 27, 1943, are not covered by the provisions of this section if resold prior to February 1, 1944. Jobbers in making sales of such rugs to a retail dealer are required to furnish the retail dealer with a statement in writing that the rugs have been delivered by the shipper prior to December 27, 1943.

(2) This section applies to any person (except to a maker selling to collectors or selling not more than $75.00 worth in any one month directly to consumers) who buys or sells hand-hooked cotton rugs in the course of trade or business, or who offers or agrees to do so. The term "person" includes an individual, partnership, corporation, or any other organized group, their legal successors, assigns or representatives, the United States, or any government or any of its political sub-divisions or any agency of the foregoing.

(c) *Maximum prices for the sale to a shipper of hand-hooked cotton rugs.* (1) The maximum prices for the sale by any person to a shipper of hand-hooked cotton rugs are set forth in the table below. These prices are the maximum net delivered prices which may be paid by the shipper and include all services furnished by the seller in connection with the sale.

SALES TO SHIPPERS

| Size | Matching | | Select | | Hit and miss | | Seconds |
|---|---|---|---|---|---|---|---|
| | Oval or Circle | Oblong | Oval or Circle | Oblong | Oval or Circle | Oblong | |
| 22 x 36 | $2.03 | $2.30 | $1.80 | $2.00 | $1.37 | $1.60 | $1.15 |
| 24 x 45 | 2.85 | 3.10 | 2.45 | 2.70 | 1.60 | 2.10 | 1.55 |
| 24 x 48 | 3.00 | 3.30 | 2.60 | 2.90 | 2.00 | 2.20 | 1.70 |
| 27 x 50 | 3.55 | 3.90 | 3.05 | 3.35 | 2.35 | 2.60 | 1.95 |
| 27 x 56 | 3.95 | 4.35 | 3.40 | 3.80 | 2.65 | 2.95 | 2.20 |
| 30 x 54 | 4.25 | 4.70 | 3.65 | 4.05 | 2.85 | 3.15 | 2.35 |
| 30 x 60 | 4.70 | 5.20 | 4.05 | 4.50 | 3.15 | 3.50 | 2.60 |
| 35 x 36 | 3.40 | 3.75 | 2.90 | 3.25 | 2.25 | 2.50 | 1.90 |
| 36 x 60 | 5.65 | 6.25 | 4.85 | 5.40 | 3.80 | 4.20 | 3.15 |
| 40 x 40 | 4.20 | 4.60 | 3.60 | 4.00 | 2.80 | 3.10 | 2.35 |
| 48 x 48 | 6.05 | 6.65 | 5.20 | 5.75 | 4.05 | 4.50 | 3.35 |
| 48 x 72 | 9.10 | 10.00 | 7.80 | 8.65 | 6.05 | 6.70 | 5.05 |
| All other sizes per square foot | 0.378 | 0.416 | 0.325 | 0.36 | 0.252 | 0.28 | 0.21 |

(2) For the purposes of this section, a shipper is the person who ships or transports hand-hooked cotton rugs, assembled into bales or packages, out of the rug producing area. Any collector, jobber, retailer, or other person who ships or transports hand-hooked cotton rugs assembled into bales or packages out of the area in which they are produced, shall, for all purposes of this section, be considered to be the shipper of such rugs and is subject to all the duties and obligations of a shipper under this section. Each shipper of hand-hooked cotton rugs shall, before offering such rugs for resale, attach a tag to the rugs as provided by paragraph (h) of this section.

(d) *Maximum prices for the sale to a jobber of hand-hooked cotton rugs.* (1) The maximum prices for sales of hand-hooked cotton rugs to a jobber are set forth in the table below. These prices are the maximum net prices f. o. b. Asheville, N. C., to be paid by the jobber and include all services furnished by the seller in connection with the sale.

SALES TO JOBBERS

| Size | Matching | | Select | | Hit and miss | | Seconds |
|---|---|---|---|---|---|---|---|
| | Oval or circle | Oblong | Oval or circle | Oblong | Oval or circle | Oblong | |
| 22 x 36 | $2.32 | $2.55 | $1.98 | $2.20 | $1.51 | $1.65 | $1.20 |
| 24 x 45 | 3.15 | 3.40 | 2.70 | 2.95 | 2.10 | 2.30 | 1.62 |
| 24 x 48 | 3.40 | 3.70 | 2.85 | 3.20 | 2.20 | 2.40 | 1.77 |
| 27 x 50 | 4.10 | 4.35 | 3.35 | 3.70 | 2.60 | 2.85 | 2.05 |
| 27 x 56 | 4.45 | 4.90 | 3.75 | 4.20 | 2.90 | 3.25 | 2.30 |
| 30 x 54 | 4.75 | 5.25 | 4.00 | 4.45 | 3.15 | 3.45 | 2.45 |
| 30 x 60 | 5.30 | 5.85 | 4.45 | 4.95 | 3.45 | 3.85 | 2.75 |
| 36 x 36 | 3.80 | 4.20 | 3.20 | 3.58 | 2.50 | 2.75 | 2.00 |
| 36 x 60 | 6.35 | 7.00 | 5.35 | 5.95 | 4.20 | 4.60 | 3.30 |
| 40 x 40 | 4.70 | 5.15 | 3.95 | 4.40 | 3.10 | 3.40 | 2.45 |
| 48 x 48 | 6.75 | 7.45 | 5.70 | 6.35 | 4.45 | 4.95 | 3.50 |
| 48 x 72 | 10.15 | 11.15 | 8.60 | 9.50 | 6.65 | 7.35 | 5.25 |
| All other sizes per square foot | 0.423 | 0.466 | 0.358 | 0.397 | 0.277 | 0.305 | 0.22 |

(2) For purposes of this section, a jobber is any person who buys hand-hooked cotton rugs which are tagged (or which are required by this section to have been tagged) and sells them to purchasers other than consumers.

(e) *Maximum prices for the sale to a retail dealer of hand-hooked cotton rugs.* (1) The maximum prices for the sale of hand-hooked cotton rugs to a retail dealer are set forth in the table below. These prices are the maximum net prices to be paid by the retail dealer f. o. b. point of shipment, less 1% if paid in ten days, net thirty days, and include all services furnished by the seller in connection with the sale. To those maximum prices a jobber may add the actual amount of incoming freight charges, provided that amount is separately stated on the invoice or statement accompanying the sale.

SALES TO RETAIL DEALERS

| Size | Matching | | Select | | Hit and miss | | Seconds |
|---|---|---|---|---|---|---|---|
| | Oval or circle | Oblong | Oval or circle | Oblong | Oval or circle | Oblong | |
| 22 x 36 | $2.70 | $3.00 | $2.30 | $2.55 | $1.70 | $1.92 | $1.25 |
| 24 x 45 | 3.70 | 4.10 | 3.15 | 3.50 | 2.35 | 2.62 | 1.72 |
| 24 x 48 | 3.95 | 4.35 | 3.35 | 3.73 | 2.50 | 2.80 | 1.85 |
| 27 x 50 | 4.65 | 5.10 | 3.95 | 4.35 | 2.95 | 3.30 | 2.15 |
| 27 x 56 | 5.20 | 5.75 | 4.40 | 4.90 | 3.30 | 3.67 | 2.42 |
| 30 x 54 | 5.55 | 6.15 | 4.72 | 5.25 | 3.55 | 3.95 | 2.60 |
| 30 x 60 | 6.20 | 6.80 | 5.25 | 5.82 | 3.92 | 4.37 | 2.87 |
| 36 x 36 | 4.45 | 4.90 | 3.80 | 4.20 | 2.82 | 3.15 | 2.07 |
| 36 x 60 | 7.45 | 8.20 | 6.30 | 7.00 | 4.70 | 5.25 | 3.45 |
| 40 x 40 | 5.50 | 6.05 | 4.65 | 5.17 | 3.50 | 3.88 | 2.55 |
| 48 x 48 | 7.95 | 8.70 | 6.72 | 7.45 | 5.02 | 5.60 | 3.68 |
| 48 x 72 | 11.88 | 13.10 | 10.10 | 11.20 | 7.55 | 8.40 | 5.52 |
| All other sizes per square foot | 0.495 | 0.545 | 0.42 | 0.465 | 0.314 | 0.35 | 0.23 |

(2) These maximum prices shall be subject to a quantity discount of 3% on any sale of a bale lot or more. A "bale" means a quantity of rugs of a single grade and single size, as follows: 50 rugs of 24" x 48" or smaller; 25 rugs of 27" x 50" to and including 30" x 60" or 36" x 36"; 15 rugs of 3' x 5' or 12 rugs of 4' x 6' or larger. The number of rugs in a bale lot of rugs of any size rug not listed in the previous sentence shall be the quantity of the nearest sized rug listed.

(f) *Maximum prices for the sale at retail of hand-hooked cotton rugs.* (1) The maximum prices for the sale at retail of hand-hooked cotton rugs (except for exempt sales by makers direct to consumers) are set forth in the table below. These prices are the maximum prices to be paid by the consumer and include all services furnished by the seller:

SALES TO CONSUMERS

| Size | Matching | | Select | | Hit and miss | | Seconds |
|---|---|---|---|---|---|---|---|
| | Oval or circle | Oblong | Oval or circle | Oblong | Oval or circle | Oblong | |
| 22 x 36 | $4.65 | $5.10 | $3.95 | $4.35 | $2.95 | $3.30 | $2.10 |
| 24 x 45 | 6.35 | 6.95 | 5.40 | 5.95 | 4.05 | 4.50 | 2.95 |
| 24 x 48 | 6.75 | 7.45 | 5.75 | 6.35 | 4.35 | 4.85 | 3.05 |
| 27 x 50 | 7.95 | 8.75 | 6.75 | 7.45 | 5.10 | 5.65 | 3.60 |
| 27 x 56 | 8.90 | 9.75 | 7.55 | 8.35 | 5.70 | 6.30 | 4.00 |
| 30 x 54 | 9.50 | 10.45 | 8.10 | 8.95 | 6.10 | 6.75 | 4.30 |
| 30 x 60 | 10.60 | 11.65 | 8.95 | 9.85 | 6.75 | 7.50 | 4.75 |
| 36 x 36 | 7.60 | 8.35 | 6.45 | 7.20 | 4.90 | 5.45 | 3.45 |
| 36 x 60 | 12.70 | 13.95 | 10.80 | 11.85 | 8.10 | 9.00 | 5.75 |
| 40 x 40 | 9.40 | 10.35 | 8.00 | 8.85 | 6.00 | 6.65 | 4.25 |
| 48 x 48 | 13.55 | 14.85 | 11.55 | 12.75 | 8.65 | 9.65 | 6.10 |
| 48 x 72 | 20.35 | 22.35 | 17.25 | 19.15 | 12.95 | 14.45 | 9.15 |
| All other sizes per square foot | 0.845 | 0.928 | 0.718 | 0.795 | 0.54 | 0.60 | 0.38 |

On retail sales west of the Mississippi River a freight charge may be added as follows: 10¢ for sizes 24" x 48" or smaller; 20¢ for larger sizes up to 36" x 60"; and 35¢ for 48" x 72"

(g) *Maximum prices for the sale of hand-hooked cotton rugs other than those described in paragraph (a)* Maximum prices for the sale of hand-hooked cotton rugs of grades or sizes other than those described in paragraph (a) hereof shall be maximum prices, in line with the level of those set forth in paragraphs (c), (d) (e) and (f), approved in writing by the Price Administrator. Applications for the establishment of maximum prices shall be filed by the seller or the buyer with the Office of Price Administration in Washington, D. C.

No person covered by this section shall sell, offer for sale, or deliver, nor shall any such person buy, or receive any hand-hooked cotton rug, other than those described in paragraph (a) hereof, until maximum prices have been established under this paragraph (g)

(h) *Tagging.* (1) No person shall sell or offer to sell at retail (except for sales exempted under paragraph (b) of this section) and no jobber or retail dealer shall buy, a hand-hooked cotton rug, unless the tag or label described below is attached. This tag shall not be removed before delivery to the ultimate consumer.

(2) The shipper, before offering hand-hooked cotton rugs for sale, shall fasten securely to each rug a durable tag or label containing in easily readable lettering the following, correctly filled in:

OPA retail ceiling price $_____

Trade name or grade _____

Size of rug _____ X _____

_____¢ may be added for freight if sold at retail west of the Mississippi River.

DO NOT DETACH

(3) Any jobber or retailer who has untagged hand-hooked cotton rugs (as in the case of inventories of rugs delivered by a shipper prior to December 27, 1943, but not resold prior to February 1, 1944) shall see to it that the tag is attached.

(i) *Sales slips, receipts and invoices.* (1) After December 27, 1943, every person (other than a maker) who sells a hand-hooked cotton rug to a shipper, jobber or retail dealer, shall furnish the purchaser with a sales slip, receipt, invoice or other writing which shows the size and grade of the rug sold, the quantity, date of sale, price charged, and the name and address of the seller and the purchaser. (In the case of collectors selling to shippers, the shippers may furnish the receipt.) This written evidence of purchase shall be kept by the purchaser and a copy of it kept by the seller, for inspection by the Office of Price Administration.

(2) Every person selling a hand-hooked cotton rug at retail shall, upon request, give the purchaser a receipt showing the date, name and address of

the seller, the rug sold and the price received for it.

(k) *Credit charges for sales at retail.* (1) Charges for the extension of credit may be added to the maximum (ceiling) retail prices established by this section only to the extent permitted by and subject to the requirements of this paragraph. (i) Sellers who in March 1942 collected a separately stated additional charge for the extension of credit on sales of hand-hooked cotton rugs or similar types of articles may collect a charge for the extension of credit on sales under this section, not exceeding such charge in March 1942 on a similar sale on similar terms to the same class of purchaser. (ii) Sellers who did not so state and collect an additional charge may collect a charge for the extension of credit only on instalment-plan sales; and the charge shall not exceed the separately stated additional charge collected for the extension of credit on a similar sale on similar terms to the same class of purchaser in March 1942 by the seller's closest competitor who made such a separately stated charge.

(2) An instalment-plan sale, as used in the above paragraph, means a sale where the unpaid balance is to be paid in instalments over a period of either (i) six weeks or more from the date of sale in the case of weekly instalments, or (ii) eight weeks or more in the case of other than weekly instalments. (3) All charges for the extension of credit shall be quoted and stated separately. Any charge which is not quoted and stated separately, or which otherwise does not conform to this paragraph, shall, for the purposes of this section, be considered to be part of the price charged for the article sold. (4) No seller may require as a condition of sale that the purchaser must buy on credit.

(l) The provisions of this section 5.2 shall be applicable only to the 48 States and the District of Columbia.

ARTICLE VI—BEDDING

SEC. 6.1 *Maximum prices for used feathers and down.* (a) This section deals with maximum prices on sales of used feathers and down. Feathers and down are considered "used" for the purposes of this section, if they have ever been incorporated into any article which has been used.

(b) *Used waterfowl feathers and down.* (1) In no case shall any used waterfowl feathers and down which have been reprocessed be sold for more than 80% of the ceiling price for the same mixture of new processed feathers and down fixed in Maximum Price Regulation No. 318[4] in the table in § 1433.3 or by the provisions of § 1433.4. Used waterfowl feathers and down are considered reprocessed if, since their last use, they have been well dusted, washed, dried, sterilized, and are free from objectionable odors and in all other respects meet the specifications for such feathers fixed by the War Procurement agencies of the United States Government.

(2) If, as to a particular mixture or any part of a mixture of such feathers and down, the country of origin or the type or size of the feathers and down is unknown, then the following rules shall be applied.

(i) If the country of origin is unknown then the feathers and down shall be deemed to contain domestic feathers and down.

(ii) If the type of waterfowl is unknown, then the feathers and down shall be deemed to be duck feathers and down.

(iii) If the size of the feathers cannot be determined, they shall be deemed to be 25% large and 75% small feathers of that type for that country of origin.

(3) If the used waterfowl feathers and down have not been reprocessed, then the maximum price shall be the maximum price of the same mixture computed under (b) (1) and (b) (2) of this section, less an amount equal to the cost of processing and less an amount proportionate to the loss in weight (shrinkage) resulting from reprocessing.

(c) *Used chicken and turkey feathers.* (1) In no case shall any used chicken or turkey feathers which have been reprocessed be sold for more than 80% of the ceiling price for the same kind of new processed chicken and turkey feathers fixed in Maximum Price Regulation No. 318 in the table in § 1433.3 or by the provisions of § 1433.4. Used chicken and turkey feathers are considered reprocessed, if since their last use they have been well dusted, washed, dried, sterilized, recurled where possible, and are free from objectionable odors.

(2) If the used chicken and turkey feathers have not been reprocessed then in no case shall such chicken and turkey feathers sell for more than 80% of the ceiling price for the same kind of raw or crude chicken and turkey feathers fixed in Maximum Price Regulation No. 318 in the table in § 1433.3 or by the provisions of § 1433.4.

(d) A person who imports used feathers and down may not pay more for the feathers and down (including customs duties and all other costs of importation to the first port at which the feathers and down are landed) than the ceiling price for such feathers and down fixed by this section. This provision, however, does not apply to the importation of feathers and down for which contracts have been entered into prior to October 20, 1943, provided that permission to import such feathers and down has been granted by the War Production Board on Form WPB 1041 (formerly PD 222C)

ARTICLE VII—PROFESSIONAL GOODS

SEC. 7.1 *Corrective eye glasses sold to the ultimate user and services involving the examination and refraction of eyes.* (a) The extent to which sales to the ultimate user of corrective eye glasses and of services involving the examination and refraction of eyes are subject to the General Maximum Price Regulation shall be as follows:

(1) All sales other than manufacturers' sales of corrective eye glasses and spectacles are subject to the General Maximum Price Regulation.

(2) The charge to a person for services involving the examination and refraction of eyes is not subject to the General Maximum Price Regulation if the seller is not selling corrective eye glasses or spectacles to that person, either as part of the same transaction or as part of the general course of dealing.

(3) If the seller is rendering to any person services involving the examination and refraction of eyes, and he is also selling corrective eye glasses or spectacles to that person, either as part of the same transaction or as part of the same general course of dealing, the following rules apply:

(i) If the seller makes a single charge for the sale of both the glasses and the services, the joint sale is subject to the General Maximum Price Regulation.

(ii) If the seller makes a separate charge for the sale of the glasses and a separate charge for the sale of the services, and during March, 1942, he customarily made separate charges, then the charge for the services is not subject to the General Maximum Price Regulation. The sale of the glasses, however, is subject to the General Maximum Price Regulation.

(iii) If the seller makes a separate charge for the sale of the glasses and a separate charge for the sale of the services, but in March, 1942, he did not customarily make separate charges, and made a single charge for the services and the glasses, then the sum of the charge for the examination and refraction of eyes, plus the charge for the sale of the glasses shall not exceed the highest charge made in March, 1942, for the same combination of services and glasses. In order to maintain the correct maximum prices on the sale of the eye glasses, the sale of the glasses and the sale of the services shall be treated as a joint sale of the glasses and the services and shall be subject to the General Maximum Price Regulation.

(4) Notwithstanding Maximum Price Regulation No. 194,[5] this section 7.1 shall be applicable in the Territory of Alaska.

This regulation shall become effective January 29, 1945.

NOTE: The record keeping and reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 29th day of January 1945.

CHESTER BOWLES,
*Administrator*

[F. R. Doc. 45-1739; Filed, Jan. 29, 1945; 11:42 a. m.]

[4] 8 F.R. 1682, 2029, 6476, 14349.

[5] 7 F.R. 5909, 6268, 6744, 8023, 8358, 8947, 9195, 10231, 10790, 11012; 8 F.R. 856, 3615, 3710.

PART 1499—COMMODITIES AND SERVICES

[SR 14K]

MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN MACHINERY AND PARTS

This Supplementary Regulation 14K to the General Maximum Price Regulation contains the provisions heretofore embodied in sections 6.3, 6.16, 6.18, 6.33, 6.34, 6.44 and 6.50 of Revised Supplementary Regulation 14 relating to certain machinery and parts. Second Revised Supplementary Regulation 14, which is issued simultaneously with this regulation, continues the provisions relating to miscellaneous commodities and services and includes a table of cross references which shows the present counterparts of the former provisions of Supplementary Regulation 14 and Revised Supplementary Regulation 14, their effective dates and the amendments by which they were originally added or amended.

A statement of the considerations involved in the issuance of this Supplementary Regulation 14K has been issued simultaneously herewith and filed with the Division of the Federal Register.

ARTICLE I—VEHICLES

Sec.
1.1 New commercial motor vehicles.
1.2 Used airplanes.
1.3 Motorcycles manufactured for and sold to the United States by the Indian Motorcycle Company under War Contract No. W-478-ORD Indian Motorcycle Company.

ARTICLE II—AIR CONDITIONING AND REFRIGERATION EQUIPMENT

2.1 Air-conditioning and refrigerating equipment of less than 25 h. p., sales pursuant to War Production Board program.
2.2 Modification of maximum prices of commercial refrigeration and commercial refrigeration apparatus.

ARTICLE III—MOTORS

3.1 Modification of maximum prices of second-hand fractional horse power electric motors of ¾ horse power or less.

ARTICLE IV—PARTS FOR GENERAL USE

4.1 Maximum prices for sales of reconditioned valves and used valves.

AUTHORITY: § 1499.84 issued under 56 Stat. 23 765; Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

ARTICLE I—VEHICLES

SEC. 1.1 *New commercial motor vehicles*—(a) *Maximum prices.* The maximum price of a new commercial motor vehicle manufactured prior to August 12, 1943 shall be a price determined in accordance with § 1499.2, or § 1499.3 when § 1499.2 cannot be applied, of the General Maximum Price Regulation, to which may be added an allowance (called increment) permitted by subparagraph (1), (2) or (3), below, whichever is applicable, for each calendar month or greater part thereof within the period from March 1, 1942, up to and including, whichever is earlier, April 30, 1944, or the date of sale of the new commercial motor vehicle. However, the increment may be added only if the seller complies with the conditions in subparagraph (4), (5) (6) or (7), below, and at the time of delivery the seller executes and delivers to the purchaser and to the Office of Price Administration, Washington, D. C., the certification set forth in paragraph (e) Such increment shall not include any provision for extra, special or optional equipment until such equipment is part of the vehicle. Where a reseller of a new and unused commercial motor vehicle who purchased the vehicle for use cannot determine a price under § 1499.2 of the General Maximum Price Regulation, he may either charge a price not to exceed the price, including increment, which he paid for such vehicle less 75 percent of the retail price of each piece of equipment he removed from the vehicle, regardless of the conditions in subparagraph (4), (5), (6) or (7), below, and the furnishing of the certification in paragraph (e), or like other resellers who cannot establish a price under § 1499.2 of the General Maximum Price Regulation, he may obtain a price under § 1499.3 of that regulation.

(1) In the case of new commercial motor vehicles other than trailers, the lower of the following two amounts: (i) 1 per cent of the list price of such new commercial motor vehicle and of the list price of any extra, special or optional equipment built into or installed on such vehicle, or if there is no such list price, 1 per cent of the price at which such new commercial motor vehicle or extra, special or optional equipment was last contracted to be sold between January 1, 1942, and March 31, 1942, or (ii) $25;

(2) In the case of trailers continuously stored indoors on and after October 31, 1942, the lower of the following two amounts (i) ¾ of 1 per cent of the list price of such trailer and of the list price of any extra, special or optional equipment built into or installed on such trailer, or if there is no such list price, ¾ of 1 per cent of the price at which such trailer or extra, special or optional equipment was last contracted to be sold between January 1, 1942, and March 31, 1942, or (ii) $20; and

(3) In the case of trailers stored outdoors at any time on or after October 31, 1942, the lower of the following two amounts; (i) ½ of 1 per cent of the list price of such trailer, and of the list price of any extra, special or optional equipment built into or installed on such trailer, or if there is no such list price, ½ of 1 per cent of the price at which such trailer or extra, special or optional equipment was last contracted to be sold between January 1, 1942, and March 31, 1942, or (ii) $15.

(4) The new commercial motor vehicle shall have received, on and after October 31, 1942, the maintenance operations set forth in paragraph (b), as therein required.

(5) The new commercial motor vehicle has not received, on and after October 31, 1942, the maintenance operations set forth in paragraph (b) as therein required, but the time for the performance thereof has been extended under the provisions of paragraph (c) to a certain date, and the new commercial motor vehicle shall have received on and after such date, the maintenance operations set forth in paragraph (b) as therein required.

(6) (i) The new commercial motor vehicle has not received, on and after October 31, 1942, the maintenance operations set forth in paragraph (b), as therein required, but the seller has, prior to delivery, obtained permission from the Office of Price Administration, in accordance with subdivision (ii) below, to omit the performance of certain specified maintenance operations, and the new commercial motor vehicle has received all the other maintenance operations set forth in paragraph (b) as therein required.

(ii) In order to obtain permission to omit the performance of certain specified maintenance operations, the seller shall file a report with the nearest Regional Office of the Office of Price Administration setting forth: (*a*) the specific maintenance operations which have not and/or will not be performed, and a detailed statement of the reasons therefor; (*b*) a statement that the new commercial motor vehicle is not and will not be damaged by the non-performance of such specified maintenance operations, and that the new commercial motor vehicle is and will remain in a condition substantially equal to its condition when newly manufactured; and (*c*) a statement that the new commercial motor vehicle has received, and will continue to receive until the date of sale, all the other maintenance operations set forth in paragraph (b). If the Regional Office of the Office of Price Administration shall approve such report, or shall fail to disapprove such report within 15 days after receiving it, the seller may omit the performance of the maintenance operations specified in such report.

