THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

# FEDERAL REGISTER

VOLUME 10 NUMBER 253

*Washington, Saturday, December 29, 1945*

## *The President*

### PROCLAMATION 2676

GRANTING PARDON TO CERTAIN PERSONS WHO HAVE SERVED IN THE ARMED FORCES OF THE UNITED STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Constitution of the United States provides that the President "shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment"; and

WHEREAS subsequent to July 29, 1941, there were inducted and enrolled in the armed forces of the United States persons who had prior to their entry, induction or enrollment been convicted of offenses against the laws of the United States or the Territory of Alaska, other than the laws for the government of the Army and Navy; and

WHEREAS it appears that such convicted persons who have or shall hereafter be honorably discharged or separated from the armed forces, or separated with honor from active service therein, after serving in active status for not less than one year ought to have restored to them the political, civil, and other rights of which they were deprived by reason of such conviction and which may not be restored to them unless they are pardoned:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby grant a full pardon to all persons convicted of violation of any law of the United States or of the Territory of Alaska, except the laws for the government of the Army and the Navy, who on or after the twenty-ninth day of July, 1941, and prior to the date hereof, entered, enrolled in, or were inducted into the armed forces of the United States and who after serving in active status for not less than one year have been or shall hereafter be honorably discharged or separated therefrom, or separated under honorable conditions from active service therein: *Provided, however*, that such pardon shall not be construed to include the pardon of such persons for any offenses for which conviction has been obtained after the date of such entry, enrollment, or induction into service.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 24th day of December, in the year of our Lord nineteen hundred [SEAL] and forty-five, and of the Independence of the United States of America the one hundred and seventieth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
*Acting Secretary of State.*

[F. R. Doc. 45-23001; Filed, Dec. 27, 1945; 4:51 p. m.]

## *Regulations*

### TITLE 8—ALIENS AND NATIONALITY

#### Chapter II—Office of Alien Property Custodian

#### PART 503—GENERAL ORDERS

REPORTS OF PROPERTY AND INTERESTS OF GERMANY AND JAPAN AND ANY NATIONAL THEREOF

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned hereby issues the following regulation:

§ 503.34 *General Order No. 34.* (a) Every person in the United States who, on or after December 31, 1945, has any interest in or legal title to or custody or control or possession of any property or interest of any nature whatsoever within the United States, and believes or has cause to believe that such property or interest is or may be directly or indirectly owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or claimed by, or is evidence of ownership or control of property or interest by, Germany or Japan or any national thereof, shall file with the Alien Property Custodian on or before February 28, 1946, a report on Alien Property Custodian Form AFC-50, containing the information called for and in conformity

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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## NOTICE

1944 Supplement

The following books of the 1944 Supplement to the Code of Federal Regulations are now available from the Superintendent of Documents, Government Printing Office, at $3 per copy:

Book 1: Titles 1–10, including Presidential documents in full text.

Book 2: Titles 11–32.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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with instructions, whether or not a report with respect to any such property or interest shall have been filed previously with any government agency: *Provided,* That if such belief or cause to believe is acquired after February 28, 1946, such reports shall be filed within 60 days after such belief or cause to believe; *And provided further,* That no report on Alien Property Custodian Form APC-56 need be filed with respect to the following: (1) interests in or relating to patents, reportable pursuant to Alien Property Custodian General Orders Nos. 2, 3, 11, 12, and 18;[1] (2) interests in or relating to copyrights, reportable pursuant to Alien Property Custodian General Orders Nos. 13, 14, 22, and 23;[1] (3) interests in or relating to trademarks, commercial prints, and labels, reportable pursuant to Alien Property Custodian General Orders Nos. 11, 16, and 28;[1] and (4) any property being administered under judicial supervision, or which is in partition, libel, condemnation or other such proceedings, reportable pursuant to Alien Property Custodian General Order No. 5.[1] For the purposes of this paragraph, safe deposit boxes shall be deemed to be in the "custody" not only of all lessees thereof and all persons having access thereto, but also of the lessors of such boxes, whether or not such lessors have access thereto.