(7) The new commercial motor vehicle has not received, on and after October 31, 1942, the maintenance operations set forth in paragraph (b) as therein required, but the following circumstances prevail:

(i) On or before March 15, 1943, the vehicle shall have been transferred, by voluntary or involuntary action, to the United States, or any agency thereof, or the manufacturer or a lien holder (in this subparagraph called the "transferee"), and

(ii) (*a*) Within 30 days after the transfer to the transferee the vehicle shall have been reconditioned by the transferee, and shall thereafter, until the date of any sale, have received the maintenance operations set forth in paragraph (b), as therein required, or

(*b*) Within 30 days after the transfer to the transferee, the vehicle shall have been sold to the manufacturer, or a dis-

tributor exporter or retail dealer (other than the person who failed to perform the maintenance operations set forth in paragraph (b)) who delivers a written statement to the transferee that the vehicle will be reconditioned within 30 days after the sale to him, and that it will receive on and after the date on which it is reconditioned until it is sold by such person the maintenance operations as set forth in paragraph (b), as therein required On any subsequent sale by such manufacturer, distributor, exporter or retail dealer the vehicle must have been reconditioned and maintained in accordance with such written statement

(b) *Standards for maintenance of new commercial motor vehicles*—(1) *General instructions.* (i) All new commercial motor vehicles other than trailers must be stored indoors Select a clean dry building suitable for storage of such vehicles Cover all openings through which animals and birds may enter storage space Prevent water leakage Remove loose dirt and whitewash lime

(ii) Allow sufficient space between vehicles for accessibility to perform all specified maintenance operations

(iii) The operations specified under the heading "maintenance operations" are of two categories: "initial" operations which if not already performed are to be performed, and "repeat operations which must be performed at intervals of six months, or when necessary, as indicated below

(iv) Symbol * indicates maintenance operations applicable to new commercial motor vehicles except trailers, third axles, and dollies Symbol † indicates maintenance operations applicable to trailers, third axles, and dollies

(2) TABLE OF MAINTENANCE OPERATIONS

| No | When to be done | Item | Maintenance operations |
|---|---|---|---|
| *†(i) | Initial and whenever necessary | Vehicle | (a) Thoroughly wash vehicle: remove all foreign substances, mud, dirt grease spots, oil, tar.<br>(b) Check paint, touch up all exposed metal surfaces to prevent rust. |
| *(ii) | Initial | Windshield wiper | Remove blades; store in glove compartment. |
| *(iii) | Initial and every six months | Upholstery | (a) Clean and moth proof all upholstery, including seat cushions, seat backs side walls headlinings floor mats, and carpets. |
| | Initial | | (b) After moth proofing upholstery, protect it from direct sunlight, except when on display in customary display room, by one of the following methods:<br>(1) Cover all openings through which light may enter storage space<br>(2) Cover the inside of all car windows and windshields with paper, using masking tape.<br>(3) Cover vehicle with a paper or cloth cover.<br>(4) Completely cover all upholstery with paper using masking tape. |
| | Initial | | (c) Place floor mats in their normal position on floor, not rolled up. |
| *†(iv) | Initial and whenever necessary. | Chrome plated surfaces | Thoroughly wash and clean all chrome plated surfaces with clear water; when dry, apply a coating of light oil, liquid wax or special preparations; wipe off until no excess oil or wax appears on the surface of the chrome. |
| (v) | Initial | Convertible tops | With respect to convertibles see that the tops are up and leave the shipping cover over the top or cover it with paper, using masking tape |
| *(vi) | Initial | Engine | (a) Drain engine oil and refill crank case with at least ½ charge of rust inhibiting oil.<br>(b) Run engine for 5 minutes at idle speed or about 1 000 R. P. M. Leave this oil in engine. |
| *(vii) | Initial | Fuel System and carburetor. | (a) Drain gasoline tank completely and replace filler cap to exclude dust<br>(b) Run engine until all gasoline is consumed |
| (viii) | Initial | Spark plugs | Remove spark plugs. Inject 2 ounces of rust inhibiting oil into each cylinder when piston is on the power stroke. Slowly turn engine over a few revolutions with starter. Replace spark plugs. |
| *(ix) | Initial | Valve compartment (overhead valve engines) | Remove cover. Spray rust preventive compound or S. A. E. 10 W on mechanism and inside cover, or pack with oil soaked rags Replace cover. |

(2) TABLE OF MAINTENANCE OPERATIONS—Continued

| No | When to be done | Item | Maintenance operations |
|---|---|---|---|
| (x) | Initial | Seal engine | Seal the engine. This can be done in the following manner: remove engine oil filler tube cover and crankcase breather cover, if there is one and seal the openings. Also seal the air cleaner, tail pipe, and any other openings into the engine Tubes or pipes can be sealed satisfactorily by covering with a small piece of oiled or waxed paper, gathering the edges of the paper around the tube and tying them with a cord. The air cleaner can be sealed conveniently by covering with a paper bag and tying a cord around it at the solid part on the engine side of the air intake openings Sealing the engine to a large extent prevents air moisture from entering the engine<br>NOTE: Since no provision has been made for turning the engine over at regular intervals, it is absolutely essential that the recommended procedure for conserving the engine be followed carefully |
| *(xi) | Initial | Battery removal | (a) Remove the battery and store it in a cool place near recharging equipment, to facilitate servicing. Clean battery connections and wipe with light grease.<br>(b) If dealer has portable battery charging equipment, he may elect to leave battery in car. In either case, battery must be maintained as per *item (xii) below* |
| *(xii) | Initial and as specified under "maintenance operations" | Battery maintenance | (a) Check the specific gravity at regular intervals of 6 weeks except in extremely hot weather when inspection periods should be cut to 3 weeks.<br>(b) Check and correct water level at each inspection and recharge batteries as necessary to bring gravity reading to 1.280 or above In no case should the specific gravity be allowed to fall below 1 220<br>NOTE: These specific gravity readings are given for batteries at 60° F air temperature |
| *(xiii) | Initial | Cooling system | Completely drain cooling system, including radiator, cylinder block pump heater hose and all water connections. Leave system drain.<br>NOTE.—If coolant contains antifreeze and rust-inhibiting solution it may be left in the cooling system |
| *†(xiv) | Initial | Brakes | Leave all brakes in released position. |
| *(xv) | Initial | Clutch | Block the pedal of dry clutches in partially disengaged position. It is not necessary to disengage other type clutches. |
| *†(xvi) | Initial and as specified under "maintenance operations" | Tires | (a) *Indoor storage.* Jack up vehicle in storage location taking weight off the tires Maintain the air in tires between ½ and ⅔ operating pressure so that vehicles can be pushed or towed out quickly if necessary in an emergency. Tension in cords will be relieved by lowered pressure<br>(b) *Outdoor storage in the case of trailers* Jack up vehicles in storage space. Remove tires from wheels Leave wheels mounted on axle spindles Lower weight of trailer to rest upon wheels. Store tires in a dark cool place protected from direct sunlight in a horizontal position with separators. |
| *†(xvii) | Initial and, if necessary, every 6 months where applicable | Latches, hinges brake connections, vertical supporting mechanisms and fifth wheels. | Lubricate with light oil all hood latches, hinges, and brake connections, vertical supporting mechanisms and fifth wheels |
| †(xviii) | Initial where applicable | Doors, windows and vents | (a) Close all doors, windows and vents tightly.<br>(b) Close all venti panes.<br>(c) Leave cowl ventilator open (if screened) |

NOTE: Materials called for in the performance of these maintenance operations, such as oils wax and rust-inhibitor, should be of a grade recommended by the vehicle manufacturer

(c) *Extension of time for performance of maintenance operations* (1) Notwithstanding any other provision of this section the time for the performance of any maintenance operation or operations set forth in the preceding paragraph (b) may be extended to a date not later than December 31 1942, when satisfactory evidence has been furnished the Office of Price Administration in accordance with subparagraph (2) below showing that

one or more of the following conditions exist:

(i) That there is, in the locality in which the new commercial motor vehicle is to be stored, a shortage of indoor storage facilities; or

(ii) That there is, in the locality in which the new commercial motor vehicle is stored, a shortage in the supply of a commodity necessary in the performance of any of the specified maintenance operations; or

(iii) That there is, in the locality in which the new commercial motor vehicle is stored, a shortage of mechanics to perform the specified maintenance operations.

(2) *Reports.* If any person desires such an extension of time under the circumstances set forth in the preceding subparagraph (1) a report shall be filed with the Office of Price Administration, Washington, D. C., containing a detailed statement of the facts making such extension of time necessary and the requested date thereof, which shall in no event be later than December 31, 1942.

(3) *Approval of extension.* If the Office of Price Administration approves the requested extension of time, or fails to disapprove it within 10 days after receiving such report, the date of the extension sought shall be substituted for October 31, 1942, throughout this section.

(d) *Lower maximum prices if standard delivery operations are not performed.* (1) The maximum price established by § 1499.2 of the General Maximum Price Regulation applicable to the sale of any new commercial motor vehicle delivered to the purchaser on and after March 15, 1943, shall be reduced by 5 per cent, unless (i) the vehicle shall have received, prior to delivery, all the standard delivery operations set forth in subparagraph (2) below, and (ii) the seller shall have delivered to the purchaser a copy of subparagraph (2) below, and (iii) the seller shall have, at the time of delivery, executed and delivered to the purchaser and to the Office of Price Administration, Washington, D. C., the certification set forth in paragraph (e)

(2) *Standard delivery operations; general purpose.* The operations set forth in the checklist below are identical with those established by Conservation Order M-216-A, as amended, issued by the War Production Board. Before any vehicle is delivered into the hands of a buyer, it shall be processed according to the provisions and instructions contained in the following checklist. This checklist is purposely detailed so as to discourage omissions of necessary operations. The sequence of the items listed is based on the fact that serious damage may result if certain operations are done out of turn. Accordingly, this list is arranged so that each operation is done only after the necessary preparatory work has been completed. The purpose of this checklist is to set forth this step-by-step procedure for conditioning every vehicle so that it will give maximum service when put to use. The procedure, as outlined in the following pages, is intended to be used as a checklist. A responsible person should be charged with the duty of seeing that the order of operations is followed strictly, and that each item is checked only after it is completed. Vehicles should be processed for delivery as near the storage location as practicable.

GENERAL INSTRUCTIONS

1. Under no circumstances should a reserve vehicle be operated, under its own power, until the Standard Delivery Operations numbered 1-13, inclusive, have been performed upon it.

2. With respect to change of location of reserve vehicles in storage, the following conditioning operations must be performed:

Before being towed by crane truck or rigid bar, Items Nos. 1 a, b; and 2 b.

Before being towed by loose linkage (rope or chain), Items Nos. 1 a, b; and 2 b, e, f, g.

CHECKLIST OF OPERATIONS PERFORMED TO PREPARE THE FOLLOWING VEHICLE FOR USE

OFFICE OF PRICE ADMINISTRATION

WASHINGTON, D. C.

Form No. 694:190 Form Approved Budget Bureau No. 03-R363

Company _____ Address _____
(Insert name of seller)
Make of vehicle_____ Body type _____
Serial No. _____ Engine No. _____
Body & Ignit. Key No_____
Deck & Glove Box Key No_____
Vehicle prepared for delivery by_____
Date _____
(Insert name of mechanic or mechanics who have performed the work)
Approved by _____ Date _____
(Insert name of shop foreman)

Item No. 1. *Tires:*

a. If tires are unmounted, inspect the rims and remove all rust. Mount tires and inflate them to tire manufacturer's recommended pressure.

b. If tires are mounted, inflate them to tire manufacturer's recommended pressure.

Item No. 2. *Brake system and front wheel lubricant:*

a. Remove all wheels and drums and thoroughly clean rust from all braking surfaces. Also examine anchor pins to make sure their bearings are free so that springs return shoes to released position. *Do not work brake pedal* with brake drums off.

b. Repack front wheel bearings with new lubricant if necessary.

c. Check hydraulic master cylinder fluid level, adding approved fluid if necessary. See that filler cap vent is open.

d. Inspect brake system for leaks and repair any defects.

e. Work brake pedal several times to make sure system is operating. Jack up each wheel (if blocks were removed) and apply brakes. Check to see that they operate and then release fully so wheel can turn freely with no drag.

f. Check brake pedal-floor clearance and adjust if necessary.

g. With respect to conditioning vacuum booster, electric, and compressed air brake equipment, follow equipment manufacturer's recommendations.

Note: Remove outside body and window coverings. Protect upholstery while conditioning vehicle. If another location is required for remaining work, vehicle must not be run under its own power until ready for preliminary road test. (See General Instructions above.)

Item No. 3. *Fuel system:*

a. Replace gasoline tank drain plug.

b. Thoroughly clean fuel line, fuel pump sediment bowl and filter screen, and carburetor. Reinstall.

c. Check all fuel connections, including carburetor flange nuts or cap screws.

d. Put gasoline in tank, adding ½ pint of SAE-10 engine oil to each 5 gallons of gasoline. Replace filler cap, making sure vent is free.

e. Check accelerator, throttle and choke linkages, idle and wide open positions.

f. Remove seal from air cleaner and add oil if necessary.

Item No. 4. *Ignition system:*

a. Clean and adjust spark plugs. Leave them out so cylinders can be lubricated later.

b. Check distributor; adjust points; clean rotor and contact points.

c. Lubricate cam and rocker bearing surface.

d. Clean wire connections and push wires firmly into their sockets in distributor and coil.

Item No. 5. *Valve compartment (overhead valve engines).*

a. Remove cover and remove oil soaked rags if any.

b. Spray valve mechanism with suitable light oil. Leave cover off for observation of valve action later.

Item No. 6. *Seals:*

a. Remove seal from tail pipe opening.

b. Remove seals from oil filler tube, crankcase breather tube, and any other opening. Clean and replace covers.

Item No. 7. *Clutch:*

a. Remove block used to keep clutch disengaged and make sure there is correct amount of free pedal movement at top of travel.

Item No. 8. *Preparing engine for service:*

a. Tighten all cooling system, heater hose and defroster connections, replacing any defective hose. If cooling system was stored full, add sufficient coolant to make up for evaporation. If cooling system was stored empty, close drain cocks and replace drain plugs. Fill with clean water and check for leaks.

b. Drain oil from crankcase.

c. Drop oil pan, thoroughly clean pan, inside of crankcase and pump screen. Replace pan using new gasket.[1]

d. Fill crankcase with flushing oil. Pour 2 ounces of SAE-10 engine oil into each spark plug hole. Leave spark plugs out.

e. Lubricate generator, starter, and water pump.

f. Clean battery carrier, repainting if necessary. Install securely a fully charged battery (spec. gravity of 1.280 or above at 60 degrees F.; water level ¼" to ⅜" above plates). Clean cables and connections, tighten, and coat terminals with vaseline or approved corrosion preventive. Test battery hookup by turning on headlights (ammeter should show discharge).

g. With ignition switch off and clutch disengaged, crank engine for 30 seconds with starter in order to exercise reciprocating parts and bearings. While cranking engine listen carefully for indications of trouble. Remedy any trouble (such as engine failing to turn over or starter being stuck) before proceeding further. Reinstall spark plugs, using new gaskets if necessary.

h. Start engine (clutch disengaged) and run at idle speed for 5 minutes.

i. Adjust automatic choke control if necessary.

j. Set engine idle speed according to manufacturer's recommendations.

k. Turn off engine. Drain flushing oil immediately from crankcase.

l. If engine oil filter is sealer type, replace it with a new one. If it is replaceable element type, clean out filter chamber and install new element.[1]

[1] Items 8c and 8l must be performed unless the manufacturer files a statement with the Automotive Division of the War Production Board, and with its dealers, stating that failure to perform these items on vehicles of its own manufacture will not impair their operation as new vehicles.

m. Fill crankcase to correct level with engine oil of proper SAE viscosity for temperature conditions under which vehicle will operate. Start engine and run at idle speed.

Item No. 9. *While engine is running,* check the following items for proper operations, making all necessary adjustments and repairs:

a. All instruments (oil, gas, temperature, and ammeter).

b. Windshield, wipers, with blades installed.

c. Horn.

d. Every switch position of every light on vehicle.

e. Heater, climatizer, defroster.

f. Cigar lighter, radio, clock, and other accessories.

g. Automatic top on convertibles.[2]

h. Charging rate, and voltage and current regulator.

i. Manifold heater valve.

j. Inspect all water hose connections, oil and fuel lines for leakage.

k. Check and, if necessary, adjust valve tappets according to vehicle manufacturer's recommendations.

Item No. 10. *After shutting off engine,* perform the following operations: Before any sediment in coolant has time to settle, make the following check of the cooling system:

a. If coolant carries little or no anti-freeze, completely drain entire cooling system, examining coolant for presence of rust or other foreign matter.

b. If coolant carries a considerable amount of anti-freeze, drain a quart from bottom of radiator. If liquid is clear, return sample to radiator.

c. If coolant shows rusty and dirty, completely drain entire cooling system, reverse flush radiator and engine block to remove sediment using a combination, water-air flushing nozzle. (Follow manufacturer's recommendations with respect to thermostats and water pumps before flushing the block.)

d. Fill cooling system (if not already done) with clean water and rust inhibitor, adding anti-freeze according to seasonal requirements. Watch for leaks at hose ends and pump, and correct any that develop.

e. While engine is still hot, tighten cylinder head nuts in recommended order.

f. Tighten manifold studs.

g. Tighten bolts at connection between exhaust manifold and pipe to muffler.

h. Replace valve compartment cover (overhead valve engines).

i. Check all belt adjustments and replace belts if necessary.

Item No. 11. *Lubrication:*

a. Lubricate every fitting and check the lubricant level of every reservoir according to vehicle manufacturer's lubrication chart, excepting those taken care of above. Flush out all gear boxes in which rust inhibitor was used during storage. Fill to correct level with new lubricant.

b. While lubricating, inspect underside of chassis and body for loose or damaged parts, and make any necessary adjustments or replacements.

Item No. 12. *Check, and if needed, tighten* the following items:

a. Nuts on spring U-bolts.

b. All steering connections.

c. Front and rear sway eliminator or stabilizer bolts.[2]

d. Body bolts.

e. Front and rear bumper bolts.

f. Gas tank straps.

g. Shock absorber bolts.

Item No. 13. *Front end and wheels:*

a. Check front wheel toe-in.

b. Test steering adjustments and connections. Check amount of wheel turn to stop on left and right.

c. Check steering wheel for correct amount of play.

Item No. 14. *Preliminary Road Test.* Road test every vehicle by driving it at least 3 miles and checking the operation of the following items:

a. All gear positions and operation of gear shift lever.

b. Accelerator.

c. Service brakes.

d. Hand brake.

e. All instruments: oil, gas, temperature, ammeter, speedometer, and odometer.

f. Set spark advance or octane selector at correct adjustment for economical performance, idling, pick-up in each forward gear, and ping in acceleration.

g. Springs and shock absorbers.

h. Locate squeaks, rattles, and unusual noises.

i. Special equipment, such as overdrives, 2-speed axles, hill-holding devices, and transmissions other than conventional type.

j. Note any other items upon which work needs to be done.

NOTE: Before road test, remove any stickers that obstruct vision, and wash windshield.

Item No. 15. *Return vehicle to shop* and do the following operations:

a. Focus headlights.

b. Do any work on clutch, service brakes and hand brake for which road test showed need.

c. Reinspect all water hose connections, oil and fuel lines for leakage.

d. Clean fuel filters at carburetor and fuel pump.

e. Make all necessary repairs or adjustments of any other items which road test showed to need attention.

f. Check all tire pressures again and, if necessary, replace valve core and inspect innertube and tire casing.

Item No. 16. *Final road test.*

a. Make further road tests if necessary to see that all equipment is operating satisfactorily.

b. Check for leaks under engine, transmission, and rear axle.

c. Clean and remove rust and dirt from engine and its accessories and other chassis parts. Touch up with paint of appropriate color if originally painted.

Item No. 17. *Body.*

a. Remove wax or grease from interior chrome; clean upholstery, carpets, and floor mats; and repair any damaged places. Use solvent cleaner which will not damage finish or upholstery.

b. Remove plugs or screening from holes in floorboards or dash.

c. Check and lubricate front seat adjustments.

d. Check operation of all windows, vent-panes, cowl ventilator, and sun visors. Clean windows, and windshield inside and outside and repair any defects.

e. Check operation of all doors from inside and outside, trunk lid, hood, and glove compartment.

f. Check operation of all keys and locks on doors, glove compartment, and trunk.

g. Check and clean tools in kit.

h. Re-cement any sponge rubber seal strips which may have pulled loose, replacing any which have deteriorated.

i. Inspect paint finish and repair or touch up any defects or damage.

j. Clean and polish vehicle body and chrome trim.

NOTE: Owner should drain engine crankcase at about 250 miles and refill to the full mark with a good grade of engine oil of proper SAE viscosity for temperature conditions under which vehicle will operate.

*Truck Trailer Equipment*

With respect to truck trailer equipment, the following conditioning operations must be performed when conditions show work to be necessary:

Items Nos. 1 a, b; 2 a, b, d, g; 9 d; 11 a, b; 12 a, b, d; 14 c, g, h, j; 15 b, e, f; 16 a; and 17 i, j.

*Diesel Engines*

With respect to Diesel Engines, follow manufacturer's instructions where they are at variance with corresponding operations for gasoline engines and equipment.

(e) *Form of certification.*

The undersigned hereby certifies, with respect to the _____ new commercial motor vehicle, bearing Motor No. _____ and/or serial No. _____.

(1) *As to maintenance operations.* That all the requirements of sec. 1.1 of Supplementary Regulation No. 14K to the General Maximum Price Regulation, which condition the addition to the maximum price of a percentage of the list price for each month elapsing between February 28, 1942, and the date of sale, have been fully satisfied.

(2) *As to standard delivery operations.* That all the standard delivery operations set forth in sec. 1.1 of Supplementary Regulation No. 14K to the General Maximum Price Regulation have been performed.

_____ _____
(Date) (Name)

_____
(Address)

NOTE: Unless a paragraph is stricken out, this certification applies to both paragraphs.

(f) *Definitions.* (1) "New commercial motor vehicle" means any light, medium or heavy motor truck, truck-tractor or trailer, or the chassis therefor, or any chassis on which a bus body is to be mounted, and which was manufactured subsequent to July 31, 1941 but prior to August 12, 1943; was designed to be propelled or drawn by mechanical power; was designed for use on or off the highways for transportation of property or persons; has not been used except for the purpose of sale. The term includes vehicles of the following types: trucks, truck-chassis, truck tractors, off-the-highway motor vehicles, full-trailers, semi-trailers, dollies, attachment third axles, ambulances, hearses, bus chassis, carry-all suburbans, sedan deliveries, utility sedans, coupes fitted with pickup boxes and cab pickups, but does not include taxicabs and integral type buses.

(2) "List price" means the suggested retail price in effect on March 31, 1942, established by each manufacturer without any charge added thereto on account of transportation, Federal Excise Tax or handling and delivery.

(3) "Sales agency" means any distributor, exporter, or retail dealer of new commercial motor vehicles.

(4) "Trailer" means full trailers and semi-trailers and includes van, tank, livestock, dump, platform, and low bed trailers; but does not include trailers designed for the conveyance of passengers, or household trailers, which are not deemed to be included within the term "new commercial motor vehicle."

(5) "Lien holder" means any person who has a lien or claim against a new commercial motor vehicle as security for a loan, credit or guaranty made by him.

(6) "Recondition" means inspecting, repairing, and restoring a new commercial motor vehicle so that it is in a condition substantially equal to its condition when newly manufactured.

[2] Not applicable to trucks.

SEC. 1.2 *Used airplanes*—(a) *Coverage.*[3] This section applies to all sales (except those made to the War Department or the Department of the Navy) of any airplane, powered with a single engine of not more than 500 horsepower, that has been used other than for the purpose of sale.

(b) *Maximum prices*—(1) *How to determine the maximum price.* The maximum price for any used airplane covered by this section shall be determined as follows:

(i) The seller shall first determine the base price as follows:

(*a*) The seller shall first find the price listed in paragraph (d) for the airplane when new. If no price is listed in paragraph (d) for the airplane, the seller shall find the price listed in paragraph (d) for the nearest equivalent new airplane of the same make. An "equivalent airplane" is one that is similar to the one being priced in size, equipment, power, condition and ability to function. If no price is listed in paragraph (d) for an equivalent airplane of the same make, the seller shall find the price listed in paragraph (d) for the nearest equivalent airplane of a different make.

(*b*) The seller shall then add to the price determined under (*a*) above the airplane manufacturers' installed list price (determined in accordance with subparagraph (2)) for any extra equipment which was installed in the airplane on the date of its acquisition when new by the original purchaser or whose date of installation cannot be determined. "Extra equipment" means any equipment which would normally be furnished only at an additional cost with the airplane listed in paragraph (d), which is used as a basis for pricing under (*a*) above.

(*c*) The seller shall then deduct from the resultant price the airplane manufacturer's installed list price (determined in accordance with subparagraph (2)) for any item of equipment with which the airplane is not equipped on the date of sale and which the manufacturer furnished at no extra cost with the airplane which is listed in paragraph (d), and used as a basis for pricing under (*a*) above.

(ii) The seller shall then subtract from the base price an amount for depreciation. This amount shall be determined by multiplying 8% of the base price by the number of years from the date of acquisition by the original purchaser for use of the airplane when new to the date of sale. In measuring that period of time, the number of years is to be calculated to the nearest quarter of a year and the airplane shall be deemed to be not less than one nor more than ten years old.

(iii) The seller shall then add to the resultant price the depreciated value of extra equipment installed after date of acquisition of the airplane when new by the original purchaser for use. "Extra equipment" means supplementary equipment normally furnished to the purchaser at an extra cost when he purchases the type of airplane in question. The depreciated value of extra equipment shall be determined as follows: The seller shall subtract an amount for depreciation from the airplane manufacturer's installed list price (determined in accordance with subparagraph (2)) of the extra equipment. The amount for depreciation shall be determined by multiplying 8% of this installed list price by the number of years from the date of installation of the extra equipment to the date of sale. In measuring that period of time, the number of years is to be calculated to the nearest quarter of a year and the equipment shall be deemed to be not less than one nor more than 10 years old. If the seller cannot determine the date of installation of the extra equipment, he may not add the depreciated value thereof to the depreciated value of the airplane. In such case, the extra equipment is taken into account in determining the base price in accordance with (i) above.

(iv) The seller shall then deduct an amount for the number of hours of normal engine wear since the last overhaul. This deduction shall be determined by multiplying the number of hours of use since the last overhaul of the engine by the amount set forth in the following table for an engine of the same horsepower:

| Horsepower: | *Amount* |
|---|---|
| Less than 50 | $0.20 |
| 50 to 89, inclusive | .40 |
| 90 to 145, inclusive | 1.20 |
| 146 to 225, inclusive | 1.45 |
| 226 to 500, inclusive | 2.00 |

(v) (*a*) Except as limited by (*b*) below, in the case of an airplane which is more than six years old and which has had extensive reconditioning to the air frame structure within the three year period immediately preceding the date of sale, the depreciated cost of such reconditioning may be added. The amount for depreciation that must be deducted from this cost of reconditioning shall be determined by multiplying 10% of the cost of reconditioning by the number of years since the air frame structure was reconditioned. In measuring that period of time, the number of years is to be calculated to the nearest quarter of a year and the reconditioning shall be deemed to have been done at least one year before the date of sale.

(*b*) The amount that may be added under this subdivision (v) plus the depreciated base price (determined under subdivisions (i) and (ii) above) shall not exceed 52% of the base price (determined under subdivision (i) above).

(2) *Installed list price.* The "installed list price" of any equipment shall be the first applicable of the following:

(i) The October 1, 1941, installed list price, or lacking that, the latest installed list price of the manufacturer of the airplane for the same equipment installed in the same airplane;

(ii) The October 1, 1941, installed list price, or lacking that, the latest installed list price of the manufacturer of the airplane for similar equipment installed in the same airplane;

(iii) The October 1, 1941, installed list price, or lacking that, the latest installed list price of the manufacturer of another airplane for the same equipment installed in a similar airplane;

(iv) The October 1, 1941, installed list price, or lacking that, the latest installed list price of the manufacturer of another airplane for similar equipment installed in a similar airplane; or

(v) If none of the above is applicable, the maximum price of the used airplane must be determined under paragraph (c).

(3) *Example of determination of maximum price.*

1. Price listed in paragraph (d) for the same or nearest equivalent airplane. (See subparagraph (1) (i) (*a*)) _____
2. Sum of airplane manufacturer's October 1, 1941, installed list prices for extra equipment installed in airplane at time of original delivery or for which installation date cannot be determined. (See subparagraph (1) (i) (*b*)). _____
3. Item 1 plus item 2. _____
4. Sum of airplane manufacturer's October 1, 1941, installed list price for standard equipment with which airplane is not equipped at time of sale. (See paragraph (1) (i) (*c*). _____
5. Item 3 minus item 4 (Base price). _____
6. Depreciated value of item 5. (See subparagraph (1) (ii)). _____
7. Sum of the depreciated values of extra equipment installed after date of delivery to original purchaser. (See subparagraph (1) (iii)). _____
8. Item 6 plus item 7. _____
9. Deduction for hours of normal engine wear since last overhaul. (See subparagraph (1) (iv)). _____
10. Maximum price. Item 8 minus item 9. _____

(c) *Specific authorization of a maximum price.* The maximum price for any used airplane, covered by this section, that cannot be priced under paragraph (b) shall be a price, in line with the level of maximum prices established by this section, specifically authorized by the Office of Price Administration. Any seller seeking such an authorization shall file an application with the Office of Price Administration, Washington, D. C. If the seller does not file under this paragraph, the Office of Price Administration may establish a maximum price of its own accord. This price will be in line with the level of maximum prices established by this section.

(d) *List prices of new airplanes:*

AEROCRAFT (TEMM)

| Model | Engine | Hp. | List price |
|---|---|---|---|
| 2-SA | Kinner | 160 | $3,880.00 |

AEROMARINE KLEMM

| | | | |
|---|---|---|---|
| L-20-A | LeBlond | 60-65 | $2,[illegible].00 |

AERONCA

| | | | |
|---|---|---|---|
| 60-O | Continental | 60 | $1,[illegible].00 |
| 60-F | Franklin | 60 | 1,[illegible].00 |
| 60-L | Lycoming | 60 | 1,[illegible].00 |
| 65-O | Continental | 65 | 1,[illegible].00 |
| 60-LA | Lycoming | 60 | 1,[illegible].00 |

[3] The maximum prices established by this section apply both to airworthy and non-airworthy airplanes. However, lower prices than those established by this section may be charged, demanded, paid or offered. Accordingly, it is recognized that when a non-airworthy airplane is sold, the selling price will probably be lower than the maximum price established by this section, in order to compensate the buyer for needed repairs.

AERONCA—Continued

| Model | Engine | Hp. | List price |
|---|---|---|---|
| 65-LA | Lycoming | 65 | $1,695.00 |
| 65-LB | Lycoming | 65 | 1,910.00 |
| 50-TC | Continental | 50 | 1,495.00 |
| 65-TC | Continental | 65 | 1,585.00 |
| 60-TF | Franklin | 60 | 1,390.00 |
| 65-TF | Franklin | 65 | 1,490.00 |
| 50-TL | Lycoming | 50 | 1,445.00 |
| 65-TL | Lycoming | 65 | 1,495.00 |
| 65-TAC | Continental | 65 | 1,660.00 |
| 65-TAF | Franklin | 65 | 1,595.00 |
| 65-TAL | Lycoming | 65 | 1,570.00 |
| 65-CA, Super Chief, Stand. | Continental | 65 | 1,995.00 |
| 65-LB, Super Chief, Stand. | Lycoming | 65 | 1,910.00 |
| KM | Menasco | 50 | 1,795.00 |
| C-2 | Aeronca | 26 | 1,245.00 |
| C-3 | Aeronca | 36 | 1,890.00 |
| K | Aeronca | 40 | 1,480.00 |
| KCA | Continental | 50 | 1,795.00 |
| KC | Continental | 40 | 1,290.00 |
| LC | Warner | 90 | 3,275.00 |
| KF | Franklin | 50 | 1,725.00 |
| C-F | Franklin | 40 | 1,445.00 |
| S-50-F | Franklin | 50 | 1,464.00 |
| S-50-C | Continental | 50 | 1,584.00 |
| S-65-C | Continental | 65 | 1,694.00 |
| S-65-CA (Stand. Seaplane). | Continental | 65 | 1,894.00 |

AIRCRAFT MECHANICS

| | | | |
|---|---|---|---|
| Eagle Rock A-15 | Kinner | 100 | $3,400.00 |
| Flyabout D-2 | Szekeley | 45 | 1,575.00 |
| Eagle Rock A-2 | Curtis OX-5 | 90 | 1,850.00 |
| Eagle Rock A-13 | Curtis Challenger | 185 | 4,350.00 |
| Eagel Rock A-14 | Wright | 175 | 5,247.00 |
| Eagle Rock A-12 | Comet | 150 | 5,247.00 |

AMERICAN EAGLE

| | | | |
|---|---|---|---|
| Lincoln 201 | Kinner | 100 | $3,995.00 |
| Eaglet 230 | Szekeley | 30 | 1,475.00 |
| Eaglet B-31 | Szekeley | 45 | 1,575.00 |

ALLIANCE

| | | | |
|---|---|---|---|
| Argo | Hess-Warrior | 115 | $4,500.00 |

ARROW

| | | | |
|---|---|---|---|
| V-8, Model F | V-8, Model F | 82 | $1,500.00 |
| Arrow-Sport | LeBlond | 70 | 2,700.00 |

BARNARD

| | | | |
|---|---|---|---|
| New Standard (D-29-A). | Kinner | 100 | $4,185.00 |

BEECHCRAFT

| | | | |
|---|---|---|---|
| B-17-E | Wright | 285 | $12,980.00 |
| B-17-L | Jacobs | 225 | 13,900.00 |
| B-17-R | Wright | 330-420 | 14,500.00 |
| C-17-B | Jacobs | 285 | 9,250.00 |
| C-17-E | Wright | 285 | 10,384.00 |
| C-17-L | Jacobs | 225 | 6,840.00 |
| C-17-R | Wright | 320-420 | 11,000.00 |
| D-17-A | Wright | 320-350 | 17,800.00 |
| D-17-R | Wright | 420-450 | 21,100.00 |
| D-17-S | Pratt & Whitney | 400-450 | 21,100.00 |
| E-17-B | Jacobs | 285 | 13,580.00 |
| F-17-D | Jacobs | 300-330 | 14,580.00 |
| E-17-L | Jacobs | 225 | 9,690.00 |

BELLANCA

| | | | |
|---|---|---|---|
| 14-9 | Ken Royce | 90 | $3,975.00 |
| 14-12F-3 | Franklin | 120 | 4,375.00 |
| F-2, Skyrocket | Pratt & Whitney Wasp. | 450 | 19,800.00 |
| CH-400 Skyrocket. | P & W Wasp | 420 | 17,950.00 |
| 300-W, Pacemaker. | P & W Wasp | 300 | 15,550.00 |
| CH-300 Pacemaker. | Wright | 330 | 15,150.00 |

BIRD

| Model | Engine | Hp. | List price |
|---|---|---|---|
| BW | Warner | 125 | $4,250.00 |
| CJ | Jacobs | 170 | 4,995.00 |
| BK | Kinner | 100 | 2,995.00 |
| Bird A | Curtis OX-5 | 90 | 1,995.00 |
| CK | Kinner | 125 | 4,395.00 |

BUHL AIRCRAFT

| | | | |
|---|---|---|---|
| Bull Pup | Szekeley | 45 | $1,250.00 |
| C-A-6 | Wright | 330 | 13,500.00 |

CESSNA

| | | | |
|---|---|---|---|
| C-34 | Warner | 145 | $4,985.00 |
| C-37 | Warner | 145 | 5,490.00 |
| C-38 | Warner | 145 | 6,490.00 |
| C-145 | Warner | 145 | 7,875.00 |
| C-165 | Warner | 165 | 8,275.00 |
| DC-6B | Wright | 250 | 9,750.00 |

COMMAND AIRE

| | | | |
|---|---|---|---|
| 3-C-3A | Warner | 125 | $4,675.00 |
| 5C-3 | Curtis Challenger | 185 | 5,600.00 |

CROWN

| Model | Engine | Hp. | List price |
|---|---|---|---|
| B-3 | Kinner | 100 | $4,975.00 |

CULVER

| | | | |
|---|---|---|---|
| LCA Cadet | Continental | 75 | $2,695.00 |
| LFA Cadet | Franklin | 80 | 2,895.00 |
| Dart GW | Warner | 90 | 4,200.00 |
| Dart GW | LeBlond | 90 | 3,975.00 |

CURTIS ROBIN

| | | | |
|---|---|---|---|
| J-1 | Wright | 165 | $5,995.00 |
| Robin 4C-1 | Curtis Challenger | 185 | 5,995.00 |
| Robin 4C-1A | Curtis Challenger | 185 | 7,995.00 |
| | Curtis OX-5 | 90 | 2,495.00 |

CURTIS WRIGHT

| | | | |
|---|---|---|---|
| Jr. CW-1 | Szekeley | 45 | $1,490.00 |

DAVIS

| | | | |
|---|---|---|---|
| D-1-K | Kinner | 100 | $2,995.00 |
| D-1 | LeBlond | 70 | 2,695.00 |
| D-166 | LeBlond | 85 | 2,795.00 |

DOYLE

| | | | |
|---|---|---|---|
| O-2 | LeBlond | 65 | $2,995.00 |

ENGINEERING RESEARCH

| | | | |
|---|---|---|---|
| Ercoupe 415-C | Continental | 65 | $2,665.00 |

FAIRCHILD

| | | | |
|---|---|---|---|
| F-45 | Wright | 320-350 | $17,400.00 |
| KR-34-C | Wright | 175 | 5,675.00 |
| KR-21-B | Kinner | 125 | 4,625.00 |
| M-62-A | Ranger | 175 | 9,510.00 |
| M-62-B | Warner | 165 | 9,057.00 |
| 22-C7A | Cirrus | 95 | 2,775.00 |
| 22-C7E | Warner | 125 | 3,825.00 |
| 22-C7D | Wright-Gypsy | 90 | 2,990.00 |
| 22-C7G | Warner | 145 | 4,975.00 |
| 24-C8A | Warner | 125 | 3,850.00 |
| 24-C8C | Warner | 145 | 4,990.00 |
| 24-C8D | Ranger | 145 | 4,990.00 |
| 24-C8E | Warner | 145 | 5,390.00 |
| 24-C8F | Ranger | 145 | 5,540.00 |
| 24-G (Stand) | Warner | 145 | 5,200.00 |
| 24-G (Deluxe) | Warner | 145 | 5,890.00 |
| 24-H | Ranger | 150 | 6,190.00 |
| 24-J | Warner | 145 | 6,190.00 |
| 24-K | Ranger | 150-165 | 6,530.00 |
| 24-R9 (Stand) | Ranger | 165 | 6,530.00 |
| 24-R9 (Deluxe) | Ranger | 165 | 7,230.00 |

FAIRCHILD—Continued

| Model | Engine | Hp. | List price |
|---|---|---|---|
| 24-R40 | Ranger | 175 | $7,230.00 |
| 24-W9 (Stand) | Warner | 145 | 6,190.00 |
| 24-W9 (Deluxe) | Warner | 145 | 6,890.00 |
| 24-W40 | Warner | 145 | 6,180.00 |
| 24-W41 | Warner | 145 | 6,780.00 |
| 24-W41-A | Warner | 145 | 7,980.00 |
| 24-C8 | Cirrus | 95 | 3,360.00 |
| 22-C-7 | Rover | 75 | 2,675.00 |
| 22-C-7F | Warner | 145 | 4,440.00 |
| KR-21 | Kinner | 100 | 4,375.00 |
| 71-A | P & W Wasp | 420 | 18,400.00 |
| Pilgrim KR-34D. | Comet | 165 | 5,675.00 |
| 42 | Wright | 330 | 12,000.00 |

FLEET

| | | | |
|---|---|---|---|
| 2 | Kinner | 100 | $3,985.00 |
| 7 | Kinner | 125 | 4,685.00 |
| 8 | Kinner | 125 | 5,185.00 |
| 9 | Kinner | 125 | 5,185.00 |
| 10 | Kinner | 125 | 4,951.00 |

FOKKER

| | | | |
|---|---|---|---|
| Super-Universal | P & W Wasp | 420 | $17,500.00 |

FRANKLIN

| Model | Engine | Hp. | List price |
|---|---|---|---|
| 90 | Lambert (Monocoupe). | 90 | $3,350.00 |

FUNK

| | | | |
|---|---|---|---|
| B | Funk E | 63 | $1,950.00 |
| B-75-L | Lycoming | 75 | 2,160.00 |

GENERAL

| | | | |
|---|---|---|---|
| Aristocrat | Warner | 125 | $4,250.00 |
| Aristocrat 102-E | Wright | 175 | 5,250.00 |
| 11-C | Warner | 125 | 4,000.00 |

GREAT LAKES

| | | | |
|---|---|---|---|
| 2T-1A | Cirrus | 100 | $2,985.00 |
| 2T-1E | Cirrus | 95 | 3,185.00 |

HAMILTON

| | | | |
|---|---|---|---|
| H-45 | P & W Wasp | 420 | $24,500.00 |

HAMMOND

| | | | |
|---|---|---|---|
| 100 | Kinner | 100 | $2,995.00 |

HARLOW

| | | | |
|---|---|---|---|
| PJ-C2 | Warner | 145 | $12,000.00 |

HEATH

| | | | |
|---|---|---|---|
| CNA-40 | Continental | 37 | $1,224.00 |

HOWARD

| | | | |
|---|---|---|---|
| DGA-8 | Wright | 320-350 | $14,850.00 |
| DGA-11 | Pratt & Whitney Wasp, Jr. | 400-450 | 17,685.00 |
| DGA-9 | Jacobs | 285 | 8,980.00 |
| DGA-12 | Jacobs | 300-330 | 12,885.00 |
| DGA-15P | Pratt & Whitney Wasp, Jr. | 400-450 | 21,885.00 |
| DGA-15W | Wright | 320-350 | 16,885.00 |
| DGA-15J | Jacobs | 300-330 | 17,885.00 |
| DGA-18 | Warner | 125 | 7,485.00 |
| DGA-18K | Kinner | 160 | 8,6[illegible]5.00 |

### INLAND

| Model | Engine | Hp. | List price |
|---|---|---|---|
| W-500 | Warner | 125 | $4,035.00 |
| S-300 | LeBlond | 65 | 3,455.00 |

### INTERSTATE

| Model | Engine | Hp. | List price |
|---|---|---|---|
| S-1 | Continental | 50 | $1,875.00 |
| S-1A | Continental | 65 | 2,025.00 |
| S-1A-85F | Franklin | 85 | 2,050.00 |
| S-1A-65F | Franklin | 65 | 2,033.00 |
| S-1A-90F | Franklin | 90 | 2,650.00 |

### IRELAND AMPHIBIAN

| Model | Engine | Hp. | List price |
|---|---|---|---|
| N-2-C | P & W Wasp | 420 | $23,000.00 |

### KEYSTONE

| Model | Engine | Hp. | List price |
|---|---|---|---|
| K-64 Commuter | Wright | 300 | $16,800.00 |

### KINNER

| Model | Engine | Hp. | List price |
|---|---|---|---|
| B Sportster | Kinner | 125 | $3,290.00 |
| B-2 Sportwing | Kinner | 125 | 3,880.00 |
| K Sportster | Kinner | 100 | 2,690.00 |
| R Playboy | Kinner | 160 | 5,290.00 |
| C-7 Envoy | Kinner | 300 | 12,800.00 |

### LAIRD

| Model | Engine | Hp. | List price |
|---|---|---|---|
| LC-B | Wright | 220 | $9,850.00 |
| LC-RW-450 | P & W Wasp | 420-450 | 21,000.00 |
| LC-R-300 | Wright | 330 | 11,500.00 |
| LC-B-300 | Wright | 330 | 10,850.00 |

### LINCOLN

| Model | Engine | Hp. | List price |
|---|---|---|---|
| PT-K | Kinner | 100 | $3,895.00 |
| PT-W | Warner | 125 | 4,315.00 |
| PT-T | Brownback Tiger | 90 | 3,360.00 |

### LOCKHEED

| Model | Engine | Hp. | List price |
|---|---|---|---|
| Vega 5-C | P & W Wasp | 450 | $17,500.00 |
| Air Express | P & W Wasp | 420-450 | 19,985.00 |

### LUSCOMBE

| Model | Engine | Hp. | List price |
|---|---|---|---|
| Model 8, Trainer | Continental | 50 | $1,895.00 |
| 8-A, Stand | Continental | 65 | 2,195.00 |
| 8A-1, Silvaire Trainer | Continental | 65 | 2,095.00 |
| Model 8B-2 | Lycoming | 65 | 2,095.00 |
| 8A-2, Silvaire Master | Continental | 65 | 2,695.00 |
| 8-B | Lycoming | 65 | 1,885.00 |
| 8-C | Continental | 75 | 2,795.00 |
| 8C-1, Silvaire (Deluxe) | Continental | 75 | 3,095.00 |
| 8D, Deluxe | Continental | 75 | 3,395.00 |
| 8D-1, Trainer | Continental | 75 | 2,770.00 |
| Phantom 1 | Warner | 145 | 5,975.00 |

### MERCURY

| Model | Engine | Hp. | List price |
|---|---|---|---|
| Chic T-2 | LeBlond | 90 | $1,750.00 |

### MEYERS

| Model | Engine | Hp. | List price |
|---|---|---|---|
| OTW | Warner | 125 | $7,000.00 |
| OTW | Warner | 145 | 7,250.00 |
| OTW | Ken Royce | 120 | 6,375.00 |

### MONOCOACH

| Model | Engine | Hp. | List price |
|---|---|---|---|
| Monocoach | Wright | 220 | $8,250.00 |

### MONOCOUPE

| Model | Engine | Hp. | List price |
|---|---|---|---|
| 90-A | Lambert | 90 | $3,795.00 |
| 90-AF | Franklin | 90 | 3,845.00 |
| Monocoupe 90-J | Warner | 90 | 3,095.00 |
| 110 Special | Warner | 145 | 7,090.00 |
| 110 | Warner | 125 | 4,495.00 |
| 90 | Lambert (Monocoupe). | 90 | 2,895.00 |
| 70-V | Velie | 70 | 2,095.00 |
| D-145 | Warner | 145 | 5,090.00 |

### MONOPREP

| Model | Engine | Hp. | List price |
|---|---|---|---|
| Monoprep | Lambert (Monocoupe). | 65 | $2,895.00 |

### MOTH

| Model | Engine | Hp. | List price |
|---|---|---|---|
| 60-GM | Gypsy | 85 | $3,090.00 |

### NICHALAS-BEASLEY

| Model | Engine | Hp. | List price |
|---|---|---|---|
| NB 3-G | Genet Mark 2 | 80 | $3,090.00 |
| NB-S-G | Genet Mark 2 | 80 | 1,790.00 |

### PARKS

| Model | Engine | Hp. | List price |
|---|---|---|---|
| P-1 | OX-5 | 90 | $1,795.00 |

### PARAMOUNT

| Model | Engine | Hp. | List price |
|---|---|---|---|
| Cabinaire | Wright | 175 | $5,750.00 |

### PHEASANT

| Model | Engine | Hp. | List price |
|---|---|---|---|
| H-10 | Curtis OX-5 | 90 | $2,895.00 |

### PIPER

| Model | Engine | Hp. | List price |
|---|---|---|---|
| J3C-50 | Continental | 50 | $1,095.00 |
| J3F-50 | Franklin | 50 | 1,[illegible] |
| J3L | Lycoming | 50 | 1,095.00 |
| J3L | Lycoming | 65 | 1,[illegible] |
| J3C-65 | Continental | 65 | 1,018.00 |
| J3F-60 | Franklin | 60 | 1,095.00 |
| J3F-65 | Franklin | 65 | 1,150.00 |
| J3L-65 | Lycoming | 65 | 1,150.00 |
| J4 | Continental | 50 | 1,095.00 |
| J4-A | Continental | 65 | 1,195.00 |
| J4-B | Franklin | 60 | 1,195.00 |
| J4-E | Continental | 75 | 2,675.00 |
| J4-F | Lycoming | 65 | 1,048.00 |
| J5-A | Continental | 75 | 2,150.00 |
| J5-B | Lycoming (Geared). | 75 | 2,150.00 |
| J3P | Lenape | 50 | 1,095.00 |
| E-2 | Aeromarine | 45 | 1,495.00 |
| E-2 | Continental | 37-45 | 1,425.00 |
| J-2 | Continental | 40 | 1,270.00 |
| J-3 Cub Trainer | Continental | 40 | 995.00 |
| J3C-40 | Continental | 40 | 1,270.00 |

### PITCAIRN

| Model | Engine | Hp. | List price |
|---|---|---|---|
| 7A-7S | Wright | 220 | $3,000.00 |

### PORTERFIELD (Columbia)

| Model | Engine | Hp. | List price |
|---|---|---|---|
| CP-55, Stand | Continental | 50 | $1,095.00 |
| CP-55, Deluxe | Continental | 50 | 1,895.00 |
| CP-65, Stand | Continental | 65 | 1,795.00 |
| CP-65, Deluxe | Continental | 65 | 2,095.00 |
| CP-65, Stand. Seaplane. | Continental | 65 | 2,095.00 |
| CP-65, Deluxe Seaplane | Continental | 65 | 2,895.00 |
| CP-65, Instrument Trainer | Continental | 65 | 3,040.00 |
| OP-40 | Continental | 40 | 1,095.00 |
| FP-65, Stand | Franklin | 65 | 1,795.00 |
| FP-65, Deluxe | Franklin | 65 | 1,995.00 |
| LP-65, Stand | Lycoming | 65 | 1,795.00 |
| LP-65, Deluxe | Lycoming | 65 | 1,995.00 |
| 75-C | Continental | 75 | 3,090.00 |
| 35-70 | LeBlond | 60-70 | 2,290.00 |
| 35-W | Warner, Jr | 60 | 2,095.00 |

### REARWIN

| Model | Engine | Hp. | List price |
|---|---|---|---|
| 6000-M | Menasco | 125 | $3,895.00 |
| 7000 | Ken Royce | 70 | 2,195.00 |
| 8000 | LeBlond | 60 | 3,095.00 |
| 8500 | LeBlond | 85 | 2,795.00 |
| 8125 | Ken Royce | 125 | 4,295.00 |
| 8135 | Ken Royce | 135 | 4,095.00 |
| 8125-T | Ken Royce | 125 | 4,095.00 |
| 9000 | Warner | 90 | 2,090.00 |
| 9000-L | LeBlond | 90 | 3,595.00 |
| 9000-KR | Ken Royce | 90 | 3,295.00 |
| 175 | Continental | 75 | 2,495.00 |
| 150 | Continental | 85 | 2,795.00 |
| 150-F | Franklin | 80 | 2,545.00 |
| 6000 | Cirrus | 60 | 3,495.00 |
| 2000-CO | Continental | 100 | 6,090.00 |
| 2000-C | Curtis Challenger | 150 | 6,790.00 |

### ROSE

| Model | Engine | Hp. | List price |
|---|---|---|---|
| Parakeet A-1 | Continental | 40 | $1,475.00 |

### RYAN

| Model | Engine | Hp. | List price |
|---|---|---|---|
| SCW-145 | Warner | 145 | $7,000.00 |
| ST-3KR | Kinner | 160 | 8,400.00 |
| STA | Menasco | 125 | 6,425.00 |
| ST | Menasco | 60 | 3,095.00 |
| B-7 | P & W Wasp | 420 | 16,000.00 |
| B-5 | Wright | 300 | 12,000.00 |

### ST. LOUIS

| Model | Engine | Hp. | List price |
|---|---|---|---|
| Cardinal C-2-60 | LeBlond | 60 | $3,750.00 |
| Cardinal C-2-110 | Kinner | 100 | 3,095.00 |

### SECURITY

| Model | Engine | Hp. | List price |
|---|---|---|---|
| Airster S-1A | Kinner | 100 | $2,495.00 |

### SIOUX

| Model | Engine | Hp. | List price |
|---|---|---|---|
| Coupe 60 | Lambert | 60 | $3,095.00 |

### SKYLARK

| Model | Engine | Hp. | List price |
|---|---|---|---|
| 3 | Bower | 75 | $1,095.00 |
| 3-65 | Cirrus | 65 | 1,095.00 |

### SPARTAN

| Model | Engine | Hp. | List price |
|---|---|---|---|
| C-3-225 | Wright | 225 | $7,750.00 |
| 7W | Pratt & Whitney Wasp. | 300-450 | 16,000.00 |
| C3-165 | Wright | 175 | 5,975.00 |

### STAR

| Model | Engine | Hp. | List price |
|---|---|---|---|
| Cavalier E | Lambert | 90 | $3,310.00 |
| Cavalier | Velie | 65 | 2,095.00 |

### STATES

| Model | Engine | Hp. | List price |
|---|---|---|---|
| B-3 | Kinner | 100 | $3,045.00 |

### STEARMAN-HAMMOND

| Model | Engine | Hp. | List price |
|---|---|---|---|
| Y-1S | Menasco | 150 | $7,150.00 |

### STEARMAN

| Model | Engine | Hp. | List price |
|---|---|---|---|
| 4E | P & W Wasp | 450 | $16,000.00 |
| 4D | P & W Wasp | 300 | 12,000.00 |
| C-3-R | Wright | 220 | 8,000.00 |
| 4-O | Wright | 300 | 12,000.00 |
| 4-CM-1 | Wright | 300 | 12,000.00 |

STINSON

| Model | Engine | Hp. | List price |
|---|---|---|---|
| Stinson 10 | Continental | 80 | $3,370.00 |
| 10-A, Deluxe | Franklin | 90 | 4,246.00 |
| HW-75 | Continental | 75 | 2,995.00 |
| Jr.-S | Lycoming | 215 | 4,995.00 |
| Jr.-R | Lycoming | 215 | 5,594.00 |
| Jr.-SR | Lycoming | 210 | 4,395.00 |
| Jr.-R-2 | Lycoming | 240 | 5,995.00 |
| Jr.-R-3 | Lycoming | 249 | 6,495.00 |
| SM-7-B | Pratt & Whitney Wasp. | 300 | 8,995.00 |
| SM8A, Jr | Lycoming | 215 | 5,775.00 |
| SR-5C | Lycoming | 260 | 7,385.00 |
| SR-5A | Lycoming | 245 | 6,550.00 |
| SR-5E | Lycoming | 225 | 5,775.00 |
| SR-6 | Lycoming | 245 | 6,770.00 |
| SR-6A | Lycoming | 225 | 5,995.00 |
| SR-6B | Lycoming | 260 | 6,995.00 |
| SR-7A | Lycoming | 225 | 6,485.00 |
| SR-7B | Lycoming | 245 | 7,485.00 |
| SR-7C | Lycoming | 260 | 7,885.00 |
| SR-8A | Lycoming | 225 | 7,550.00 |
| SR-8B | Lycoming | 245 | 7,985.00 |
| SR-8C | Lycoming | 260 | 8,685.00 |
| SR-8D | Wright | 285 | 10,985.00 |
| SR-8E | Wright | 350 | 11,985.00 |
| SR-9B (Stand) | Lycoming | 245 | 8,485.00 |
| SR-9B D (Deluxe). | Lycoming | 245 | 9,385.00 |
| SR-9CD (Deluxe). | Lycoming | 260 | 9,785.00 |
| SR-9DD (Deluxe). | Wright | 285 | 11,585.00 |
| SR-9ED (Deluxe). | Wright | 320 | 12,785.00 |
| SR-9FD (Deluxe). | Wasp | 450 | 16,785.00 |
| SR-10-B | Lycoming | 245 | 8,985.00 |
| SR-10C | Lycoming | 260 | 9,985.00 |
| SR-10D | Wright | 285 | 13,585.00 |
| SR-10E (Deluxe) | Wright | 320-350 | 13,985.00 |
| SR-10F | Pratt & Whitney Wasp. | 450 | 17,985.00 |
| SR-10G | Lycoming | 290 | 12,585.00 |
| SR-10K | Wright | 450 | 17,585.00 |
| W | P & W Wasp | 300 | 8,995.00 |
| SM-8B | Wright | 250 | 8,495.00 |

*Note: Add $485.00 to List Price where constant speed governor is added.

SWALLOW

| | | | |
|---|---|---|---|
| TP | Curtis OX-5 | 90 | $2,878.00 |
| TP-K | Kinner | 90 | 1,285.00 |

TAYLORCRAFT

| | | | |
|---|---|---|---|
| BL-65 | Lycoming | 65 | $1,695.00 |
| BC-65 | Continental | 65 | 1,835.00 |
| BC-12 | Continental | 65 | 2,235.00 |
| BF-12 | Franklin | 65 | 2,175.00 |
| BL-12 | Lycoming | 65 | 2,195.00 |
| BLT-50 | Lycoming | 50 | 1,585.00 |
| BLT-65 | Lycoming | 65 | 1,795.00 |
| BFT-65 | Franklin | 65 | 1,935.00 |
| DC-65-D | Continental | 65 | 1,995.00 |
| DF-65-D | Franklin | 65 | 1,955.00 |
| Model A | Continental | 40 | 1,565.00 |

TIMM

| | | | |
|---|---|---|---|
| PT-220-C | Continental | 220 | $10,850.00 |

TRAVELAIRE

| | | | |
|---|---|---|---|
| 4000 | Wright | 220 | $8,100.00 |
| E-4000 | Wright | 175 | 6,425.00 |
| 12Q | Wright Gypsy | 90 | 3,500.00 |
| 12W | Warner | 125 | 4,455.00 |
| 16E | Wright | 175 | 4,600.00 |
| 16K | Kinner | 125 | 4,488.00 |
| A-6000-A | P & W Wasp | 420-450 | 16,500.00 |
| 4-D | Wright | 250 | 7,960.00 |
| S-6000-B | Wright | 330 | 13,500.00 |

VEGA

| | | | |
|---|---|---|---|
| 36-70 | Menasco | 125 | $9,060.00 |

VERVILLE

| | | | |
|---|---|---|---|
| AT | Continental | 165 | $5,250.00 |

VIKING

| Model | Engine | Hp. | List price |
|---|---|---|---|
| Kitty-hawk B-4 | Kinner | 100 | $4,250.00 |
| Kitty-hawk B-2 | Siemens-Halske SH-14. | 105 | 4,650.00 |
| Kitty-hawk B-8 | Kinner | 125 | 4,250.00 |

WACO

| | | | |
|---|---|---|---|
| ACC-8 | Jacobs | 300-330 | $10,495.00 |
| AQC-6 | Jacobs | 300-330 | 11,600.00 |
| ARE | Jacobs | 300-330 | 14,900.00 |
| AVN-8 | Jacobs | 300 | 12,950.00 |
| BSO | Wright | 175 | 6,370.00 |
| CSO | Wright | 250 | 7,335.00 |
| CUC-1 | Wright | 250-285 | 8,400.00 |
| CPF-1 | Wright | 250 | 8,500.00 |
| CTO (Tapering) | Wright | 250 | 8,525.00 |
| CJC | Wright | 250 | 8,165.00 |
| DGC-7 | Wright | 285 | 10,390.00 |
| DQC | Wright | 285 | 8,975.00 |
| EGC-7 | Wright | 320-350 | 11,125.00 |
| EGC-8 | Wright | 320-350 | 12,860.00 |
| EQC-6 | Wright | 300-330 | 9,650.00 |
| HRE | Lycoming | 285-300 | 14,900.00 |
| INF | Kinner | 125 | 4,110.00 |
| KNF | Kinner | 100 | 3,630.00 |
| MNF | Menasco | 125 | 4,675.00 |
| PBF | Jacobs | 170 | 4,415.00 |
| QCF | Continental | 165 | 4,985.00 |
| RNF | Warner | 125 | 4,210.00 |
| SRE | P & W Wasp | 400-450 | 18,900.00 |
| UKO | Continental | 210 | 6,285.00 |
| UKS-7 | Continental | 225 | 6,490.00 |
| UPF-7 | Continental | 220 | 8,600.00 |
| UBF | Continental | 210 | 5,025.00 |
| UEO | Continental | 210 | 5,985.00 |
| UIC | Continental | 210 | 5,985.00 |
| UMF | Continental | 210 | 6,530.00 |
| UOC | Continental | 210 | 6,630.00 |
| VKS-(Narrow Landing gear). | Continental | 240-250 | 5,890.00 |
| VKS-7 (Wide Landing gear). | Continental | 240-250 | 8,190.00 |
| VKS-7F (Special Cross Country). | Continental | 240 | 12,500.00 |
| YKS-6 | Jacobs | 225 | 4,995.00 |
| YKS-7 (Narrow Landing gear). | Jacobs | 225 | 5,695.00 |
| YKS-7 (Wide Landing gear). | Jacobs | 225 | 8,190.00 |
| YPF-7 | Jacobs | 250 | 7,895.00 |
| YQC-6 | Jacobs | 225 | 8,875.00 |
| YOC | Jacobs | 225 | 6,895.00 |
| YPF-6 | Jacobs | 225 | 7,295.00 |
| YKO | Jacobs | 225 | 6,340.00 |
| YMF | Jacobs | 225 | 6,795.00 |
| ZKS-7 (Wide Landing gear). | Jacobs | 225-285 | 8,690.00 |
| ZKS-7 (Narrow Landing gear). | Jacobs | 225-285 | 6,435.00 |
| ZGC-7 | Jacobs | 285 | 8,435.00 |
| ZGC-8 | Jacobs | 285 | 9,895.00 |
| ZVN-8 | Jacobs | 285 | 10,695.00 |
| ZPF-6 | Jacobs | 285 | 7,635.00 |
| ZPF-7 | Jacobs | 285 | 8,935.00 |
| ZQC-6 | Jacobs | 285 | 10,390.00 |
| QSO | Continental | 165 | 5,575.00 |
| QDC | Continental | 165 | 5,985.00 |
| UBA | Continental | 210 | 4,895.00 |
| PBA | Jacobs | 170 | 4,285.00 |
| PSO | Jacobs | 170 | 5,175.00 |
| RBA | Warner | 125 | 4,195.00 |
| S-3H-D | P & W Wasp | 400 | 16,100.00 |
| ASO | Wright | 220 | 7,335.00 |
| ATO | Wright | 220 | 8,525.00 |

WELCH

| Model | Engine | Hp. | List price |
|---|---|---|---|
| OW-6M | Aeronca | 36 | $996.00 |
| OW-5M | Continental | 40 | 996.00 |

WILEY POST

| | | | |
|---|---|---|---|
| Wiley Post A | Straughan (Wiley Post). | 40 | $1,438.00 |

WHITE

| | | | |
|---|---|---|---|
| New Standard D-25-A. | Wright | 250 | $9,750.00 |

(e) *Sales between affiliated corporations.* This paragraph is applicable to the sale of any used airplane covered by this section which (1) is sold by one corporation to another corporation, both of which are members of an affiliated group as defined in section 141 of the Internal Revenue Code, and (2) is acquired by the purchasing corporation for use and not for resale in the same or in an altered form. The maximum price for the sale of any used airplane covered by this section shall be the selling corporation's book value of the airplane, less depreciation computed at the rate and in the manner used by the selling corporation in the preparation of its Federal income tax return.

SEC. 1.3. *Motorcycles manufactured for and sold to the United States by the Indian Motocycle Company under War Contract No. W-478-ORD-Indian Motocycle Company*—(a) *In general.* This section establishes a basis for pricing sales of approximately 4700 motorcycles specially built for and sold to the United States Government by the Indian Motocycle Company, Springfield, Massachusetts, under War Contract No. W-478-ORD. This pricing basis is established in the following paragraphs by dollars and cents prices for sales of the vehicles to retail dealers and to purchasers at retail, and by exempting any remaining sales from the General Maximum Price Regulation.

(b) *Maximum prices for a sale to a retail dealer* The price for a sale to a retail dealer of a motorcycle described in paragraph (a) shall not exceed $300., f. o. b. place of sale, plus the amount of the seller's actual expense, if any, for the transportation of the motorcycle to the place of sale.

(c) *Maximum prices for a sale at retail.* The price for a sale at retail of a motorcycle described in paragraph (a) shall not exceed $400., f. o. b. place of sale, plus the amount of the seller's actual expense, if any, for the transportation of the motorcycle to the place of sale.

(d) *Exception of remaining sales from the General Maximum Price Regulation.* Any sales of a motorcycle described in paragraph (a) other than sales covered by paragraphs (b) and (c), are hereby excepted from the General Maximum Price Regulation.

(e) *Notifying purchasers of maximum prices.* Any person who sells a motorcycle described in paragraph (a) to a retail dealer shall notify such a purchaser on the invoice of sale of the latter's maximum reselling price under paragraph (c)

(f) *Definitions.* (1) "Retail dealer" means any person whose sales to purchasers for use constitute a substantial part of his total sales.

(2) "Sale at retail" means a sale by a person to a purchaser for use.

(3) "Person" includes: an individual, partnership, association, or any other organized group; their legal successors or representatives; the United States, or any government, or any of its political subdivisions; or any agency of the foregoing.

ARTICLE II—AIR CONDITIONING AND REFRIGERATION EQUIPMENT

SEC. 2.1 *Air-conditioning and refrigerating equipment of less than 25 h. p.; sales pursuant to War Production Board program.* (a) Notwithstanding provi-

sions of the General Maximum Price Regulation, as amended, the maximum price applicable to the sale at the direction of the War Production Board of any industrial or commercial air-conditioning or refrigerating equipment of less than 25 h. p., to the manufacturer of such equipment by a person using such equipment and not engaged in the business of selling such equipment, shall be the installed cost of such equipment to such user, less depreciation at the rate of 5 per cent per year (except as provided in paragraph (b)) the maximum price applicable to the resale of any such equipment by the manufacturer on a reconditioned and guaranteed basis to a new user designated by the War Production Board shall be the total cost of the equipment to the manufacturer, including the cost of inspection, dismantling, and shipment to the manufacturer's plant, estimated if necessary; plus the cost of reconditioning the equipment, of shipment to the purchaser, and of installation, estimated if necessary; plus the amount of any other out-of-pocket expenses incurred in connection with such sale, estimated if necessary; plus a reasonable charge for engineering and a reasonable profit, not upon the cost to the manufacturer, but in the light of the manufacturer's risk and responsibility: *Provided,* That the amount of such profit, together with a description of the transaction, has been submitted to the Office of Price Administration, Washington, D. C., for its review and that the Office of Price Administration has approved or failed to disapprove the amount of such profit within 30 days after receipt of the information.

(b) If, upon a sale of industrial or commercial air-conditioning or refrigerating equipment of 25 h. p. or less by a state government, or any agency or political subdivision thereof, the War Production Board certifies to the Office of Price Administration prior to such sale that upon the basis of a competent engineering appraisal the 5 per cent rate of depreciation, referred to in paragraph (a) does not fairly reflect the actual depreciation of such equipment to the date of such sale, the rate of depreciation fixed by, and set forth in the certification of, the War Production Board as fairly reflecting such actual depreciation shall be used in the determination of the maximum price of such sale instead of the 5 per cent rate of depreciation.

SEC. 2.2 *Modification of maximum prices of commercial refrigeration and commercial refrigeration apparatus.* (a) On and after May 10, 1943, all persons other than manufacturers selling commercial refrigeration and commercial refrigeration apparatus, shall, in view of the provisions of section 614, Title VI of the Revenue Act of 1942 reduce their presently established maximum prices by an amount representing the federal excise tax imposed by section 546, Title V Part IV of the Revenue Act of 1941, in the following manner:

(1) By the amount of the federal excise tax if shown as a separate item on the purchase invoice, or,

(2) By 1/11 of the presently established maximum price where the federal excise tax was not shown on the purchase invoice as a separate item but was included in the sales price.

The provisions of this section shall not be applicable to any article of commercial refrigeration or commercial refrigeration apparatus on hand May 10, 1943, originally purchased from the manufacturers thereof during the period November 1, 1941, to October 31, 1942, and for which the manufacturers were reimbursed for the federal excise tax paid by them on their sales.

(b) *Definitions.* (1) The term "commercial refrigeration and commercial refrigeration apparatus" means beverage coolers, ice cream cabinets, water coolers, food and beverage display cases, food and beverage storage cabinets, ice making machines, milk cooler cabinets, refrigerators having a net storage space of more than 20 cubic feet, which were primarily designed for use with a mechanical refrigeration unit; and compressors, condensers, evaporators, expansion units, absorbers and controls for, or suitable for use as a part of or with, a refrigerating plant, refrigerating system, refrigerating equipment or unit, or any of the articles enumerated above.

(2) The term "manufacturer" means any person who makes the first sale of any article of commercial refrigeration or commercial refrigeration apparatus.

(c) Every person affected by this section shall immediately prepare a record showing all commercial refrigeration and commercial refrigeration apparatus on hand as of May 10, 1943, which was sold by the manufacturer thereof tax paid. This record which shall be retained for at least 90 days after such inventory has been sold or otherwise disposed of shall contain the following information with respect to each article: (1) a description, (2) the serial number if any, (3) the name of the manufacturer, (4) the date purchased, (5) the purchase price, (6) the name of the supplier, (7) the presently established maximum price, (8) the federal excise tax if shown as a separate item on the purchase invoice or the amount computed in accordance with (a) (2) above.

ARTICLE III—MOTORS

SEC. 3.1 *Modification of maximum prices of second-hand fractional horse power electric motors of ¾ horse power or less*—(a) *Applicability.* This section shall apply to the sale and delivery, but not the rental, of any rebuilt fractional horse power electric motor of ¾ horse power or less, and the sale and delivery of any used fractional horse power electric motor at retail.

(b) *Definition of rebuilt and guaranteed.* As used for the purpose of this section, a "rebuilt and guaranteed" motor is one in which (1) worn, defective or missing components which should be replaced or repaired for successful operation, have been replaced and repaired, (2) carries a written guarantee of successful operation for a period of not less than one year from the date of shipment to the purchaser, or, when installed by the seller, from the date of installation, and (3) which is expressly invoiced as a rebuilt and guaranteed motor.

(c) *Sales of rebuilt and guaranteed motors*—(1) *Sale at retail.* The maximum price for the sale and delivery to a purchaser at retail of a rebuilt and guaranteed fractional horse power motor of ¾ horse power or less shall be (i) 75% of the list price in effect of the nearest equivalent new motor, plus (ii) an additional sum of $7.00, less an allowance for the exchange, transfer or trade-in of a used motor as provided in paragraph (e) hereof.

(2) *Sales other than at retail.* The maximum price for the sale and delivery to all purchasers other than purchasers at retail of a rebuilt and guaranteed fractional horse power motor of ¾ horse power or less shall be 85% of the retail price, as determined by paragraph (c) (1).

(d) *Sales of second-hand motors which are not rebuilt and guaranteed.* The maximum price for any sale and delivery of any second-hand fractional horse power motor to which this section applies, but which does not qualify as a rebuilt and guaranteed motor, as defined in paragraph (b) hereof, shall be 75% of the list price in effect of the nearest equivalent new motor. Such price shall apply whether the sale be at retail or otherwise.

(e) *Exchange allowances.* A used fractional horse power motor exchanged, transferred or traded-in, in connection with a sale of a rebuilt and guaranteed motor under paragraphs (c) (1) and (c) (2) above, is a part-payment of the price for such rebuilt motor. The allowance for such part-payment shall be not less than the following, according to the size of the motor exchanged, transferred or traded-in:

1/4 horse power or less $1.00.
Over 1/4 and including 1/2 hp $2.00.
Over 1/2 and including 3/4 hp $3.00.

ARTICLE IV—PARTS FOR GENERAL USE

SEC. 4.1 *Maximum prices for sales of reconditioned valves and used valves.* (a) On and after the 21st day of February, 1944, regardless of any contract, agreement, lease, or other obligation, no person shall sell, or no person in the course of trade or business shall buy any reconditioned valve or used valve at prices in excess of the following maximum prices:

(1) *Reconditioned valves.* The maximum price for any reconditioned valve shall not be in excess of the amount determined by either of the following methods:

(i) 80 percent of the original manufacturer's net price to jobbers for the new valve;

(ii) 80 percent of any other manufacturer's net price to jobbers for the new valve of identical type; or

(iii) 50 percent of the original manufacturer's recommended resale price for the new valve;

(iv) 50 percent of any other manufacturer's recommended resale price for a new valve of identical type.

(2) *Used valves.* The maximum price for any used valve shall not be in excess of the amount determined by either of the following methods:

(i) 40 percent of the original manufacturer's net price to jobbers for the new valve;

(ii) 40 percent of any other manufacturer's net price to jobbers for a new valve of identical type; or

(iii) 25 percent of the original manufacturer's recommended resale price for the new valve;

(iv) 25 percent of any other manufacturer's recommended resale price for a new valve of identical type.

(b) *Definitions.* As used herein, the terms:

"Manufacturer's recommended resale price" means the manufacturer's published list price less the applicable published base resale discount (resale sheet) recommended by the manufacturer to be extended by jobbers on sales to consumers during the period October 1 to October 15, 1941.

"Valve" means any manually or motor-operated device designed to regulate, direct, or stop the movement of any liquid, gas, or vapor, in a piping system, tank, or any other restricted area, and includes, but is not limited to, angle, check, cross, gate, globe, or plug valve, or any evolution of these basic types.

"Reconditioned valve" means any used valve which has been subjected to the following reconditioning steps:

(1) The valve has been completely disassembled;

(2) The valve's operating mechanism has been thoroughly examined with particular attention to the seat;

(3) All defective worn parts have been replaced with new, reconditioned, or serviceable used parts;

(4) The valve has been reassembled and painted;

(5) A hydrostatic test at double the rated water working pressure of the valve, but not in excess of the hydrostatic test pressure to which the valve was subjected when originally tested as a new valve by the original manufacturer, has been applied and the valve has been found to be free from leaks, defects, and in free working order.

"Used valve" means any valve which had been, at any time, incorporated into or connected to a piping system, machinery, or operating mechanism, and which has not been reconditioned as set forth above.

"Manufacturer's net maximum price to jobbers" means the manufacturer's published list price less the applicable published ("J" sheet) discount extended by the manufacturer on sales to jobbers during the period October 1 to October 15, 1941.

(c) *Discounts and allowances.* The maximum prices established in paragraph (a) above shall be subject to at least the same cash discounts extended by the seller during the month of March 1942, to his various classes of customers.

(d) *Delivery.* The maximum prices established in paragraph (a) above are f. o. b. seller's usual place of business, but shall include free local delivery within customary free local delivery zones recognized as such by the seller during the month of March 1942.

(e) *Tagging requirements.* Every person selling a reconditioned valve under this section 4.1, must attach to each valve a tag having substantially the following guarantee printed thereon:

This valve has been reconditioned in accordance with the provisions of section 4.1 of Supplementary Regulation No. 14K to the General Maximum Price Regulation and this valve is fully guaranteed to operate at the working pressures for which it was originally designed.

(f) *Installed sales.* The sale of a reconditioned valve or a used valve on an installed basis is not covered by this section. Such a sale is covered by the applicable Maximum Price Regulation.

(g) *Notification of purchasers of existence of this section 4.1.* Every person selling reconditioned valves or used valves subject to this section shall, before making an initial sale to each purchaser, notify each purchaser of the existence of this section and, upon request of such purchaser, make available a copy of it for examination.

(h) *Records.* Every person selling reconditioned valves or used valves subject to this section, shall have available for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, a record of each sale made under this section showing the date of the sale, the name and address of the purchaser, the manufacturer's plate number of the original valve, the list price of the original valve, the discount extended, as published by the manufacturer in the "J" discount sheet or "Resale" discount sheet, the further discount allowed by the seller as set forth in paragraphs (a) and (c) and the point of delivery of the shipment.

(i) *Reports.* All persons making sales subject to the provisions of this section shall submit such reports as the Office of Price Administration may at any time request, subject to the approval of the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(j) *Geographical applicability.* This section 4.1 applies only in the 48 states of the United States and the District of Columbia.

This regulation shall become effective January 29, 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 29th day of January 1945.

CHESTER BOWLES,
*Administrator*

[F. R. Doc. 45-1740; Filed, Jan. 29, 1945; 11:42 a. m.]

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## Chapter XVIII—Office of Economic Stabilization

### Subchapter A—Office of the Director of Economic Stabilization

[Directive 30]

### PART 4003—SUBSIDIES; SUPPORT PRICES

CHEDDAR CHEESE

The War Food Administrator and the Price Administrator having submitted certain information and recommendation to me with reference to the continuation of returns to Cheddar cheese manufacturers equivalent to 27 cents per pound, Wisconsin basis, it is hereby found necessary in order to effectuate the policy established by Executive Orders 9250 and 9328 to promulgate this directive.

Accordingly, the War Food Administration is hereby authorized and directed to continue on and after January 1, 1945, by the use of Commodity Credit Corporation funds the purchase and sale program which provides for payment to manufacturers of Cheddar cheese produced, at a base rate of 3¾ cents per pound of Cheddar cheese with appropriate adjustment for moisture content, and for the recovery, by the Commodity Credit Corporation, of the aforesaid payments made on such cheese which is purchased by Government agencies.

(E.O. 9250 and E.O. 9328)

Effective date: January 27, 1945.

Issued this 27th day of January 1945.

FRED M. VINSON,
*Economic Stabilization Director*

[F. R. Doc. 45-1695; Filed, Jan. 29, 1945; 9:43 a. m.]

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# TITLE 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, War Department

### PART 204—DANGER ZONE REGULATIONS

WATERS OF GULF OF MEXICO, SOUTH OF SHIP ISLAND; ARMED GUARD TRAINING STATION, GULFPORT, MISS.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), the regulations governing the use and navigation of waters of the Gulf of Mexico, south of Ship Island and north of the Chandeleur Islands, comprising a surface and anti-aircraft firing area of the Armed Guard Training Station, Gulfport, Mississippi, are hereby revoked.

§ 204.91a-2 *Waters of Gulf of Mexico, south of Ship Island, Armed Guard Training Station, Gulfport, Miss.* [Revoked] (40 Stat. 266; 33 U.S.C. 1) [Regs. 19 January 1945 (CE 800.2121 (Mississippi Sound, Miss.)-SPEWR)]

[SEAL] J. A. ULIO,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 45-1638; Filed, Jan. 27, 1945; 9:23 a. m.]

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# TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans' Administration

### PART 2—ADJUDICATION: VETERANS' CLAIMS

DETERMINATIONS AS TO BASIC ENTITLEMENT

1. In § 2.1059 paragraph (a) is amended as follows:

§ 2.1059 *Active service under Public, No. 2, 73d Congress.* (a) In determining rights pursuant to § 35.011, active service shall be accepted as exclusive of unauthorized leave of absence which materially interferes with the performance

of military duties or of periods of agricultural, industrial or indefinite furlough. The definition of "active service" shall be subject to the provisions of § 35.10 (h) and (i) of this chapter, as amended by Public, No. 648, 75th Congress, and Public, No. 439, 78th Congress, as they relate to "misconduct" and the definition of "line of duty."

2. Section 2.1060 is revised as follows:

§ 2.1060 *Active service requirements of § 35.013.* Where the military service extended into, or beyond the period of hostilities, there must be ninety days continuous service so extending in order to meet the requirements of § 35.013, as amended, of this chapter, but the requirements of active service for a total of ninety days or more during one of the enumerated wars can be composed of two or more periods of service, if all such periods are within the war period. Service is exclusive of the furloughs enumerated in § 2.1059, time under arrest, in the absence of acquittal, time for which the soldier or sailor was determined to have forfeited pay by reason of absence without leave, and time spent in desertion or while undergoing sentence of court martial. Time in a hospital, on sick furlough or as a prisoner by the enemy is included. (52 Stat. 754; 38 U.S.C. Ch. 12 Supp., Pub. 439, 78th Cong.)

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

JANUARY 23, 1945.

[F. R. Doc. 45-1651; Filed, Jan. 27, 1945; 11:25 a. m.]

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PART 5—ADJUDICATION: DEPENDENTS' CLAIMS

DEFINITIONS OF RELATIONSHIP

1. Paragraph (b) of § 5.2504 is amended to read as follows:

§ 5.2504 *Indian wars.* * * *

(b) *Remarried widow.* The term "remarried widow" shall mean a person who was married to the veteran prior to March 4, 1917, and who otherwise meets the requirements of the preceding paragraph (a) subparagraph (1) and whose subsequent or successive marriage or marriages has or have been dissolved either by death of the husband or husbands or by divorce without fault on her part. (44 Stat. 1361.) A remarried widow has no title under the provisions of Public No. 245, 78th Congress (Act of March 3, 1944) (58 Stat. 108)

2. In § 5.2506, paragraphs (a) (2) and (b) are amended to read as follows:

§ 5.2506 *Civil War.* * * *

(a) *Widow.* * * *

(2) As to claims filed under Public No. 471, 78th Congress, after December 8, 1944, the term "widow" shall mean a person who:

(i) Was married to the veteran ten or more years prior to the date of his death;

(ii) Lived with the veteran continuously from the date of marriage to the date of his death as provided in § 5.2516;

(iii) Is 60 years of age or over;

(iv) Has not remarried;

(v) Is in dependent circumstances. In determining dependency, the criteria outlined in § 2.1057 of this chapter for determining the dependency of a parent shall be applied. (Public No. 471, 78th Congress.)

(b) *Remarried widow.* (1) For the purposes of the Act of May 1, 1920 (41 Stat. 585), the term "remarried widow" shall mean a person who married the veteran prior to June 27, 1905, and who otherwise meets the requirements of paragraph (a) subparagraph (1), and whose subsequent or successive marriage or marriages has or have been dissolved either by the death of the husband or husbands, or by divorce without fault on the part of the wife.

(2) For the purposes of the Act of July 3, 1926 (44 Stat. 806), the term "remarried widow" shall mean a person who was the wife of the veteran during the period of his service in the Civil War and whose subsequent or successive marriage or marriages has or have been dissolved either by the death of the husband or husbands, or by divorce. (22 P. D. 231-233.)

(3) For the purposes of the Act of June 9, 1930 (46 Stat. 529), the term "remarried widow" shall mean a person who married the veteran prior to June 27, 1905, and who otherwise meets the requirements of paragraph (a), subparagraph (1) and whose subsequent or successive marriage or marriages has or have been dissolved either by the death of the husband or husbands, or by divorce on any ground except adultery on her part.

(4) A remarried widow has no title under the provisions of Public No. 471, 78th Congress (Act of December 8, 1944) (58 Stat. 797)

3. Section 5.2508 (a) (2) is amended to read as follows:

§ 5.2508 *Spanish-American War, Boxer Rebellion, Philippine Insurrection, peacetime service.* * * *

(a) *Widow.* * * *

(2) The term "widow" of a peacetime veteran shall mean a person who was married to the veteran prior to the expiration of ten years subsequent to his discharge from the enlistment during which the injury or disease, on account of which claim is being filed, was incurred. Continuous cohabitation is not a factor. (§ 35.10 (e) of this chapter) (58 Stat. 797)

4. Paragraph (a) of § 5.2512 is amended to read as follows:

§ 5.2512 *Spanish-American War, Boxer Rebellion and Philippine Insurrection; Service Acts as Reenacted by Public No. 269, 74th Congress.* * * *

(a) *Widow.* For the purposes of the Act of May 1, 1926, as reenacted by Public No. 269, 74th Congress (Act of August 13, 1935), the term "widow" of a veteran of the Spanish-American War, the Boxer Rebellion, or the Philippine Insurrection, shall mean a person who was married to the veteran prior to January 1, 1938. As to awards approved on or after March 1, 1944, and increases in pension under section 3, Public No. 242, 78th Congress, continuous cohabitation as described in § 5.2516 must be established: *Provided,* That where the widow is entitled solely by virtue of the provisions of section 2, Public No. 242, 78th Congress, pension shall not be paid for any period prior to April 1, 1944. However, the $50 rate is payable only when the widow was the wife of the veteran during his war service as defined in §§ 4.2000 (b), 4.2001 (b) or 4.2002 (b) of this chapter. (Administrator's Decision 585.) (Public No. 242, 78th Congress, Act of March 1, 1944.) See § 5.2617. (58 Stat. 107)

5. In § 5.2514, paragraphs (a) and (b) are amended to read as follows:

§ 5.2514 *World War I.* For the purpose of adjudicating claims for death pension or compensation under any law granting such benefits to dependents of deceased World War I veterans, the following definitions of relationship shall govern:

(a) *Widow.* For periods on or after May 13, 1938, and prior to December 14, 1944, the term "widow" of a World War I veteran shall mean a woman:

(1) Who was married prior to May 13, 1938, to the person who served: *Provided,* That the widow

(2) Must have lived continuously with the person who served from the date of marriage to the date of death, as provided in § 5.2516, and

(3) Must not have remarried since the death of the person who served.

(b) *Widow.* For periods on or after December 14, 1944, the term "widow" of a World War I veteran shall mean a woman who was married to the person who served:

(1) Prior to December 14, 1944, or

(2) Ten or more years prior to the date of his death, and

(3) Must have lived continuously with the person who served from the date of marriage to the date of his death, as provided in § 5.2516, and

(4) Has not remarried since the veteran's death;

(5) *Provided,* That where the widow has been legally married to the veteran more than once, the date of original marriage will be used in determining whether the statutory requirement as to date of marriage, as outlined in subparagraphs (1) and (2) has been met. (58 Stat. 803)

6. In § 5.2515, paragraph (a) is amended to read as follows:

§ 5.2515 *World War II.* * * *

(a) *Widow.* The term "widow" of a veteran of World War II shall mean a woman who was married to the veteran:

(1) Prior to the expiration of ten years subsequent to the termination of hostilities incident to such war as determined by proclamation of the President or by concurrent resolution of the Congress; and

(2) Must have lived continuously with the person who served from the date of marriage to the date of his death as provided in § 5.2516, and

(3) Has not remarried since the veteran's death;

(4) *Provided,* That where the widow has been legally married to the veteran more than once, the date of original marriage will be used in determining whether the statutory requirement as to date of marriage as outlined in subparagraph (1) has been met. (58 Stat. 803)

PENSIONABLE AND COMPENSABLE SERVICE FOR DEATH PENSION AND COMPENSATION PURPOSES

7. Paragraph (b) of § 5.2528 is amended to read as follows:

§ 5.2528. *Death of Civil War veteran. Acts of May 1, 1920, July 3, 1926, June 9, 1930, and December 8, 1944.* * * *

(b) If pension has been granted to an insane, idiotic or otherwise helpless child of the veteran or to a child or children of the veteran under sixteen years of age, the widow shall not be entitled to pension until the pension to the child or children terminates, unless such child or children be a member or members of her family and cared for by her; and when these conditions are fulfilled and the pension is granted to the widow, payment of pension to such child or children shall cease; except that in the event the amount being paid to such child or children is less than the amount authorized to the widow, then the difference between such amounts will be paid to the widow. (58 Stat. 797)

8. In § 5.2548, paragraph (a) is amended, paragraph (e) is revoked, paragraphs (f) through (i) are redesignated (e) through (h) and paragraphs (g) and (h) are amended, as follows:

§ 5.2548 *Death of World War I veteran from disease or injury not the result of military service, (Public No. 484, 73d Congress, as amended)* (a) (1) For periods on and after July 19, 1939, and prior to December 14, 1944, for the purpose of section 1 (b) Public No. 198, 76th Congress, the widow, child or children as defined in § 5.2514 of a person who served with the United States military or naval forces in World War I before November 12, 1918, or before April 2, 1920, if service was in Russia, and who was honorably discharged after serving 90 days or more (or having served less than 90 days was discharged for disability incurred in the service in line of duty) and who dies or has died from a disease or disability not service connected and at the time of death had a disability as defined in § 5.2548 (b) (1) directly or presumptively incurred in or aggravated by service in World War I after April 5, 1917, and before July 3, 1921, for which compensation would be payable if 10 per centum or more in degree, shall be entitled to receive compensation at the monthly rates specified in § 5.2640; *Provided,* That for the purpose of section 1 (a) Public No. 198, 76th Congress, compensation shall be payable regardless of the length of the veteran's service if at the date of death he had such a disability which was 10 per centum or more disabling: *Provided further* That on and after June 22, 1944, compensation shall be payable under the conditions prescribed where the veteran was discharged or released from active service under conditions other than dishonorable. (Section 1503, Public No. 346, 78th Congress.) (58 Stat. 284, 803)

(2) On and after December 14, 1944, for the purpose of section 1, Public No. 483, 78th Congress, the widow, child or children of any deceased person who served in World War I before November 12, 1918, or if the person was serving with the United States military forces in Russia before April 2, 1920, and

(i) Who was discharged or released from active service under conditions other than dishonorable after having served ninety days or more or

(ii) Who was discharged for disability incurred in the service in line of duty, or

(iii) Who at time of death was receiving or entitled to receive compensation, pension, or retirement pay for World War I service-connected disability, shall be entitled to receive pension at the monthly rates specified in § 5.2640.

* * * * *

(g) *Misconduct.* Death resulting from misconduct of the person who served is not a ground for denial of compensation under the provisions of Public No. 484, 73d Congress, as amended.

(h) *Absence for seven years.* For periods on and after June 5, 1942, and prior to December 14, 1944, compensation under Public No. 484, 73d Congress, as amended, may be awarded to persons, otherwise entitled, in instances where the death of the veteran is presumed by applying the provisions of Public No. 591, 77th Congress, relating to the continued and unexplained absence of a person from his home and family for a period of seven years: *Provided,* The veteran had a service-connected disability such as would, by its nature, be known to have existed to a degree which would bring it within the provisions of Public No. 484, 73d Congress, as amended, at the time presumption of death arose. For periods on and after December 14, 1944, as to claims where Public No. 483, 78th Congress, is applicable, the showing of a service-connected disability shall not be required except as stated in paragraph (a) subparagraph (2) hereof. The date of death in such cases is the date determined to be the end of the seven-year period. (See §§ 5.2518 and 5.2576 (a).) (58 Stat. 803)

9. In § 5.2549, paragraphs (a) and (b) (1) and (3) are amended to read as follows:

§ 5.2549 *Death of World War II veteran from disease or injury not the result of service, who at time of death had a service-connected disability (Public, No. 312, 78th Congress, Act of May 27 1944, and Public, No. 483, 78th Congress, Act of December 14, 1944)* (a) On or after May 27, 1944, for the purposes of section 4, Public, No. 312, 78th Congress, the widow, child or children, as defined in § 5.2514, of a person who served during World War II and who was honorably discharged after serving 90 days or more (or having served less than 90 days, was discharged for disability incurred in the service in line of duty) and who dies or has died from a disease or disability not connected with such service, and at the time of death had a disability as described in pargaraph (b) incurred in or aggravated by service in World War II, for which pension would be payable if 10 per centum or more in degree, shall be entitled to receive pension at the monthly rate specified in § 5.2640: *Provided,* That pension shall be payable without regard to the length of the veteran's service if at the date of death he was receiving or entitled to receive pension for a disease or disability as specified above which was 10 per centum or more disabling under the Schedule for Rating Disabilities, 1933, and extensions thereto; *Provided further,* That the income limitations set forth in § 5.2548 (f) shall be applicable in determining entitlement to pension under this law: *Provided further,* That on or after June 22, 1944, pension shall be payable under the conditions prescribed where the veteran was discharged or released from active service under conditions other than dishonorable. (Section 1503, Public, No. 346, 78th Congress, sections 5 and 6, Public, No. 483, 78th Congress.)

(b) (1) *Establishment of service-connected disability of less than 10 per centum under section 4, Public No. 312, 78th Congress, and section 6, Public No. 483, 78the Congress.* On or after May 27, 1944, the existence of a service-connected disease or injury at death and the determination of a disability resulting from such disease or injury for which pension would be payable if 10 per centum or more in degree may be based upon evidence filed at any time subject to the limitations contained in § 35.022 (b) and § 35.02 (a) (1) of this chapter. Any disability that may be properly service connected under the provisions of § 35.011 of this chapter, Public No. 2, 73d Congress, as amended, for World War II veterans will be considered service connected for the purpose of Public No. 312, 78th Congress, or Public No. 483, 78th Congress. (58 Stat. 284, 803.)

* * * * *

(3) This regulation shall be cited as the authority for the determination of the existence of a disability of less than 10 per centum under section 4, Public No. 312, 78th Congress, or Public No. 483, 78th Congress. Where there is no provision for an evaluation of the disease or injury as a disability and the condition is not a disability within the meaning of the instructions issued defining the term "disability" as used in section 1 (b), Public No. 198, 76th Congress, or section 6, Public No. 483, 78th Congress, but it is clear that the disease or injury constituted a definitely ascertainable disability the rating agency or the board of veterans appeals, as the case may be, will outline the evidence and influencing reasons relied on to show the existence of a disability: *Provided, however* That rating boards in field offices will make recommendatory ratings in such cases which will be forwarded to central office for review and final rating by the dependents pension board, dependents claims service. (58 Stat. 803)

COMMENCEMENT OF ORIGINAL AWARDS OF DEATH PENSION OR COMPENSATION

10. In § 5.2570, the introductory text and paragraph (a) are amended to read as follows:

§ 5.2570 *Service acts, Civil War* Original awards of death pension under the service acts relating to the Civil War

(Act of May 1, 1920, 41 Stat. 585; Act of July 3, 1926, 44 Stat. 806; Act of June 9, 1930, 46 Stat. 529; Act of December 8, 1944, Public No. 471, 78th Congress) shall commence:

(a) (1) *Widows.* The date of filing formal application, provided that where title is derived solely under the provisions of Public No. 471, 78th Congress (act of December 8, 1944) pension shall commence from the date of filing claim after December 8, 1944.

(2) *Remarried widows.* The date of filing formal application. Remarried widows have no title under Public No. 471, 78th Congress. (58 Stat. 797)

11. Paragraph (a) of § 5.2574 is amended to read as follows:

§ 5.2574 *Public No. 2 and sections 28 and 31, Public No. 141, 73d Congress, as amended*—(a) (1) *World War I; service-connected death.* The date of commencement of original awards of death compensation under the provisions of § 35.011, as amended, of this chapter, or sections 28 or 31, Public No. 141, 73d Congress, as amended, shall be the day following the date of death if application is filed within one year after the date of death, otherwise the date of filing applications: *Provided, however* That the date of commencement shall be fixed in accordance with the facts found, but not prior to the date of the happening of the contingency upon which death compensation is allowed. (§ 35.02 of this chapter and section 6, Public No. 304, 75th Congress.)

(2) Compensation payable solely as a result of the definition of the term "widow" contained in section 3, Public No. 483, 78th Congress, shall commence the day following the date of death or December 14, 1944, whichever is the later, if application is filed within one year after the date of death; otherwise the date of filing application, but in no event prior to December 14, 1944. A claim pending on December 14, 1944, shall be considered a claim under this law. (58 Stat. 803)

12. Section 5.2575 is amended to read as follows:

§ 5.2575 *Death compensation payable by virtue of Public No. 196, 76th Congress (Act of July 19, 1939) as amended by sections 7 and 8, Public No. 866, 76th Congress (Act of October 17, 1940)* The commencing date of pension or compensation under this act shall be the same as provided in § 5.2574 (a)

13. In § 5.2576, paragraph (a) is amended, paragraph (b) is revoked, and paragraphs (c) and (d) are redesignated (b) and (c) as follows:

§ 5.2576 *Public No. 484, 73d Congress, as amended, World War I, nonservice-connected death.* (a) (1) The date of commencement of original awards of death compensation under the provisions of Public No. 484, 73d Congress, as amended, shall be the day following the date of death if application is filed within one year after the date of death, otherwise the date of filing applications; *Provided, however* That the date of commencement shall be fixed in accordance with the facts found, but not prior to the date of the happening of the contingency upon which death compensation is allowed. (§ 35.02 of this chapter and section 6, Public No. 304, 75th Congress.)

(2) Pension payable solely by reason of the conditions of entitlement contained in section 1, Public No. 483, 78th Congress, or as a result of the definition of the term "widow" contained in section 3, Public No. 483, 78th Congress, shall commence the day following the date of death or December 14, 1944, whichever is the later if application is filed within one year after the date of death, otherwise the date of filing application, but in no event prior to December 14, 1944. A claim pending on December 14, 1944, shall be considered a claim under this law. (58 Stat. 803)

EFFECTIVE DATES OF REDUCTIONS AND DISCONTINUANCES OF DEATH PENSION AND COMPENSATION

14. In § 5.2584, the introductory text preceding paragraph (a) is amended to read as follows:

§ 5.2584 *General law and service acts.* Awards of pension shall be reduced or discontinued as follows under:

General law (sections 4702 and 4707, Revised Statutes, as amended), as to service prior to April 21, 1898; and

Service acts, relating to the Civil War, Act of May 1, 1920 (41 Stat. 585); Act of July 3, 1926 (44 Stat. 806); Act of June 9, 1930 (46 Stat. 529); and Act of December 8, 1944 (Public No. 471, 78th Congress);

Indian Wars, Act of March 3, 1927 (44 Stat. 1361); and Act of March 3, 1944 (Public No. 245, 78th Congress);

War with Spain, Boxer Rebellion, and Philippine Insurrection, Act of May 1, 1920 (44 Stat. 382), as reenacted by Public No. 269, 74th Congress (Act of August 13, 1935); Public No. 242, 78th Congress (Act of March 1, 1944);

Act of July 13, 1943, Public No. 144, 78th Congress; and

Act of April 1, 1944, Public No. 280, 78th Congress.

(58 Stat. 107, 108, 797)

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

15. Section 5.2628 *Rates under the service acts for death not the result of service* is revoked.

16. In § 5.2632, paragraph (a) is amended to read as follows:

§ 5.2632 *Civil war*—(a) (1) *Widows and remarried widows.*

| | *Per month* |
|---|---|
| Act of May 1, 1920 | $30.00 |
| Act of July 3, 1926 (wife during period of service) | 50.00 |
| Act of June 9, 1930 (over 70 years of age) | 40.00 |
| Additional for each child | 6.00 |

(2) *Widows.*

| | |
|---|---|
| Act of December 8, 1944 | 30.00 |
| 70 years of age or over | 40.00 |

(58 Stat. 797)

17. Section 5.2640 is amended to read as follows:

§ 5.2640 *Rates under Public No. 484, 73d Congress (act of June 28, 1934), as amended.* The following rates are payable under Public No. 484, 73d Congress (act of June 28, 1934),

(a) *Rates on and after July 19, 1939. (Section 2, Public No. 196, 76th Congress.).*

| | *Per month* |
|---|---|
| Widow but no child | $30.00 |
| Widow and one child (with $4 for each additional child) | 33.00 |
| No widow but one child | 15.00 |
| No widow but two children | [1] 22.00 |
| No widow but three children (with $3 for each additional child, total amount to be equally divided) | [1] 30.00 |

[1] Equally divided.

The total compensation payable under this paragraph shall not exceed $64.00. Where such benefits would otherwise exceed $64.00 the amount of $64.00 may be apportioned as prescribed in § 5.2591.

(b) *Rates on and after June 1, 1944. (Public No. 312, 78th Congress.)*

| | *Per month* |
|---|---|
| Widow but no child | $35.00 |
| Widow and one child (with $5 for each additional child) | 45.00 |
| No widow but one child | 18.00 |
| No widow but two children | [1] 27.00 |
| No widow but three children (with $4 for each additional child, total amount to be equally divided) | [1] 36.00 |

[1] Equally divided.

The total compensation payable under this paragraph shall not exceed $64.00 for periods prior to December 14, 1944, and $74.00 for periods commencing on or after December 14, 1944 (Public No. 483, 78th Congress) As to a widow and child or children not in her care and custody, any amount payable under this paragraph may be apportioned as prescribed in § 5.2591. (58 Stat. 803)

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

FEBRUARY 1, 1945.

[F. R. Doc. 45-1652; Filed, Jan. 27, 1945; 11:25 a. m.]

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PART 36—REGULATIONS UNDER SERVICEMEN'S READJUSTMENT ACT OF 1944

DETERMINATION OF ELIGIBILITY FOR EDUCATION OR TRAINING, NOTIFICATION OF VETERANS AND APPROVED INSTITUTION AND PAYMENTS TO VETERANS

Sec.
36.210 Authority to make determinations.
36.211 Eligibility for education or training for one year or less.
36.212 Eligibility for education or training beyond one year.
36.213 Filing of applications.
36.214 Determination of eligibility and notice to veteran.
36.215 Evidence necessary in determining eligibility.
36.216 Deductions in computing active service.
36.217 Rating of claims based on less than ninety days service.
36.218 Service required for entitlement beyond one year.
36.219 Evidence upon which findings of fact are to be predicated.
36.220 Recording of eligibility determinations.
36.221 Notification to veteran.
36.222 Right of election.
36.223 Requirements for entrance into training.
36.224 Maintenance of payment records.
36.225 Verification of approval of institution before payment.
36.226 Execution of Form 1907-C.
36.227 Payment of subsistence allowance.
36.228 Reduction in amount of subsistence allowance.

Sec.
36.229 Right of appeal.
36.230 Development of appeal.
36.231 Definitions of relationship, dependency, jurisdiction, etc.
36.232 Resolution of reasonable doubt.

AUTHORITY: §§ 36.210 to 36.232, inclusive, issued under 58 Stat. 284.

§ 36.210 *Authority to make determinations.* Determination as to eligibility to courses of education or training and certification for the purpose of authorizing subsistence allowance and the payment of authorized expenses to approved educational or training institutions is vested in the vocational rehabilitation and education division in each regional office or facility having regional office activities under a chief.

§ 36.211 *Eligibility for education or training for one year or less.* Any veteran of World War II is entitled to education or training (or a refresher or retraining course) in an approved educational or training institution for a period of one year (or the equivalent thereof in part-time study) or for such lesser time as may be required for the course of instruction chosen by him: *Provided,* The following conditions prevail:

(a) That the person served in the active military or naval service on or after September 16, 1940, and prior to the termination of the present war,

(b) That the person has been discharged or released from active military or naval service under conditions other than dishonorable,

(c) That the person shall have served 90 days or more, exclusive of any period he was assigned for a course of education or training under the Army specialized training program or the Navy college training program, which course was a continuation of his civilian course and was pursued to completion, or the time he was assigned as a cadet or midshipman, at one of the service academies, or, if less than 90 days, that he shall have been discharged or released from active service by reason of an actual service-incurred injury or disability. (This last provision requires determination of service incurrence without applying presumptive provisions of Public No. 2, 73d Congress, as amended.)

(d) That the person makes application for and initiates the course of education or training within two years following his discharge or release from active service, or from the date of termination of the war, whichever is the later.

§ 36.212 *Eligibility for education or training beyond one year* In order to be entitled to education or training other than a refresher or retraining course beyond one year, satisfactory completion of such course of education or training according to the regularly prescribed standards and practices of the institution is required. It must be further shown the person's education or training was impeded, delayed, interrupted or interfered with by reason of his entrance into service.

(a) Any person who was not over 25 years of age at the time he entered active service, or September 16, 1940, whichever is later, shall be deemed to have had his education or training impeded, delayed, interrupted or interfered with.

(b) A person over 25 years of age at the time he entered active service, or September 16, 1940, whichever is later, must submit satisfactory evidence to show that his education or training was impeded, delayed, interrupted, or interfered with.

§ 36.213 *Filing of applications.* The veteran may file his application with the Veterans Administration or through the approved educational or training institution which he has selected, in which event the institution should promptly forward his application to the regional office or facility having regional office activities in the territory in which the institution is located. Applications for this benefit shall be made through the execution of Veterans Administration Form 1950, Veterans' Application for a Course of Education or Training or Refresher or Retraining Course under Part VIII, properly filled in and subscribed to and sworn before a person authorized to administer oaths. Any communication from or action by a claimant or his duly authorized representative which clearly indicates an intent to apply for benefits under this title may be considered an informal application thereunder if promptly followed by formal application, Form 1950. (The receipt of Form 1950 is a prerequisite to the finding of entitlement or the authorization of payments under this title.)

(a) With this Form 1950 there should be submitted a certified copy (not an abstract) or a certified photostatic copy of discharge or release from active duty, and,

(b) Supporting evidence properly attested where the applicant proposes to establish the fact that his education was impeded, delayed, interrupted or interfered with by reason of his entrance into active military service.

§ 36.214 *Determination of eligibility and notice to veteran.* When Form 1950 is received in the office of the Veterans Administration that will determine eligibility it will be attached to the claims folder in the event there is a C-folder on file or if indicated the C-folder is of record in another office, it will be obtained by transfer. In case a new C-folder is required, a red rope folder will be prepared. The Form 1950 is to be filed in the red rope folder. The folder will be routed in every case to the vocational rehabilitation and education division, where eligibility will be determined and the veteran notified of the decision.

(a) Inquiries concerning education or training under Public No. 346, 78th Congress, including informal and formal applications for training in all cases over which central office has jurisdiction, (§ 2.1012 and § 4.2025 of this chapter) are to be promptly referred to the vocational rehabilitation and education service, central office.

§ 36.215 *Evidence necessary in determining eligibility.* Eligibility for a course of education or training (or refresher or retraining course) and the length thereof shall be predicated upon the best available evidence. That concerning the length of and character of military service shall be official evidence from the appropriate service department and may be:

(a) Copy of veteran's discharge certificate or release from active duty as furnished automatically by the service department at the time of the service person's discharge from the service,

(b) A certified copy or certified photostatic copy of discharge or release from active duty as submitted by the claimant with his application for benefits,

(c) The War Department, A. G. O. Form 100, when available, which will indicate course of education or training under Army specialized training program,

(d) An official report from the service department received in response to an appropriate request on 3101 series form,

(e) Clarifying information from office of the director, vocational rehabilitation and education service, central office, upon request in an individual case, as to whether or not course of instruction under the Army specialized training program or the Navy college training program was a continuation of a civilian course and was pursued to completion,

(f) Any question that may arise as to whether the circumstances under which the veteran was discharged or released from active duty, might bar entitlement to eduction or training, should be referred by memorandum to the adjudication division, field office, or claims division, veterans claims service, central office for appropriate action prior to the issuance of certificate of eligibility or entitlement to education or training. (See §§ 36.3 to 36.8 of this chapter.)

NOTE: A veteran who has had the required period of active service and has been discharged or released therefrom under conditions other than dishonorable is required only to express a desire for a refresher or retraining course to be found eligible thereto.

§ 36.216 *Deduction in computing active service.* In computing the period of active service, deduction will be made for:

(a) Periods of absence without leave for which pay was forfeited.

(b) The time spent as a cadet or midshipman at one of the service academies.

(c) Time assigned for a course of education or training under the Army specialized training program and the Navy college training program, which course was a continuation of a civilian course and was pursued to completion.

(1) In the Army the time assigned to courses in medicine, dentistry and veterinary medicine which were pursued to completion, including cases covered in Administrator's Decision, Veterans Administration, No. 595, dated October 16, 1944, will be excluded. Persons who completed these courses, if not discharged for failure to pass the physical examination or for other reasons, were commissioned. Those completing the course in medicine and commissioned were placed on an inactive status for

internship and this period of internship is not to be considered in computing the total period of active service. There were approximately 175 persons completing the Army specialized training program course in dentistry who were discharged to accept commissions in the Navy, and there were also persons completing the above Army specialized training program courses who were discharged and not commissioned who subsequently reentered the service, however, the Form 1950 should reflect this service.

(2) In the Navy the time assigned to courses in medicine, dentistry and theology, which were pursued to completion, including cases covered in Administrator's Decision, Veterans Administration, No. 595, dated October 16, 1944, will be excluded. For those persons completing the course in medicine who were placed on an inactive status for one year internship, this year will not be considered in computing the total period of active service.

(3) A roster of all officers who participated in the Army specialized training program or the Navy college training program will be maintained in the Veterans Administration, central office. This roster includes Marine Corps and Coast Guard Officers. When an officer-claimant indicates that he had a course in the Army specialized training program or the Navy college training program, any additional information desired concerning courses pursued by these claimants may be obtained through the office of the director, vocational rehabilitation and education service, central office.

(4) A former service person, who upon his election has been discharged from the service as an incident of the reduction of the Army specialized training program or the Navy college training program and whose active service exclusive of the time spent as a member of the Army specialized training program or the Navy college training program has been for a period of less than ninety (90) days, is not eligible to the benefits as provided for under this title. (Administrator's Decision No. 595.)

§ 36.217 *Rating of claims based on less than ninety days service.* When an application for education or training is received and the veteran had less than ninety (90) days service within the purview of Veterans Regulation No. 1 (a), Part VIII, but was discharged for disability, the vocational rehabilitation and education division will refer the claim to the adjudication division, field office, or the claims division, veterans claims service, central office, for a formal rating to determine whether such discharge was by reason of an actual service-incurred disease or injury.

§ 36.218 *Service required for entitlement beyond one year* In computing the additional period of education or training beyond the first year to which the veteran may be entitled, only service on or after September 16, 1940, and prior to the termination of the war will be available.

§ 36.219 *Evidence upon which findings of fact are to be predicated.* Finding of fact as to whether a veteran's education or training was impeded, delayed, interrupted or interfered with by reason of his entrance into actice service (i. e., case where a veteran who was over 25 years of age at the time he entered active service or September 16, 1940, whichever is the later) will be predicated upon the best available evidence. In the case of a veteran who was actively pursuing a course of education or training, the fact may be properly and readily established. In those instances where the veteran was not actively pursuing a course of education and claims that he would have been except for extenuating circumstances, a determination will be made, based upon the best available evidence, including that submitted by or in behalf of the veteran for the purpose of showing that his education or training was impeded, delayed, interrupted or interfered with as a result of his entrance into the armed forces. It is expected that responsible personnel will exercise sound judgment in making this determination, reasonable doubt to be resolved in favor of the applicant.

§ 36.220 *Recording of eligibility determinations.* There will be made a determination of eligibility to education or training or refresher or retraining course and the length of course to which the claimant is eligible. The data relied upon to make this determination will be recorded on Eligibility Work Sheet, Form 1952, which will become a part of the permanent record.

NOTE: It is to be understood where a course is pursued on a continuous part-time basis, the period of eligibility will be proportionately extended within the statutory limits.

§ 36.221 *Notification to veteran.* If the veteran is found eligible, he will be given notification of the exact period of full-time training to which he is entitled under the law and that he may elect his course of training and select an approved institution. Form 1953, Certificate of Eligibility and Entitlement, will be used to notify the veteran. The veteran will also be informed that he may use the certificate as evidence of his eligibility for education or training under the law in contacting the institution which he has selected.

(a) In instances in which the evidence clearly shows entitlement to the first year of training or education, but is not sufficiently clear to show the exact training time in excess of one year to which the applicant may be entitled, the notification of eligibility will not be withheld pending the final determination of the exact additional period but will be issued in a manner to show the veteran is entitled to a period of one year or more and that the exact time in excess of one year will be determined later. Upon final determination, a revised certificate of eligibility will be issued in lieu of the earlier notification and will be identified as a revised form.

(b) A certificate of eligibility may be issued for the purpose of replacing a lost or destroyed certificate upon application by the veteran for a duplicate certificate of eligibility. The certificate should be plainly marked showing it as a duplicate issued in lieu of a lost or destroyed certificate and the date the original was issued should also be indicated.

(c) A veteran who has surrendered his certificate of eligibility at the time of entrance into training in an approved institution who makes application for a supplemental certificate of eligibility for use in obtaining admission to another institution, may be furnished such a certificate. The certificate shall be plainly marked to indicate it is a supplemental certificate and will show the date of issuance of the original certificate and will also show the period of training the veteran has completed and the name of the institution where given and will state the remaining period of education or training to which the veteran is entitled.

§ 36.222 *Right of election.* A veteran who has been found eligible for education or training under Part VIII and whose entitlement to vocational rehabilitation training under Part VII has not been determined, may enter a course of education or training under Part VIII, pending the determination of his rights under Part VII. If he is later found eligible under Part VII, he will elect which benefit he desires: *Provided,* That upon his election to receive vocational rehabilitation training under Part VII, the time spent in the course under Part VIII shall not be available for training under Part VII. A person who has received training under the provisions of Part VII and who elects to receive benefits under the provisions of Part VIII, will have deducted from the period of his eligibility under Part VIII, such time as has been spent in training under Part VII. A veteran having exercised his election to pursue training under Part VII or Part VIII, will have no further right of election (but the Veterans Administration for good cause may authorize change of course).

§ 36.223 *Requirements for entrance into training.* A veteran who has satisfied the entrance requirements of an approved educational or training institution which will accept or retain him as a student in any field or branch of knowledge which he elects and which institution finds him qualified to undertake or pursue may be entered into education or training by the institution selected by him if:

(a) A claim on Form 1950 having been filed and eligibility having been determined, he presents a certificate of eligibility to an institution showing his entitlement to a course of education or training, or,

(b) No claim on Form 1950 having been filed with the Veterans Administration, and the veteran enters into an institution under conditions satisfactory to the institution, in which case it will be necessary that Form 1950 be executed and forwarded to the appropriate office of the Veterans Administration in order that eligibility may be determined.

(c) In any case in which Form 1950 is filed through an institution, upon determination of eligibility the institution will be advised of the action taken.

(d) When a veteran has been admitted to an approved institution (eligibility having been determined) the institution shall be responsible for forwarding to the regional office or facility having regional office activities of the Veterans Administration having jurisdiction over the territory in which the institution is located:

(1) The certificate of eligibility surrendered by the veteran to the institution as proof of his entitlement, which shall be properly endorsed by a certifying officer of the institution showing the date the veteran commenced training.

(2) If the training facility is an educational institution, a certified statement showing:

(i) The name of the course, length of the course, length of the ordinary school year, whether the course of training is full-time or part-time and if part-time, the ratio of such course to a full-time course, and the educational level of the veteran at entrance into course. The certificate furnished should show, in the case of schools, the semester hours of allowable credit per semester or the clock hours of required attendance, whichever may be applicable. For on-the-job training it should show the hours of work required per week.

(ii) Customary cost of tuition, laboratory, library, health, infirmary and other similar fees as are customarily charged, and other necessary expenses, itemized, as are generally required for the successful pursuit and completion by other students in the institution for an ordinary school year, or those charges which have been approved by the Administrator of Veterans' Affairs. Board, lodging and other living expenses and travel are not to be included.

(iii) The charges for books, supplies, equipment and other necessary expenses customarily incurred for or by any student who pursues the particular course as has been selected by the veteran.

(e) Should the approved institution of the veteran's choice be a business establishment, certification under (2) above will be omitted and the following substituted:

(1) A statement giving a description of the trade or position for which training is to be given, and the length of training course customarily required.

(2) Statement giving the monthly salary or wage based upon the standard work week exclusive of overtime, payable to the trainee and a salary or wage applicable to the beginning rate for a journeyman workman in the position for which the veteran is preparing himself similarly based upon the standard work week exclusive of overtime and a statement indicating the willingness of the establishment to furnish the Veterans Administration monthly, a certificate showing the attendance record and the amount which has been paid to the trainee during the month, directly or indirectly, as wage, compensation or other income.

(3) The charges for supplies, and other necessary equipment customarily furnished other persons being trained by the establishment in the given trade or position.

§ 36.224 *Maintenance of payment records.* All notices of entrance and reentrance into education or training, notices of interruption, discontinuance, and of any change of status, will be executed on Form 1907–C, which will be prepared in triplicate by the vocational rehabilitation and education division. Prior to the release of Forms 1907–C to the adjudication division, the person charged with responsibility for maintenance of records will enter an appropriate notation on the original and on the retained copy to signify that necessary records have been prepared and that appropriate entries have been made on the status records. One copy of the Form 1907–C will be retained in the registration file in each instance, and the original and one copy will be forwarded to the adjudication division, where indicated award action will be completed. The original will be filed in the adjudication division in the claims folder in any case, and a copy will be attached to the award form and forwarded to the central office through the finance division of the regional office or facility having regional office activities. Forms 1907–C will be similarly distributed where no award action is in order.

§ 36.225 *Verification of approval of institution before payment.* Before issuing Form 1907–C, the fact that the education or training institution has been approved in accordance with the laws and instructions issued thereunder will be verified.

§ 36.226 *Execution of Form 1907–C.* Particular care will be taken to insure that the data carried on the Form 1907–C are sufficient for the purpose it is to serve in each instance and the space allocated under "Remarks" will be utilized when indicated.

§ 36.227 *Payment of subsistence allowance.* For the purposes of determining the amount of subsistence allowance to be paid and the rate at which the beneficiaries full-time entitlement will be exhausted, part-time courses of study will be measured only in fractions of three-fourths, one-half and one-fourth, determined in accordance with the standards herein prescribed for the type of training course being pursued. No subsistence allowance shall be paid under the terms of this instruction when the payment thereof is barred because the veteran engaged in full-time gainful employment not a part of his course of education or training.

(a) For undergraduate courses in collegiate institutions which use a standard unit of credit, recognized by accrediting associations, determinations will be based on the number of standard semester hours for which the trainee is registered for credit. Less than twelve but not less than nine semester hours per semester, or the equivalent, will be counted as three-fourths time and will entitle the trainee to receive three-fourths of the full-time subsistence allowance. Less than nine but not less than six semester hours per semester, or the equivalent, will be counted as one-half time and will entitle the trainee to receive one-half of the full-time subsistence allowance. Less than six semester hours per semester, or the equivalent, will be counted as one-fourth time and, if three semester hours or more, will entitle the veteran to receive one-fourth of the full-time subsistence allowance. No subsistence allowance will be paid for less than three semester hours per semester, or the equivalent.

(b) For graduate courses or advanced professional courses such as medicine the determination will be made in the individual case in accordance with the policy of the institution and a certification by a responsible official of the institution stating that the course being followed is considered as three-fourths time, half-time or one-fourth time will be accepted and subsistence allowance will be paid accordingly.

(c) For courses in all other schools, including high schools, determinations will be based on clock hours of required attendance at the school. Less than twenty-five but not less than eighteen clock hours of required attendance per week will be counted as three-fourths time and will entitle the trainee to receive three-fourths of the full-time subsistence allowance. Less than eighteen but not less than twelve clock hours of required attendance per week will be counted as one-half time and will entitle the trainee to receive one-half the full-time subsistence allowance. Less than twelve clock hours of required attendance per week will be counted as one-fourth time, and if six clock hours or more, will entitle the veteran to receive one-fourth of the full-time subsistence allowance. No subsistence allowance will be paid for less than six clock hours of required attendance per week.

(d) For on-the-job training, where there is being received no wage or compensation determinattions will be based on the number of hours per week which the trainee is required to devote to training, according to a specific schedule which the employer-trainer will be required to furnish. Less than thirty-six but not less than twenty-seven hours per week will be counted as three-fourths time and will entitle the trainee to receive three-fourths of the full-time subsistence allowance. Less than twenty-seven but not less than eighteen hours per week will be counted as one-half time and will entitle the trainee to receive one-half of the full-time subsistence allowance. Less than eighteen hours per week will be counted as one-fourth time and, if nine hours or more, will entitle the trainee to receive one-fourth of the full-time subsistence allowance. No subsistence allowance will be paid for less than nine hours per week.

(e) For combinations of institutional and on-the-job training each component type will be measured in accordance with the appropriate standard in the preceding paragraphs and the two fractions will be combined.

§ 36.228 *Reduction in amount of subsistence allowance.* Reduction in the amount of subsistence allowance is in order under the following conditions:

(a) For the purpose of carrying out the provisions, intent, and spirit of paragraph 7, Part VIII, Veterans Regulation No. 1 (a) as amended, a veteran who has a disability incurred in or aggravated by active service for which pension is payable, or would be but for the receipt of retirement pay, and who has been rated as having a vocational handicap in accordance with the provisions of Instruction No. 1-B, Public No. 16, 78th Congress, shall be presumed to be eligible for the benefits under Part VII, Regulation No. 1 (a) as amended. Therefore, such veteran who is eligible for the benefits provided for under Part VIII who accepts such benefits will receive subsistence allowance not in excess of the amount of additional pension payable for training under Part VII. If such veteran is determined not to be in need of vocational rehabilitation to overcome the handicap of his disability, the provisions of paragraph 7, Part VIII, are not applicable and the veteran will be entitled to the full amount of subsistence allowance, if otherwise in order, and disability pension or retirement pay.

(b) Where the veteran is receiving compensation for productive labor, performed as part of his apprenticeship or other training on the job, the amount of subsistence when added to his current monthly salary or wage based upon the standard work week exclusive of overtime, shall not be in excess of the standard beginning salary or wage payable to a journeyman workman in the occupation or trade in which training is being given, similarly based upon the standard work week exclusive of overtime.

(c) A person gainfully employed in full time employment not a part of his course of education or training may not receive a subsistence allowance under Part VIII. (A. D. 603, Nov. 10, 1944.)

§ 36.229 *Right of appeal.* Questions involving determinations of fact or law will be subject to review on appeal to the Administrator of Veterans Affairs and a letter of notification to the veteran will advise him of this right and of the time limit in which an appeal must be filed.

§ 36.230 *Development of appeal.* If an appeal has been filed, all feasible steps shall be taken in the development of the appeal. When the provisions of existing instructions have been complied with concerning the adequacy of evidence, before the case is submitted to the board of veterans' appeals it will be further reviewed to determine whether or not the prior action was proper and should be adhered to. Existing regulations and procedure concerning appeal processes shall be complied with. The certification of appeal will be by vocational rehabilitation and education officer.

§ 36.231 *Definitions of relationship, dependency, jurisdiction, etc.* Public No. 346, 78th Congress, amends Title I, Public No. 2, 73d Congress, and § 35.01, as amended. Accordingly, except as otherwise provided herein, the provisions of Regulations and Procedure, Veterans Administration, pertaining to definitions of relationship, dependency, jurisdiction, etc., under Public No. 2, 73d Congress, so far as applicable will control under §§ 36.210 to 36.232.

§ 36.232 *Resolution of reasonable doubt.* It is expected that sound judgment on the part of responsible personnel will be exercised in all determinations under the governing legislation and, that while the basic statutory criteria for entitlement must be satisfied, the long-standing Veterans Administration policy respecting the resolution of reasonable doubt will be observed when justified by the circumstances of any particular case.

[SEAL] FRANK T. HINES,
*Administrator of Veterans' Affairs.*

JANUARY 18, 1945.

[F. R. Doc. 45-1653; Filed, Jan. 27, 1945; 11:25 a. m.]

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## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—General Land Office

Appendix—Public Land Orders

[Public Land Order 257]

COLORADO

TRANSFER OF LANDS FROM SAN ISABEL NATIONAL FOREST TO RIO GRANDE NATIONAL FOREST

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (U.S.C., title 16, sec. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Those lands within the exterior boundaries of the San Isabel National Forest, in Saguache County, Colorado, lying west of the summit of the Sangre de Cristo Range and west of the divide between Arena and Medano Creeks in Tps. 25 S., Rs. 72 and 73 W., Sixth Principal Meridian, are hereby transferred to the Rio Grande National Forest, effective July 1, 1944.

It is not intended by this order to give a national-forest status to any publicly-owned lands which have not hitherto had such a status, or to remove any publicly-owned lands from a national-forest status.

HAROLD L. ICKES,
*Secretary of the Interior.*

JANUARY 17, 1945.

[F. R. Doc. 45-1631; Filed, Jan. 26, 1945; 5:05 p. m.]

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[Public Land Order 258]

COLORADO

ORDER ABOLISHING COCHETOPA NATIONAL FOREST AND TRANSFERRING ITS LANDS TO GUNNISON, RIO GRANDE, AND SAN ISABEL NATIONAL FORESTS

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (U.S.C., title 16, sec. 473) and pursuant to Executive Order No. 9337 of April 24, 1943; it is ordered as follows:

The Cochetopa National Forest, Colorado, as defined by Proclamation No. 1907 of May 26, 1930 (46 Stat. 3021), and as subsequently modified, is hereby abolished, and the lands heretofore comprising said national forest are transferred to and consolidated with the Gunnison, Rio Grande, and San Isabel National Forests, effective July 1, 1944, as follows:

Those lands within the exterior boundaries of the Cochetopa National Forest, in Gunnison and Saguache Counties, Colorado, lying west of the Continental Divide, are hereby transferred to the Gunnison National Forest.

Those lands within the exterior boundaries of the Cochetopa National Forest, in Saguache County, Colorado, lying east of the Continental Divide and south of the divide between the Arkansas River and the Rio Grande, are hereby transferred to the Rio Grande National Forest.

Those lands within the exterior boundaries of the Cochetopa National Forest, in Chaffee, Fremont, Lake, and Park Counties and in that part of Saguache County lying east of the Continental Divide and north of the divide between the Arkansas River and the Rio Grande, are hereby transferred to the San Isabel National Forest.

It is not intended by this order to give a national-forest status to any publicly-owned lands which have not hitherto had such a status, or to remove any publicly-owned lands from a national-forest status.

HAROLD L. ICKES,
*Secretary of the Interior.*

JANUARY 17, 1945.

[F. R. Doc. 45-1632; Filed, Jan. 26, 1945; 5:05 p. m.]

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[Public Land Order 259; Power Site Restoration 497]

UTAH

REVOKING IN PART EXECUTIVE ORDERS CREATING POWER SITE RESERVES 107, 119, 191, 243, 251, 256, 363, 511, AND 732

By virtue of the authority contained in the act of June 25, 1910 (36 Stat. 847) as amended by the act of August 24, 1912 (37 Stat. 497, 43 U.S.C. secs. 141-143), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

1. The Executive order of July 2, 1910, creating Power Site Reserve No. 107, is hereby revoked as to the following described lands:

SALT LAKE MERIDIAN

T. 2 N., R. 23 E., sec. 15, lots 5, and 6.

2. The Executive order of July 2, 1910, creating Power Site Reserve No. 119, is hereby revoked as to the following described lands:

SALT LAKE MERIDIAN

T. 21 S., R. 24 E.,
Sec. 22, lots 2, 3, 9, and 10, SW¼NW¼, and NW¼SW¼,
Sec. 23, lot 4.
T. 22 S., R. 24 E., sec. 23, lots 1, 2, and 4. SW¼NE¼, SE¼NW¼, and NE¼SW¼.
T. 19 S., R. 26 E.,
Sec. 29, lots 1 and 2;
Sec. 30, lots 1 and 2, and N½SE¼;
Sec. 31, lot 3.

3. The Executive order of July 26, 1911, creating Power Site Reserve No. 191, is hereby revoked as to the following described land:

SALT LAKE MERIDIAN

T. 29 S., R. 4 E., sec. 11, NE¼SW¼.

4. The Executive order of January 23, 1912, creating Power Site Reserve No.

243, is hereby revoked as to the following described lands:

UINTA MERIDIAN

T. 1 S., R. 7 W.,
Sec. 30, lots 2, 3, and 4, and SE¼SW¼;
Sec. 31, NE¼SE¼.
T. 2 S., R. 7 W.,
Sec. 4, W½SW¼,
Sec. 5, NE¼SE¼,
Sec. 9, NE¼NW¼.
T. 1 S., R. 8 W.,
Sec. 4, lots 10, 11, and 12;
Sec. 10, SW¼NE¼, NW¼NW¼, SE¼NW¼, N½SE¼, and SE¼SE¼,
Sec. 14, SW¼NE¼, NW¼NW¼, SE¼NW¼, NW¼SE¼, and SW¼SE¼,
Sec. 24, SW¼NW¼, and S½SE¼,
Sec. 25, E½NE¼.
T. 1 N., R. 8 W., sec. 29, NW¼SW¼, and S½SW¼.

5. The Executive order of March 11, 1912, creating Power Site Reserve No. 251, is hereby revoked as to the following described lands:

SALT LAKE MERIDIAN

T. 10 S., R. 1 E.,
Sec. 2, lot 1, and SE¼NE¼,
Sec. 12, NE¼SW¼, N½SE¼, and SW¼SE¼.

6. The Executive order of April 16, 1912, creating Power Site Reserve No. 256, is hereby revoked as to the following described lands:

SALT LAKE MERIDIAN

T. 4 S., R. 2 E.,
Sec. 31, SE¼,
Sec. 32, NE¼, SE¼NW¼, and N½SW¼.

7. The Executive order of May 27, 1913, creating Power Site Reserve No. 363, is hereby revoked as to the following described lands:

SALT LAKE MERIDIAN

T. 16 S., R. 7 E.,
Sec. 26, NW¼NW¼, and W½SW¼,
Sec. 27, SE¼NE¼, and NE¼SE¼.

8. The Executive order of November 3, 1915, creating Power Site Reserve No. 511, is hereby revoked as to the following described lands:

SALT LAKE MERIDIAN

T. 22 S., R. 16 E., sec. 3, lots 2, 8, 9, 11, and 12.
T. 23 S., R. 16 E.,
Sec. 3, lots 3, 7, and 13;
Sec. 16;
Sec. 17, S½SE¼,
Sec. 20, N½NE¼,
Sec. 25, lot 2.
T. 23 S., R. 17 E., sec. 31, lot 7 (SW¼SW¼).

9. The Executive order of December 27, 1919, creating Power Site Reserve No. 732, is hereby revoked as to the following described lands:

SALT LAKE MERIDIAN

T. 4 S., R. 23 E., sec. 36.
T. 5 S., R. 23 E., sec. 1, lot 4, SW¼NW¼, and W½SW¼.
T. 4 S., R. 24 E., sec. 32, lots 1 to 6, inclusive, E½NW¼, NE¼SW¼, and SW¼SE¼.
T. 5 S., R. 24 E., sec. 5, lots 2, 7, and 8, S½NE¼, and NE¼SE¼.

The areas described aggregate 5,047.49 acres.

ABE FORTAS,
*Acting Secretary of the Interior.*

JANUARY 17, 1945.

[F. R. Doc. 45-1633; Filed, Jan. 26, 1945; 5:05 p. m.]

[Public Land Order 260]

UTAH

ORDER ABOLISHING POWELL NATIONAL FOREST AND TRANSFERRING ITS LANDS TO DIXIE NATIONAL FOREST

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (U.S.C., title 16, sec. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The Powell National Forest, Utah, as defined by Proclamation No. 1086 of September 26, 1910 (36 Stat. 2744) and as subsequently modified, is hereby abolished, and the lands heretofore comprising said national forest are transferred to and consolidated with the Dixie National Forest, Utah, effective October 1, 1944.

It is not intended by this order to give a national-forest status to any publicly-owned lands which have not hitherto had such a status, or to remove any publicly-owned lands from a national-forest status.

ABE FORTAS,
*Acting Secretary of the Interior*

JANUARY 19, 1945.

[F. R. Doc. 45-1677; Filed, Jan. 27, 1945; 2:44 p. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

PIPE LINES—UNIFORM SYSTEM OF ACCOUNTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 22nd day of January, A. D. 1945.

The "Uniform System of Accounts for Pipe Lines" (7 F.R. 10303) being under consideration by the division, pursuant to authority of section 20 of the Interstate Commerce Act, and the division having found modifications necessary for administration of Part I of the act:

*It is ordered,* That the texts of accounts previously prescribed be modified as follows:

1. *Account 70. Liability for provident funds.* Eliminate the words "specific appropriations of income or surplus and" from the first sentence of the text.

2. *Account 72. Insurance reserve.* Cancel paragraph (A) of the text and change the designations of paragraph (B), (C), and (D) so that they will be paragraphs (A), (B), and (C), respectively.

*It is further ordered,* That this order shall become effective March 1, 1945, but may be given retroactive effect to January 1, 1945; and

*It is further ordered,* That a copy of this order shall be served upon every carrier by pipe line subject to the act and upon every trustee, executor, administrator, receiver, or assignee of any such pipe line carrier, and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL] W P BARTEL,
*Secretary.*

[F. R. Doc. 45-1639; Filed, Jan. 27, 1945; 11:09 a. m.]

Subchapter D—Freight Forwarders

[Ex Parte 159]

PART 405—SURETY BONDS AND POLICIES OF INSURANCE

CHANGE IN EFFECTIVE DATE

*Correction*

In Federal Register Document 45-1401, appearing on page 900 of the issue for Wednesday, January 24, 1945, the designation "Ex Parte 159" should appear at the beginning of the document, as set forth above.

[Rev. S. O. 275]

PART 97—ROUTING OF TRAFFIC

REROUTING OF FREIGHT TRAFFIC

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of January, A. D. 1945.

It appearing, that, due to extreme weather conditions in the eastern section of the United States, common carriers by railroad are unable to transport traffic offered them over published tariff routes; the Director of the Office of Defense Transportation in consideration of those circumstances has requested that this Commission take such action as it deems necessary and appropriate to expedite the movement of traffic in this territory over most available routes; the Commission is of the opinion that immediate action should be taken to best promote the service in the interest of the public and the commerce of the people. It is ordered, that:

(a) *Rerouting freight traffic; appointment of agent.* E. W Coughlin, 59 East Van Buren Street, Chicago, Illinois, is hereby designated and appointed as an agent of the Interstate Commerce Commission to divert or reroute over the line or lines of any railroad or railroads loaded or empty cars from the line of any railroad or railroads operating in the area listed in paragraph (b) hereof which in his opinion cannot currently accept and move such traffic. Such rerouting or diversion shall be made regardless of the routing shown on the bill of lading designated by either shipper or carrier. Such diversion or rerouting shall be made either at point of origin or as soon as possible thereafter.

(b) *Area affected.* Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan (lower Peninsula), New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia.

(c) *Application.* The provisions of this order shall apply to intrastate and foreign as well as interstate commerce.

(d) *Rates to be applied.* Inasmuch as such disregard of routing is deemed to be due to carrier's disability, the rates applicable to traffic so forwarded by routes other than those designated by shippers, or by carriers shall be the rates which were applicable at date of shipment over the routes so designated.

(e) *Division of rates.* In executing the orders and directions of the Commission provided for in this order, common carriers affected shall proceed, even though no division agreements are in effect, over the routes authorized; divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carriers; and upon failure of said carriers to so agree, the divisions shall be hereinafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act. If division agreements now exist on the traffic affected, over the routes herein authorized they shall not be changed or affected by this order.

(f) *Effective date.* This order shall become effective at 12:01 a. m., January 29, 1945.

(g) *Expiration date.* This order shall expire at 12:01 a. m., March 31, 1945, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U.S.C. 1 (10)-(17))

It is further ordered, that copies of this order and direction shall be served upon state regulatory bodies of each state named herein and 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 order 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.

By the Commission, Division 3.

[SEAL] W P BARTEL, *Secretary.*

[F. R. Doc. 45-1699; Filed, Jan. 29, 1945; 11:03 a. m.]

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[S. O. 277]

PART 95—CAR SERVICE

RECONSIGNMENT OF FRESH FRUITS AND VEGETABLES PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of January A. D. 1945.

It appearing, that, due to the placement of an embargo by the Association of American Railroads on carload or less-than-carload freight consigned, reconsigned, or intended for destinations in or moving via any railroad through the States of Indiana, Lower Peninsula of Michigan, Ohio, Pennsylvania, New York, Maryland, District of Columbia, Delaware, New Jersey, West Virginia, and Virginia, north of the line of the Chesapeake and Ohio Railway extending from Huntington, West Virginia, to Potomac Yard, Virginia, the loading and transportation of refrigerator cars loaded with fresh fruits or vegetables (not cold-packed) to terminals west or south of the embargoed territory for subsequent reconsignment into the embargoed territory will result in congestion at such terminals; the Commission is of opinion that an emergency exists requiring immediate action in all sections of the United States where such commodities are unloaded to prevent congestion of traffic. It is ordered, that:

(a) *Reconsignment prohibited.* No common carrier by railroad subject to the Interstate Commerce Act shall accept any diversion or reconsignment order from any consignor or consignee or agent thereof, or shall divert or reconsign pursuant to any such order any refrigerator car or cars loaded with fresh fruits or vegetables (not cold-packed) as described in Items 19235 to 19440, inclusive, in Consolidated Freight Classification No. 16, supplements thereto or successive issues thereof, to any point in the States of Indiana, Lower Peninsula of Michigan, Ohio, Pennsylvania, New York, Maryland, District of Columbia, Delaware, New Jersey, West Virginia, and Virginia, north of the line of the Chesapeake and Ohio Railway extending from Huntington, West Virginia to Potomac Yards, Virginia, which refrigerator car or cars are shipped from the original point of origin between 12:01 a. m., January 27, 1945 and 12:01 a. m., January 30, 1945.

(b) *Tariffs suspended.* The operation of all tariff rules and regulations insofar as they conflict with the provisions of this order is hereby suspended.

(c) *Announcement of suspension.* Each railroad, 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 (k) of this chapter) announcing the suspension of the operation of any of the provisions therein and establishing the substituted provisions set forth herein.

(d) *Effective date.* This order shall become effective at 12:01 a. m., January 27, 1945.

(e) *Expiration date.* This order shall expire at 12:01 a. m., February 27, 1945 unless otherwise modified, changed, suspended, or annulled by order of this Commission. (40 Stat. 101, secs. 402, 418; 41 Stat. 476, secs. 4, 10; 54 Stat. 901, 911, 49 U.S.C. 1 (10)-(17))

It is further ordered, that copies of this order and direction shall be 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 order 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.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-1700; Filed, Jan. 29, 1945; 11:03 a. m.]

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## Chapter II—Office of Defense Transportation

[General Order ODT L-4, Amdt. 1]

PART 504—DIRECTION OF MOTOR TRAFFIC MOVEMENT

MOTOR TRANSPORTATION OF IRISH POTATOES FROM DESIGNATED AREAS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Orders 8989, as amended, and 9156, War Production Board Directives 21 and 36, as amended, and authorizations and requests contained in certificates of the War Food Administration dated December 8, 1944, and January 24, 1945, respectively,

*It is hereby ordered,* That Appendix A to General Order ODT L-4 (9 F.R. 14502) be, and it hereby is, amended by adding a new paragraph thereto to read as follows:

Area No. 3: The county of Aroostook in the State of Maine.

This Amendment 1 to General Order ODT L-4 shall become effective January 31, 1945.

(Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U.S.C. Sec. 633, Public Law 509, 78th Congress; E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; War Production Board Directives 21 and 36, as amended, 8 F.R. 5834, 9 F.R. 6989, 10 F.R. 698; Certificates of War Food Administration dated December 8, 1944, and January 24, 1945, respectively)

Issued at Washington, D. C., this 29th day of January 1945.

J. M. JOHNSON, *Director Office of Defense Transportation.*

[F. R. Doc. 45-1696; Filed, Jan. 29, 1945; 10:47 a. m.]

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## TITLE 50—WILDLIFE

## Chapter I—Fish and Wildlife Service

Subchapter Y—Cooperation With Other American Republics

PART 295—FISHERY FELLOWSHIPS FOR STUDENTS FROM OTHER AMERICAN REPUBLICS

RECISSION OF REGULATIONS

The above regulations of the Fish and Wildlife Service (7 F.R. 2517, 9 F.R. 3040) are hereby rescinded except that existing fellowship awards made under the above regulations shall continue thereunder until terminated.

Hereafter, the above matter will be dealt with under Department of State regulations, 22 C.F.R., Part 28 (9 F.R. 10243).

Issued this 30th day of December 1944.

IRA N. GABRIELSON,
*Director*

Approved: January 8, 1945.

HAROLD L. ICKES,
*Secretary of the Interior*

Approved: January 20, 1945.

E. R. STETTINIUS, Jr.,
*Secretary of State.*

[F. R. Doc. 45-1635; Filed, Jan. 26, 1945; 5:06 p. m.]

## *Notices*

## DEPARTMENT OF THE INTERIOR.

### Bureau of Mines.

NORTH AMERICAN FIREWORKS CO.

ORDER DETERMINING VIOLATIONS AND IMPOSING CONDITIONS FOR SUSPENSION OF REVOCATION

In the matter of licensee Henry Bottieri, North American Fireworks Co. Proceedings for revocation of license.

To: Henry Bottieri, North American Fireworks Co., 1216 Congress Street, Schenectady, New York.

Proceedings for the revocation of the Federal explosives license, issued under the Federal Explosives Act of December 26, 1941 (55 Stat. 863) to the above-named licensee, were instituted on September 25, 1944, by the filing of a specification of charges setting forth 14 alleged violations of the act and regulations by the licensee. Following receipt of a reply from the licensee, a hearing was held on the charges on November 10, 1944, in Albany, New York, before the hearing officer designated by me, the licensee being represented by counsel. Evidence bearing upon the charges was presented.

The hearing officer filed a report dated December 15, 1944. A copy of the hearing officer's report, together with notification of the transmittal of the case record and hearing officer's report to me, were sent to the licensee's counsel on December 15, 1944, and he was advised that he was allowed 15 days from the receipt thereof to file such exceptions to the report or to any other part of the record or proceedings (including rulings upon all motions and objections) as he might desire and a brief in support of his exceptions. The licensee's counsel was also advised of his right to request permission to argue the matter orally before me. The time granted to counsel within which to file exceptions and brief on behalf of the licensee, allowing a reasonable time for the delivery of the notice, has expired, and no communication has been received from the licensee or his counsel.

Now, therefore, by virtue of the authority vested in me by sections 8 and 18 of the Federal Explosives Act and § 301.22 of the regulations issued pursuant thereto (7 F.R. 5901), I, R. R. Sayers, Director of the Bureau of Mines, having reviewed the record, find

1. That the licensee is guilty of the violations of the Federal Explosives Act and the regulations alleged in charges 1 through 5 and charges 7 through 14.

2. That the licensee did not, as alleged in charge 6, sell explosives to the G. E. Foreman's Association, Schnectady, New York, an unlicensed person, but that he sold the association his personal services, for which the association did not require a license.

3. That the licensee's lack of malicious intent, his illness and the induction of four of his sons into the service of their country constitute extenuating circumstances, but do not justify the dismissal of any of the charges made against the licensee.

4. That by reason of an amendment to § 301.2 of the regulations, supported by a designation made by me at the same time, dated November 15, 1944 (9 F.R. 13835) fireworks, including blackout bombs, are no longer defined as explosives under the act.

I therefore order that all licenses issued to Henry Bottieri, North American Fireworks Co., under the Federal Explosives Act shall be revoked without further notice to him if, hereafter, he fails to comply scrupulously with the requirements of the act and the regulations thereunder.

This order shall be published in the FEDERAL REGISTER.

Dated at Washington, D. C., this 24th day of January 1945.

R. R. SAYERS,
*Director*

[F. R. Doc. 45-1634; Filed, Jan. 26, 1945; 5:06 p. m.]

### General Land Office.

[Air-Navigation Site Withdrawal 221]

CALIFORNIA

WITHDRAWAL OF PUBLIC LANDS FOR USE BY CIVIL AERONAUTICS ADMINISTRATION

By virtue of the authority contained in section 7 of the act of June 28, 1934, 48 Stat. 1272, as amended by the act of June 26, 1936, 49 Stat. 1976 (U.S.C., title 43, sec. 315f) and in section 4 of the act of May 24, 1928, 45 Stat. 729 (U.S.C., title 49, sec. 214) it is ordered as follows:

The following-described public land in California is hereby classified as necessary and suitable for the purpose and, subject to valid existing rights, is withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 221.

SAN BERNARDINO MERIDIAN

T. 16 S., R. 10 E.,
Sec. 21, lot 15.

The area described contains 14.75 acres.

The jurisdiction granted by this order shall cease at the expiration of the six-month period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647) Thereupon, jurisdiction over the land hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The land, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

ABE FORTAS,
*Acting Secretary of the Interior*

JANUARY 20, 1945.

[F. R. Doc. 45-1676; Filed, Jan. 27, 1945; 2:44 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Rural Electrification Administration.

[Administrative Order 876]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 11, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Georgia 5078C2 Habersham | $50,000 |
| Indiana 5021C2 Bartholomew | 15,000 |
| Mississippi 5021F3 Coahoma | 50,000 |
| Mississippi 5034E2 Leflore | 100,000 |
| Mississippi 5038C2 Warren | 50,000 |
| Mississippi 5040E4 Smith | 150,000 |
| New Mexico 5013A2 S. E. | 10,000 |
| Ohio 5068C2 Fulton | 40,000 |
| Oklahoma 5012E3 Alfalfa | 50,000 |
| South Carolina 5028C1 Williamsburg | 55,000 |
| South Carolina 5037A5 Lexington | 40,000 |
| Wisconsin 5029B3 Clark | 115,000 |
| Wyoming 5003C4 Fremont | 10,000 |

WILLIAM J. NEAL,
*Acting Administrator*

[F. R. Doc. 45-1610; Filed, Jan. 26, 1945; 3:23 p. m.]

[Administrative Order 877]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 18, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Alabama 5023C2 Pike | $45,000 |
| Kansas 5032C4 Reno | 50,000 |
| Michigan 5026G5 Ingham | 100,000 |
| Texas 5060C2 Lynn | 75,000 |
| Texas 5065C3 Rusk | 40,000 |
| Texas 5075C1 Wharton | 75,000 |

WILLIAM J. NEAL,
*Acting Administrator*

[F. R. Doc. 45-1611; Filed, Jan. 26, 1945; 3:23 p. m.]

DEPARTMENT OF LABOR.

Office of Secretary.

[WLD 49]

EQUITABLE AUTO CO.

FINDING AS TO CONTRACT IN PROSECUTION OF WAR

Equitable Auto Co. (Case No. S-1613)

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943, and

Having been advised of the existence of a labor dispute involving the Equitable Auto Co., Pittsburgh, Pa.

I find that the maintenance and repair by the above company of trucks and motor coaches operated by the Duquesne Light Co. and the Trustees of the Pittsburgh Railways Co. and Pittsburgh Motor Coach Co., Pittsburgh, Pa., pursuant to any contracts, whether oral or written, are contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 26th day of January 1945.

FRANCES PERKINS,
*Secretary of Labor*

[F. R. Doc. 45-1721; Filed, Jan. 29, 1945; 11:24 a. m.]

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[WLD-48]

GOLDMEYER AND ARNOLD, INC., ET AL

FINDING AS TO CONTRACT IN PROSECUTION OF THE WAR

In the matter of Goldmeyer and Arnold, Inc., J. Pechman & Co., Roshevsky & Co., Gronowitz Bakers Supply, Louis Ender, American Bakers Supply, P Nesselhauf, Brooklyn Master Bakers Purchasing Assn., Inc., Hammerschlag Co., Inc., Rudolph F. Bogen, H. S. Johnson, B. Wilk & Sons, New York, New York, (Case No. S-1581)

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub., No. 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943, and

Having been advised of the existence of a labor dispute involving Goldmeyer and Arnold, Inc., et al., New York, New York,

I find that the transportation activities of the above named companies in connection with the wholesale supply of bakery products for industrial establishments pursuant to any contract, whether oral or written, are contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C. this 26th day of January 1945.

FRANCES PERKINS,
*Secretary of Labor*

[F. R. Doc. 45-1722; Filed, Jan. 29, 1945; 11:24 a. m.]

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective as of the date specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representation that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Puerto Rico Mills, Inc., Puerto de Tierra, Puerto Rico; full-fashioned hosiery; to employ 77 learners in the operations of logging, seaming, looping, topping, footing and winding at 10 cents per hour for the first 480 hours, 12½ cents per hour for the second 480 hours, 15 cents per hour for the third 480 hours, 18¾ cents per hour for the fourth 480 hours and 25 cents per hour thereafter and final inspection, foot inspection, leg inspection and mending at 12½ cents per hour for the first 480 hours, 18¾ cents per hour for the second 480 hours and 25 cents per hour thereafter. For all hours over 40 worked in any one workweek, one and one half times the applicable piece rate or the rate established herein, whichever is the higher, shall be paid. This certificate is effective as of January 1, 1945 and shall remain in effect for a period not exceeding six months thereafter.

Signed at New York, New York, this 24th day of January 1945.

PAULINE C. GILBERT,
*Authorized Representative of the Administrator*

[F. R. Doc. 45-1693; Filed, Jan. 27, 1945; 4:58 p. m.]

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LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 29, 1942, (7 F.R. 4724), as amended by Administrative Order March 13, 1943, (8 F.R. 3079), and Administrative Order, June 7, 1943, (8 F.R. 7830)

Knitted Wear Learner Regulations, October 10, 1940, (5 F.R. 3952), as amended by Administrative Order, March 13, 1943, (8 F.R. 3079)

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940, (5 F.R. 3748) and as further amended by Administrative Order March 13, 1943, (8 F.R. 3079)

Hosiery Learner Regulations, September 4, 1940, (5 F.R. 3530), as amended by Administrative Order March 13, 1943, (8 F.R. 3079)

Independent Telephone Learner Regulations, July 17, 1944 (9 F.R. 7125)

Textile Learner Regulations, May 16, 1941, (6 F.R. 2446) as amended by Administrative Order March 13, 1943, (8 F.R. 3079)

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Ely and Walker Dry Goods Company, Kennett, Missouri; navy work shirts; 10 percent (T); effective January 19, 1945, expiring January 18, 1946.

Southeastern Shirt Corporation, LaFollette, Tennessee; men's shirts; 10 percent (T); effective January 24, 1945, expiring January 23, 1946.

*Knitted Wear Industry*

Knit Fabrics Company, Windy City, Hickory, North Carolina; infants undearwear; 10 learners (E); effective January 23, 1945, expiring July 22, 1945.

*Glove Industry*

William E. Seal & Company, East North Street, Millersburg, Pennsylvania; work gloves; 3 learners (T); effective January 20, 1945, expiring January 19, 1946.

*Hosiery Industry*

Dixie Hosiery Mills, Inc., P. O. Box 256, Mt. Gilead, North Carolina; seamless hosiery; 5 learners (T); effective January 17, 1945, expiring January 16, 1946.

Guilford Hosiery Mills, Inc., 706 Grimes Street, High Point, North Carolina; seamless hosiery; 10 percent (AT); effective January 23, 1945, expiring July 22, 1945.

Surry Hosiery Mills, Inc., 316 Willow Street, Mount Airy, North Carolina; seamless hosiery; 5 percent (T); effective January 17, 1945, expiring January 16, 1946.

Unique Knitting Company, Acworth, Georgia; seamless hosiery; 5 percent (T); effective January 23, 1945, expiring January 22, 1946.

*Telephone Industry*

Central Iowa Telephone Company, St. Ansgar, Iowa; to employ learners as commercial switchboard operators at its St. Ansgar exchange, located at St. Ansgar, Iowa; effective January 22, 1945, expiring January 21, 1946.

Central Iowa Telephone Company, State Center, Iowa; to employ learners as commercial switchboard operators at its State Center exchange, located at State Center, Iowa; effective January 22, 1945, expiring January 21, 1946.

Central Iowa Telephone Company, Tama, Iowa; to employ learners as commercial switchboard operators at its Tama exchange, located at Tama, Iowa; effective January 22, 1945, expiring January 21, 1946.

Lanark Mutual Telephone Company, 120 East Locust Street, Lanark, Illinois; to employ learners as commercial switchboard operators at its Lanmark exchange, located at 120 East Locust Street, Lanark, Illinois; effective January 19, 1945, expiring January 18, 1946.

*Textile Industry*

New City Mills Company, Inc., 235 East 2nd Street, Newton, North Carolina; cotton textile; 3 percent (T); effective January 23, 1945, expiring January 22, 1946.

Signed at New York, New York, this 24th day of January 1945.

PAULINE C. GILBERT,
*Authorized Representative of the Administrator*

[F. R. Doc. 45-1694; Filed, Jan. 27, 1945; 4:58 p. m.]

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## FEDERAL POWER COMMISSION.

[Docket No. G-586]

KENTUCKY NATURAL GAS CORP.

NOTICE OF APPLICATION

JANUARY 26, 1945.

Notice is hereby given that on January 13, 1945, Kentucky Natural Gas Corporation (Kentucky) a Delaware corporation having its principal place of business at Owensboro, Kentucky, filed with the Federal Power Commission its amended application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, for authority to acquire from Universal Gas Company (Universal) and operate all of the latter's assets and natural gas facilities as follows:

(a) 80.45 miles of natural gas pipe line ranging in size from 2" to 10" together with the usual pipe-line appurtenances, franchises, permits, rights-of-way and easements for the laying, construction, maintenance and operation of said lines in the counties of Vigo, Clay, Owen, Putnam, Morgan and Monroe, State of Indiana.

(b) One (1) acre of unimproved land in Monroe County, Indiana.

(c) A contract dated June 25, 1932, between Universal as the assignee of the original contracting party and Central Illinois Public Service Company, under the terms of which Universal formerly supplied natural gas to Central Illinois Public Service Company for transmission by the latter to its distribution systems in the cities and towns of Paris, Charleston, Mattoon and Effingham, Illinois, and other cities and towns adjacent to the system of Central Illinois Public Service Company.

(d) A contract dated July 3, 1940, between Universal and Public Service Company of Indiana by the terms of which natural gas is delivered to Public Service Company of Indiana for transmission by it through its system for resale in the cities and towns of Mitchell, Bedford, Bloomington, Seymour, Columbus, Franklin and Edinburg, Indiana, and their environs and other cities and towns adjacent to the system of Public Service Company of Indiana, and for resale by the latter to Northern Indiana Power Company for redistribution at retail by it.

(e) A gas purchase contract dated September 13, 1935, between Petroleum Exploration and the Ohio Oil Company as seller and Universal as purchaser, together with modifications thereof, dated August 17, 1936, and March 14, 1941, respectively.

On October 16, 1944, Kentucky filed an application with the Commission for a certificate of public convenience and necessity for authority to operate the facilities described in paragraph (a) above in accordance with the provisions of a lease dated August 25, 1942, and entered into between Universal and Kentucky, by the terms of which Universal also assigned all its right, title and interest in and to the contracts referred to in paragraphs (c) (d), and (e) above. Said lease was for a term of twenty years.

According to the amended application Universal is a wholly-owned subsidiary of Kentucky. It is asserted that at a special meeting of the board of directors of Universal held December 4, 1944, it was unanimously resolved to accept an offer of Kentucky to purchase all assets of Universal as of November 30, 1944, upon the following terms: In return for a transfer of all Universal's assets, at book value, to Kentucky, the latter agrees to assume all of Universal's liabilities and cancel or surrender all bonds and common and preferred stock of Universal held by it.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 15th day of February, 1945, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 45-1637; Filed, Jan. 27, 1945; 9:23 a. m.]

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[Docket No. IT-5934]

MISSOURI PUBLIC SERVICE CORP.

NOTICE OF APPLICATION

JANUARY 27, 1945.

Notice is hereby given that on January 27, 1945, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Missouri Public Service Corporation, a corporation under the laws of the State of Delaware and doing business in the State of Missouri, with its principal business office at Warrensburg, Missouri, seeking an order authorizing the issuance of First Mortgage Bonds in the principal amount of $1,200,000 bearing an interest rate of 3½%, to be issued as of January 1, 1945, and to mature January 1, 1970; and the issuance of Serial Debentures in the principal amount of $620,000 bearing an interest rate of 3⅛%, to be issued as of January 1, 1945, and to mature in the principal amounts of $31,000 on July 1 and January 1 of each year until and including January 1, 1955. The purpose of the issuance of the securities, the application states, is to provide, in part, the required funds for the acquisition of electric and gas utility properties and assets of City Light & Traction Company, an application (notice published in FEDERAL REGISTER on December 9, 1944) for which is now pending before the Commission at Docket No. IT-5929; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 6th day of February, 1945, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and regulations.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 45-1730; Filed, Jan. 29, 1945; 11:37 a. m.]

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## FEDERAL TRADE COMMISSION.

[Docket No. 5267]

HALFHILL CO. AND OCEAN FOOD PRODUCTS CO.

NOTICE OF HEARING

In the matter of Charles P. Halfhill, Theodore A. Halfhill, Harry J. Halfhill, and Harry J. Halfhill, Jr., partners doing business as The Halfhill Company and as Ocean Food Products Company.

*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 ONE. Respondents Charles P Halfhill, Theodore A. Halfhill, Harry J. Halfhill, and his son, Harry J. Halfhill, Jr., are partners engaged in business under the registered fictitious trade names of The Halfhill Company and Ocean Food Products Company, in accordance with the laws of the State of California, having their principal office and place of business located at 714 West Olympic Boulevard, Los Angeles, California.

PAR. TWO. The respondents, doing business as The Halfhill Company and Ocean Food Products Company, since

June 19, 1936, have been and are now engaged in the business of buying, selling and distributing canned salmon, canned tuna, canned mackerel, canned sardines and other canned food products (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 and through brokers, to buyers 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. THREE. 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 and distinguish them as the products of the persons owning the brands from the products of competitors.

A brand, trade-mark, or trade name may be defined as a symbol of business goodwill. Goodwill 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 goodwill created by the product accrues. Thus, when respondents sell goods which bear their own brand, the goodwill accrues to them; whereas, when they sell goods bearing the brand of another, the goodwill 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 goodwill is established thereby accrues to respondents. Respondents determine the sales and price policies with reference to such food products. Among the brands so used by respondents are: San Nicholas, Halfhill's, Sea Prize, Halfhill's Best Buy, LaFavorita Tonno, Best Buy, Blue Band, Beach Club, Better than Chicken, Cal-Prize, Mediterraneo, Red Sun, Roma, Serenity, Summer Sea, Westminster.

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 respondents which identify the food products with the particular distributor 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 goodwill 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. FOUR. Respondents sell and distribute food products by two separate and distinct methods.

1. 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 customer. 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 goodwill 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.

2. 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 goodwill 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 products 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 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 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. FIVE. The respondents, since June 19, 1936, in connection with the interstate sale of their food products by the second method set forth in Paragraph Four 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 26th day of January, A. D. 1945, issues its complaint against said respondents.

*Notice.* Notice is hereby given you, Charles P. Halfhill, Theodore A. Halfhill, Harry J. Halfhill, and Harry J.

Halfhill, Jr., partners doing business as The Halfhill Company and as Ocean Food Products Company, respondents herein, that the 2d 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 26th day of January A. D., 1945.

By the Commission.

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

[F. R. Doc. 45-1698; Filed, Jan. 29, 1945; 10:57 a. m.]

## INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit No. 836]

RECONSIGNMENT OF ORANGES AT MINNEAPOLIS, MINN.

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 Minneapolis, Minnesota, January 24, 1945, by Chas. Abbate Company of cars PFE 43098 and SFRD 23205, oranges, now on the C. R. I. & P. Railroad, to Chas. Abbate Company, Chicago, Illinois (CRI&P).

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 January 1945.

V. C. CLINGER, *Director Bureau of Service.*

[F. R. Doc. 45-1701; Filed, Jan. 29, 1945; 11:03 a. m.]

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[S. O. 70-A, Special Permit 837]

RECONSIGNMENT OF CARROTS AT COUNCIL BLUFFS, IOWA

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 Council Bluffs, Iowa, January 24, 1945, by The Schumann Company, of cars PFE 37904 and SFRD 37099, carrots, now on the Union Pacific Railroad, to Frank Battaglia Brokerage Company, Duluth, Minnesota, with stop at Minneapolis, Minnesota, for partial unloading (R. I.), and to The Schumann Company, Chicago, Illinois (Milw.), respectively.

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 January 1945.

V C. CLINGER, *Director Bureau of Service.*

[F. R. Doc. 45-1702; Filed, Jan. 29, 1945; 11:03 a. m.]

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[SO. 70-A, Special Permit 838]

RECONSIGNMENT OF LETTUCE AT EL PASO, TEX.

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 El Paso, Texas, January 24, 1945, by Shapiro Brothers, of car PFE 41119, lettuce, now on the Southern Pacific Co., to Jackson Produce Exchange, Jackson, Miss. (T&P-Y&MV).

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 January 1945.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 45-1703; Filed, Jan. 29, 1945; 11:03 a. m.

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[S.O. 274, Special Permit 1]

SHIPMENT OF WHEAT AT BALTIMORE, MD. AND PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (c) of Service Order No. 274 (10 F.R. 748) of January 17, 1945, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 274 insofar as it applies to the following shipments from Buffalo, N. Y., by Leval & Co., Inc. to:

| *Destination* | *Amount* |
|---|---|
| Baltimore, Md., | 330,000 bu. No. 2 northern wheat. |
| Philadelphia, Pa., | 175,000 bu. No. 2 northern wheat. |
| Philadelphia, Pa., | 135,225 bu. No. 2 northern wheat. |
| Philadelphia, Pa., | 45,000 bu. No. 2 C. W. Durum wheat. |

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 January 1945.

V. C. CLINGER,
*Director*
*Bureau of Service.*

[F. R. Doc. 45-1704; Filed, Jan. 29, 1945; 11:03 a. m.]

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[S. O. 274, Special Permit 2]

SHIPMENT OF WHEAT AT BUFFALO, N. Y.

Pursuant to the authority vested in me by paragraph (c) of Service Order No. 274 (10 F.R. 748) of January 17, 1945, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 274 insofar as it applies to the shipment of 41,500 bushels Man. No. 1 northern wheat from Buffalo, N. Y. to Philadelphia, Pa., by Bunge Corp.

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 January 1945.

V. C. CLINGER,
*Director*
*Bureau of Service.*

[F. R. Doc. 45-1705; Filed, Jan. 29, 1945; 11:04 a. m.]

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## OFFICE OF PRICE ADMINISTRATION.

[Supp. Order 94, Order 22]

UNITED STATES TREASURY DEPARTMENT, PROCUREMENT DIVISION

SPECIAL MAXIMUM PRICES FOR ARMY FIVE MAN PNEUMATIC LIFE RAFTS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales at wholesale and retail of Army five man, 1000 lb. capacity pneumatic life rafts hereinafter described, sold by United States Treasury, Procurement Division.

(b) *Maximum prices*—(1) *New rafts.* The maximum price per new life raft described herein shall be:

| Article and description | Wholesaler's and Treasury's price to retailer f. o. b. point of shipment | Retailer's price |
|---|---|---|
| Army life raft, pneumatic, 5 man, 1,000 lb. capacity, containing the following equipment: 1 sea anchor, 3 oars, 1 pump, 1 repair kit, 1 bucket, 4 plugs, 40 ft. cord, rafts are rolled and packed into a carrying case of treated canvas with snap shutters and one handle | $99.50 | $133.50 |

(2) *Used rafts.* The maximum price per used raft that is described above shall be 75% of the appropriate maximum price set forth in subparagraph (1) herein, *Provided,* That

(i) No part is missing which is necessary to make the raft fully useful, and

(ii) The raft is in good working condition, and can be used by the consumer for its proper purpose without further repair.

(3) These prices are subject to the seller's customary discounts for cash on sales of similar articles.

(c) *Notification of maximum prices.* Any person who sells the life raft described in paragraph (b) to a retailer shall notify the retailer of the retailer's maximum reselling price under paragraph (b) This notice may be given in any convenient form.

(d) *Definitions.* (1) "Retailer" means any person whose sales to purchasers for use constitute a substantial part of his total sales.

(2) "Wholesaler" means any person other than a manufacturer who distributes or sells the life rafts to purchasers other than consumers.

(e) *Relation to other orders.* This order with respect to the life rafts it covers supercedes orders previously issued under Supplementary Order 94.

(f) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective January 29, 1945.

Issued this 27th day of January 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-1674; Filed, Jan. 27, 1945; 11:50 a. m.]

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[MPR 188, Amdt. 1 to Order 1444]

TOYS AND GAMES

APPROVAL OF MAXIMUM PRICES

An opinion accompanying this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Order No. 1444 under § 1499.159b of Maximum Price Regulation No. 188 is amended in the following respects:

1. Paragraph (d) is amended to read as follows:

(d) *How maximum price is approved or set*—(1) *Approval or disapproval of proposed maximum price.* To determine a maximum price under this paragraph, the manufacturer shall submit to the Office of Price Administration, Washington, D. C. a report which may be referred by the National Office of the Office of Price Administration to the appropriate field office. This report shall be in duplicate and contain the following information:

(i) A description in detail of the article being priced (including the manufacturing process by which it is made).

(ii) A statement of the facts which make it necessary to price the article under this revised order, rather than under §§ 1499.155, 1499.156, or 1499.157 of Maximum Price Regulation No. 188.

(iii) A statement of the proposed maximum price (including terms, allowances, and price differentials for sales to different classes of purchasers)

(iv) A statement of the reasons why the manufacturer believes the proposed prices to be in line with the level of maximum prices established by Maximum Price Regulation No. 188.

(v) A sample of the article to be priced.

(vi) A description in detail of at least two competitive articles, together with the names, addresses, model numbers, or other manufacturer's identifications, and maximum prices to jobbers or dealers, if known, of the manufacturers of these articles.

NOTE: Competitive articles for which maximum prices have not been properly established under Maximum Price Regulation No. 188 will be disregarded for the purpose of establishing maximum prices under this order. It will aid the Office of Price Administration to approve or disapprove the manufacturer's proposed maximum prices promptly if samples of the competitive articles are submitted also. In addition, the names, addresses, and selling prices of retail outlets handling the articles will be helpful.

(2) *When manufacturer's proposed maximum price is approved.* Upon specific written approval from the Office of Price Administration or twenty days after the mailing of the report, in the absence of notification to the contrary by the Office of Price Administration, the reported price to each class of purchaser shall become approved as the manufacturer's maximum price and the manufacturer may begin to sell, offer to sell, and deliver the article at the price reported.

(3) *Price set by order.* If the reported price is not approved by the Office of Price Administration as being a price in line with the level of maximum prices established by the regulation, the maximum price for the article shall be a price set by order of the Office of Price Administration in line with the level of maximum prices established under § 1499.158 of Maximum Price Regulation No. 188 and the manufacturer may not sell, offer to sell, or deliver the article until he has received specific written authorization from the Office of Price Administration to do so.

This order may also fix maximum prices or methods of determining maximum prices for sales by purchasers of the article for resale.

2. Paragraph (e) is relettered paragraph (f), paragraph (f) is relettered

paragraph (g) and paragraph (g) is relettered paragraph (h)

3. A new paragraph (e) is added to read as follows:

(e) *Delegation of authority.* Any Regional Administrator, or any District Director authorized by the appropriate Regional Administrator, may issue orders under this order establishing maximum prices in accordance with the terms of this order.

This amendment shall become effective on the 29th day of January 1945.

Issued this 27th day of January 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-1692; Filed, Jan. 27, 1945; 4:55 p. m.]

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[GMPR, Order 47 Under 19a]

ADJUSTABLE PRICING OF SALES AT WHOLESALE OF NAME-WOVEN INSTITUTIONAL TOWELS

An opinion accompanying this order, issued simultaneously herewith, has been filed with the Division of the Federal Register.

(a) This order applies to sales at wholesale of name-woven institutional towels for which producer's maximum prices are established in Maximum Price Regulation No. 118.

(b) In connection with any sale (and any delivery pursuant thereto) of name-woven institutional towels made on or after the effective date of this order, wholesalers and jobbers are authorized to reserve the right to charge the difference, if any, between the maximum price provided for by section 3.20 of Revised Supplementary Regulation No. 14 and the maximum price which may be established by the Office of Price Administration prior to the revocation of this order.

(c) Except as modified by paragraph (b) the provisions of section 3.20 of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation shall continue to apply to all sales and deliveries at wholesale of name-woven institutional towels.

(d) This order may be amended or revoked by the Price Administrator at any time.

This order shall become effective as of January 17, 1945.

Issued this 27th day of January 1945.

JAMES F BROWNLEE,
*Acting Administrator*

[F. R. Doc. 45-1687; Filed, Jan. 27, 1945; 4:54 p. m.]

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[MPR 136, Order 404]

CUSHMAN MOTOR WORKS

ADJUSTMENT OF MAXIMUM PRICES

Order No. 404 under Maximum Price Regulation No. 136, as amended. Machines and parts and machinery services. Docket No. 6083-136.25a-201. Cushman Motor Works, Lincoln, Nebraska.

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 No. 136, as amended, *It is ordered.*

(a) The maximum list price of Cushman Motor Works for its 1½ H. P Air Cooled Gasoline Motors shall be $68.00. Its maximum prices for sales to its various classes of purchasers shall be determined by deducting from such list price all discounts and allowances which it had in effect on October 1, 1941, to such classes of purchasers.

(b) The maximum prices of resellers of Cushman Motor Works, 1½ H. P air cooled gasoline motors to each class of purchasers shall be increased by the dollars-and-cents amount of the increase in cost resulting to them by reason of this order.

(c) Cushman Motor Works shall notify those of its customers who buy gasoline motors for resale of the dollar-and-cents amount by which this Order permits resellers to increase their maximum prices. Cushman Motor Works shall file a copy of each such notice with the Machinery Branch, Office of Price Administration, Washington, D. C.

(d) The issuance of this order, and the maximum prices herewith established shall in no way affect or relieve the liability of the Cushman Motor Works for any violation of any regulation or order issued by the Office of Price Administration.

(e) All other requests not granted herein are denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective January 30, 1945.

Issued this 29th day of January 1945.

CHESTER BOWLES,
*Administrator*

[F. R. Doc. 45-1751; Filed, Jan. 29, 1945; 11:43 a. m.]

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[MPR 188, Order 3343]

A. F. THOMPSON MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188: *It is ordered.*

(a) The maximum prices for all sales and deliveries by The A. F. Thompson Manufacturing Company, Huntington, West Virginia, of an electric space heater cabinet of its manufacture, as described in its application dated October 10, 1944, are as follows:

| Article | Model | Maximum price to jobber | Maximum price to retailer (3 units or more) | Maximum price to retailer (less than 3 units) |
|---|---|---|---|---|
| Space heater cabinet. | Red Ray. | *Each* $6.16 | *Each* $7.23 | *Each* $7.84 |

These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days. They include the Federal excise tax.

(b) The maximum prices for all sales and deliveries at wholesale for the Space Heater Cabinet described in paragraph (a) above shall be the prices set forth below as follows:

| Article | Model | Maximum price to retailer (3 units or more) | Maximum price to retailer (less than 3 units) |
|---|---|---|---|
| Space heater cabinet. | Red Ray.. | *Each* $7.23 | *Each* $7.84 |

These prices are f. o. b. seller's city and are subject to terms, discounts and allowances no less favorable than those customarily granted by the seller.

(c) The maximum prices for a sale at retail of the Space Heater Cabinet described in paragraph (a) above shall be as follows:

| Article | Model | Maximum price to user |
|---|---|---|
| Space heater cabinet..... | Red Ray.. | *Each* $11.76 |

This price includes the Federal excise tax.

(d) On each Space Bester Cabinet shipped to a purchaser for resale, the manufacturer shall attach a tag or label which plainly states the retail selling price. Such tag or label shall contain the following statement: "Model No. Red Ray. OPA Maximum Selling Price—$11.76. This price includes manufacturer's Federal Excise Tax." This price does not include the bulbs. This tag shall not be removed before delivery to the consumer.

(e) At the time of the first invoice, the manufacturer shall notify in writing each purchaser who buys from it of the maximum prices established by this order for resales by the purchaser; and every jobber who sells an article covered by this order to another jobber shall notify that purchaser in writing of the maximum prices established by this order for resales by that purchaser. This written notice may be given in any convenient form.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(g) This Order No. 3343 may be revoked or amended by the Price Administrator at any time.

This Order No. 3343 shall become effective on the 30th day of January 1945.

Issued this 29th day of January 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-1750; Filed, Jan. 29, 1945; 11:43 a. m.]

[MPR 188, Amdt. 69 to Order A-1]

READY-MIXED CONCRETE

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) (52) is added to read as follows:

(52) *Modification of maximum prices of ready-mixed concrete.* (i) On and after February 3, 1945, any manufacturer of ready-mixed concrete may increase his established maximum prices per cubic yard for each specification of that commodity by an amount not to exceed his actual dollars-and-cents additional cost, rounded off to the nearest $.05 per cubic yard, resulting from the price increase for sales of cement permitted by Amendment No. 9 to Maximum Price Regulation 224, issued by the Office of Price Administration on January 3, 1945, effective January 8, 1945.

(ii) The term "manufacturer" used in (i) means any person who makes the first sale of ready-mixed concrete.

This Amendment No. 69 shall become effective February 3, 1945.

Issued this 29th day of January 1945.

JAMES F. BROWNLEE,
*Acting Administrator.*

[F. R. Doc. 45-1749; Filed, Jan. 29, 1945; 11:42 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-95, 59-62]

GEORGIA POWER AND LIGHT CO., ET AL.

ORDER APPROVING PLAN, GRANTING APPLICATIONS, AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

In the matters of Georgia Power and Light Company, Florida Power Corporation, General Gas & Electric Corporation, File No. 54-95; Georgia Power and Light Company, General Gas & Electric Corporation, File No. 59-62.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of January 1945.

General Gas & Electric Corporation, a registered holding company and a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, also a registered holding company, and Florida Power Corporation and Georgia Power and Light Company, subsidiaries of General Gas & Electric Corporation, having filed declarations and applications for approval of a plan of recapitalization of Georgia Power and Light Company under section 11 (e) of the Public Utility Holding Company Act of 1935 and for approval of related transactions under other applicable sections of said act; and

Said applications and declarations with respect to said plan and related transactions providing, among other things, that General Gas & Electric Corporation will donate to Florida Power Corporation all of the outstanding 21,650 shares of common stock of Georgia Power and Light Company, together with $310,600 in cash, and will sell to Florida Power Corporation for a cash consideration of $75,600 its holdings of 4,200 shares of the preferred stock of Georgia Power and Light Company; that Florida Power Corporation will issue and sell 40,000 shares of preferred stock having a total par value of $4,000,000, the dividend rate and sale price to be determined on the basis of competitive bidding as provided in Rule U-50 promulgated under the act, and the proceeds to be used by Florida Power Corporation, in part, to redeem its presently outstanding 34,702 shares of 7% Preferred Stocks, having an aggregate par value of $3,173,200, and, in part, together with cash on hand, to donate to Georgia Power and Light Company an aggregate amount of $1,400,000; that, in addition to such cash donation, Florida Power Corporation will donate to Georgia Power and Light Company, for cancellation, 600 shares of the common stock and the 4,200 shares of preferred stock of Georgia Power and Light Company which Florida Power Corporation will acquire from General Gas & Electric Corporation as set forth above; that Georgia Power and Light Company will redeem $527,500 principal amount of its First Mortgage 5% Bonds, due 1978, at the redemption price of 103½, thereby reducing its outstanding mortgage debt to $2,500,000; and that Georgia Power and Light Company will pay to the public holders of its 6,327 shares of $6 Preferred Stock $150 in cash per share, plus an adjustment at the rate of $6 per share per annum for dividends accruing from and after June 30, 1944, to the effective date of the proposed plan, in full discharge of all rights and claims attaching to such shares of preferred stock, which will thereupon be cancelled; and

The plan further providing that its effectuation shall be subject to the obtaining of an appropriate order of the United States District Court for the Southern District of New York authorizing the Trustees of Associated Gas and Electric Corporation to acquiesce in the consummation of the plan and the delivery by the Trustees of an instrument evidencing such acquiescence; and

General Gas & Electric Corporation, Florida Power Corporation, and Georgia Power and Light Company having requested that the Commission enter herein its order finding that the contemplated transactions proposed by the plan of recapitalization of Georgia Power and Light Company are necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and that such order conform to the pertinent requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof, and contain the recitals, specifications and itemizations therein required; and having further requested, pursuant to the provisions of section 11 (e) of the act, that the Commission apply, in accordance with the provisions of section 18 (f) of the act, to enforce and carry out the terms and provisions of the plan; and

Public hearings having been held on such matters, after appropriate notice, in which all interested persons were given opportunity to be heard, and briefs having been filed and oral argument having been heard; and the Commission having been fully advised and having made and filed its findings and opinion herein;

*It is ordered,* Subject to the terms and conditions set forth below and to the provisions of Rule U-24 promulgated under the act, that said plan be, and hereby is, approved; and that the applications and declarations in connection therewith be, and hereby are, approved and permitted to become effective;

*It is further ordered,* That the issuance, transfer and exchange of stocks or securities in the following transactions pursuant to said plan of recapitalization are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

1. The sale by General Gas & Electric Corporation to Florida Power Corporation of 4,200 shares of the $6 Preferred Stock, no par value, of Georgia Power and Light Company for a cash consideration of $75,600;

2. The transfer by General Gas & Electric Corporation to Florida Power Corporation of 21,650 shares of Common Stock, no par value, of Georgia Power and Light Company;

3. The issuance and sale by Florida Power Corporation of 40,000 shares of its Preferred Stock, __% Series, $100 par value;

4. The transfer by Florida Power Corporation to Georgia Power and Light Company, for cancellation, of 4,200 shares of the $6 Preferred Stock, no par value, of Georgia Power and Light Company;

5. The transfer by Florida Power Corporation to Georgia Power and Light Company, for cancellation, of 600 shares of Common Stock, no par value, of Georgia Power and Light Company;

6. The acquisition for cash by Georgia Power and Light Company, for cancellation, of 6,327 shares of its $6 Preferred Stock, no par value, outstanding in the hands of the public.

This order is subject to the following terms and conditions:

1. That Florida Power Corporation and Georgia Power and Light Company shall, within one year of the effective date of the plan, divest themselves, in any appropriate manner not in contravention of any applicable provisions of the act or the rules and regulations promulgated thereunder, of all water and ice properties owned by Georgia Power and Light Company;

2. That this order shall not be operative to authorize the consummation of transactions proposed in the plan until an appropriate federal district court shall, upon application thereto, enter an order enforcing such plan;

3. That the proposed issuance and sale by Florida Power Corporation of 40,000 shares of its Preferred Stock, __% Series, $100 par value, shall not be consummated until the results of the competitive bidding pursuant to Rule U-50

have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain further terms and conditions as may then be deemed appropriate, jurisdiction being reserved with respect to the imposition thereof;

4. That jurisdiction be, and hereby is, reserved over the payment by Georgia Power and Light Company of all legal fees and expenses, over the payment of the fee to be paid to counsel for Florida Power Corporation, and to counsel for the prospective underwriters of Florida Power Corporation's 40,000 shares of Preferred Stock, __% Series, $100 par value; and

5. That jurisdiction be, and hereby is, reserved to the Commission to entertain such further proceedings, to make such supplemental findings, and to take such further action as it may deem appropriate in connection with the plan, the transactions incident and related thereto and the consummation thereof, and, in the event the plan be not consummated, to enter such further orders as it may deem appropriate under sections 11 (b) (1) 11 (b) (2), 15 (f) and 20 (a) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F R. Doc. 45-1655; Filed, Jan. 27, 1945; 11:39 a.m.]

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## WAR PRODUCTION BOARD.

[C-253]

### DEERING, MILLIKEN & CO., INC.

CONSENT ORDER

Deering, Milliken & Co., Incorporated of 240 Church Street in the City of New York is a New York corporation engaged in business as selling agent for cotton, woolen and rayon mills. It is charged by the War Production Board with wilful violations of Priorities Regulation 1, as amended June 30, 1944, in that it refused on August 8, 1944, without lawful reason, to accept and fill a purchase order tendered it by General Textile Mills Incorporated of New York City for 250,000 yards of 36"-56 x 56-4.00 yard unbleached cotton sheeting with which to manufacture parachutes for military use. This purchase order bore a preference rating of AA-1, calling for August, September and October, 1944, deliveries. Deering, Milliken & Co., Incorporated is further charged with having during August, September and October, 1944, filled 40 other purchase orders, tendered by other companies, and delivered 557,216 yards of the same fabric, of which 29 purchase orders bore preference ratings lower than AA-1 and 11 purchase orders bore no preference ratings whatsoever. This, too, was in violation of Priorities Regulation 1 as amended June 30, 1944.

Deering, Milliken & Co., Incorporated admits the violations as charged and does not care to contest the charge of wilfulness; accordingly, it has consented to the issuance of this order:

Under the appropriation War Production Board orders covering cotton textile distribution, General Conservation Order M-317, as amended July 5, 1944, and Supplementary Order M-317-A, issued August 28, 1944, cotton sheeting of this construction was required to be distributed by delivery of 80% of production on rated orders (in sequence higher to lower) including 25% on rated export orders, leaving a balance of only 20% for delivery on unrated purchase orders provided there are no rated purchase orders on hand or tendered.

Wherefore, upon the agreement and consent of Deering, Milliken & Co., Incorporated, the Regional Compliance Manager and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) Deering, Milliken & Co., Incorporated, its successors and assigns, shall not sell for its own account or for the account of others and shall not deliver, or cause to be delivered, cotton sheeting 36"-56 x 56-4.00 yard per pound, or cotton sheeting of the same construction of pro rata widths or weights, upon purchase orders bearing preference ratings lower than AA-2X, unless hereafter specifically authorized in writing by the War Production Board; except that it may deliver, or cause to be delivered, such cotton sheeting upon rated export purchase orders given in conformity with the provisions of paragraph (d) (1) of General Conservation Order M-317, as amended October 23, 1944, and in accordance with the obligation imposed by paragraph (c) in Distribution Schedule 2 of Supplementary Order M-317-A as amended October 23, 1944, and except that the provisions of this consent order shall not apply to seconds, shorts, remnants or rags produced in the normal course of manufacture referred to in paragraph (d) of Distribution Schedule 2 of M-317-A, as amended October 23, 1944.

(b) No blanket authorization or blanket permission shall be issued to Deering, Milliken & Co., Incorporated, its successors or assigns, except to fill purchase orders received directly from the United States Army, Navy, Maritime Commission or the War Shipping Administration for cotton sheeting 36"-56 x 56-4.00 yard per pound, or cotton sheeting of the same construction of pro rata widths or weights.

(c) Nothing contained in this order shall be deemed to relieve Deering, Milliken & Co., Incorporated, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect January 26, 1945, and shall expire on December 31, 1945.

Issued this 19th day of January 1945.

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

[F R. Doc. 45-1612; Filed, Jan. 26, 1945; 4:28 p. m.]

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[C-257]

### DOWNTOWN STORE FIXTURE CO.

CONSENT ORDER

The Downtown Store Fixture Company, a corporation with its principal place of business in Cleveland, Ohio, is engaged in the sale and installation of store and restaurant equipment, and the sale and servicing of refrigeration systems and equipment. During the months of June, July, and August, 1944 the corporation improperly applied the AA-5 MRO rating assigned under Preference Rating Order P-126 to at least eleven separate orders for the purchase of equipment and materials aggregating approximately $7,395.00, which equipment and materials were not used, or in some instances intended for use in the emergency repair and maintenance of refrigeration systems, or otherwise as provided in the order. Each of these transactions was a violation of Preference Rating Order P-126. Between July 13, 1944 and August 9, 1944, the corporation accepted delivery of new refrigeration systems or parts consisting of seven walk-in coolers and eighteen condensing units without furnishing an approved order, and in violation of Limitation Order L-38. At a hearing before a Compliance Commissioner held on December 20, 1944 the respondent admitted violations as recited above, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of the Downtown Store Fixture Company, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) Deliveries of material to the Downtown Store Fixture Company, its successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating orders, preference rating certificates, general preference orders, or any other order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation, including allotments, of any material or product, the supply or distribution of which is governed by any order of the War Production Board, shall be made to the Downtown Store Fixture Company, its suc-

cessors or assigns, unless hereafter specifically authorized in writing by the War Production Board.

(c) The provisions of this order shall not apply to parts and materials required for emergency repair of refrigeration systems already installed and used in the conducting of the businesses specifically listed under Class I and II of paragraph (c) of Preference Rating Order P-126. This exception does not permit replacing parts in inventory.

(d) Nothing contained in this order shall be deemed to relieve the Downtown Store Fixture Company, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(e) This order takes effect upon the date of issuance, and shall expire two months thereafter.

Issued this 26th day of January 1945.

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

[F. R. Doc. 45-1613; Filed, Jan. 26, 1945; 4:28 p. m.]

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[C-258]

LENUS ALM

CONSENT ORDER

Lenus Alm of 1081 South Fillmore Way, Denver, Colorado, is engaged in milk processing. He was charged in a charging letter issued by War Production Board on December 5, 1944, with having begun and carried on construction of a one-story masonry dairy processing plant located at West Nevada Place and South Cherokee Street, Denver, Colorado, in violation of Conservation Order L-41 and special authorization granted by War Production Board. On July 29, 1944, Lenus Alm was authorized on WPB Form GA-1456 to construct the plant at that location upon conditions that it would not be in excess of 48 feet in width and 85 feet in length, and would not cost, exclusive of land and equipment, in excess of $19,000. He was charged with having begun the construction of that plant after July 29, 1944, and having continued the construction until November 14, 1944, at which time the plant was about 75% completed, when further construction was stopped by order of War Production Board. It was charged that the plant was being constructed with a width of 87 feet, instead of 48 feet; with a length of 91 feet, instead of 85 feet; at an estimated cost of more than $37,000, exclusive of land and equipment, instead of a cost not in excess of $19,000; and with a floor area approximately 52% larger than authorized; and that such construction was without authorization of War Production Board. Lenus Alm admits the violations as charged and has consented to the issuance of this order, but denies that the violations were wilful and claims that they were due to misunderstandings, reliance upon other people, and lack of information.

Wherefore, upon the agreement and consent of Lenus Alm, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) Neither Lenus Alm, his successors or assigns, nor any other person, shall do any construction on the premises now owned by him and located at West Nevada Place and South Cherokee Street, Denver, Colorado, including putting up or altering the structure located on said premises, unless hereafter specifically authorized in writing by War Production Board. The provisions of this paragraph shall not apply to such minimum amount of work and material necessary to protect the building against weather damage and to enable Lenus Alm, his successors or assigns, to conduct his usual business in his building as may hereafter be specifically authorized in writing by War Production Board pursuant to the provisions of Conservation Order L-41, nor to maintenance and repair as defined in or governed by Conservation Order L-41.

(b) Nothing contained in this order shall be deemed to relieve Lenus Alm, his successors or assigns, from any restrictions, prohibition or provision contained in any other order or regulation of War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 26th day of January 1945.

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

[F. R. Doc. 45-1614; Filed, Jan. 26, 1945; 4:28 p. m.]

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[C-254]

HARVEY STENMARK

CONSENT ORDER

Harvey Stenmark of 285 South Williams Street, Denver, Colorado, is engaged in the business of a general building contractor. He is charged by War Production Board with having begun and carried on construction of a one-story masonry dairy processing plant for Lenus Alm of Denver, Colorado, at West Nevada Place and South Cherokee Street, Denver, Colorado, at an estimated cost of about $37,000, in violation of War Production Board Conservation Order L-41 and of War Production Board authorization on Form GA-1456.

Harvey Stenmark admits the violation as charged, does not desire to contest the same, and has consented to the issuance of this order. He claims that the violation was the result of ignorance and was not wilful.

Wherefore, upon the agreement and consent of Harvey Stenmark, and upon the approval of the Regional Compliance Manager, the Regional Attorney and the Compliance Commissioner, *It is hereby ordered,* That:

(a) Deliveries of material to Harvey Stenmark, his successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other order or regulation of War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation, including allotments, shall be made to Harvey Stenmark, his successors or assigns, of any material or product the supply or distribution of which is governed by any order or regulation of War Production Board, unless hereafter specifically authorized in writing by War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Harvey Stenmark, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on January 27, 1945, and shall expire on April 27, 1945.

Issued this 20th day of January 1945.

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

[F. R. Doc. 45-1648; Filed, Jan. 27, 1945; 11:16 a. m.]

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## WAR SHIPPING ADMINISTRATION.

"BUTTERFIELD"

DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the act approved March 24, 1943 (Public Law 17—78th Congress)

Whereas on August 23, 1942 title to the vessel "Butterfield" (218244) (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the act approved March 24, 1943, (Public Law 17—78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941, (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the

title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking; *Provided, however*, That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. * * * and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law

Now therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: January 26, 1945.

[SEAL] E. S. LAND,
*Administrator*

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