(b) A report on Alien Property Custodian Form APC-56 in accordance with the requirements specified in paragraph (a) above, shall be filed by every person with respect to all securities and obligations, including, but not limited to, shares of stock, debentures, notes, bonds, trust certificates, coupons, debts, contracts of insurance, issued or incurred by such person, which are registered or recorded on the books of such person as, or which such person believes or has cause to believe are or may be, directly or indirectly owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or claimed by, Germany or Japan or any national thereof.

(c) As used in paragraphs (a) and (b) above:

(1) The term "person" shall include, but not by way of limitation, an individual, partnership, association, corporation, company or other incorporated or unincorporated body or body politic;

(2) The term "property" shall include, but not by way of limitation, money, checks, drafts, bullion, bank deposits, savings accounts, obligations, financial securities commonly dealt in by bankers, brokers and investment houses, notes, debentures, stocks, bonds, coupons, bank acceptances, mortgages, pledges, liens or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidence of title, ownership or indebtedness, goods, wares, merchandise, chattels, stock on hand, real estate, vendors' sales agreements, land contracts, leaseholds, ground rents, options, negotiable instruments, trade acceptances, book accounts, accounts payable (to Germany or Japan or any national thereof), judgments, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, contracts of any nature whatsoever, interest in trusts;

(3) The term "United States" means the continental United States and any territory which was subject to the jurisdiction thereof on December 7, 1941, including the Philippine Islands;

(4) The term "Germany", when used in a territorial sense, means that territory which constituted Germany on March 1, 1938; and when used in a governmental sense, means the Government of Germany or any political subdivision, agency or instrumentality thereof;

(5) The term "Japan", when used in a territorial sense, means that territory which constituted Japan on December 7, 1941, including the mandated islands of Japan and Manchuria, but excluding all other areas in China occupied by the military forces of Japan on that date; and when used in a governmental sense, means the Government of Japan or any political subdivision, agency or instrumentality thereof;

(6) The phrase "national of Germany or Japan" means:

(i) Any person who, at any time on or since June 14, 1941, has been domiciled or resident in, or has been a citizen or subject of, Germany or Japan, except (*a*) persons domiciled or resident in the United States on December 31, 1945, and (*b*) members of the armed forces of, and civilians (other than citizens or subjects of Germany or Japan) on official duty for the United States, China, France, the Union of Soviet Socialist Republics, or the United Kingdom, or organizations acting officially on behalf of any of such nations;

(ii) Any partnership, association, corporation or other organization, organized under the laws of, or which at any time on or since June 14, 1941, has had its principal place of business in, Germany or Japan; and

(iii) Any partnership, association, corporation or other organization, organized under the laws of, or whose principal place of business is located in, any country other than Germany, Japan or the United States, in which at any time on or since January 1, 1939, Germany or Japan or any national thereof has had any direct or indirect interest, or any direct or indirect control other than such control as prevailed solely by virtue of the military occupation by Germany or Japan of the territory in which such partnership, association, corporation or other organization is located.

(d) Alien Property Custodian Form APC-56 and instructions may be obtained from any Federal Reserve Bank, the Governor or High Commissioner of a Territory or Possession of the United States, or from the Office of Alien Property Custodian, Washington 25, D. C., or 120 Broadway, New York 5, N. Y., or 417 Montgomery Street, San Francisco 4, California, or 135 South LaSalle Street, Chicago 3, Illinois, or The Yokohama Specie Bank Building, Honolulu, T. H., or Manila, Philippine Islands.

(e) Reports shall be executed and filed in duplicate with the Office of Alien Property Custodian, Washington 25, D. C.: *Provided, however,* That if the residence of the reporter is within the Territory of Hawaii, or the Philippine Islands, reports shall be filed with the Office of Alien Property Custodian, Honolulu, Territory of Hawaii, or Manila, Philippine Islands, respectively. A report shall be deemed to have been filed when it is received by the Office of Alien Custodian or when it is properly addressed and mailed to the Office of Alien Property Custodian, Washington 25, D. C., or, as the case may be, Honolulu, Territory of Hawaii, or Manila, Philippine Islands, and bears a postmark dated prior to midnight of the date upon which the report is due. The Alien Property Custodian reserves discretion to grant such extensions of time as he deems advisable for the making of any or of all of the reports required by this section.

This regulation shall be effective on December 31, 1945.

Executed at Washington, D. C., on December 20, 1945.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with The Federal Reports Act of 1942.

[SEAL] JAMES E. MARKHAM,
*Alien Property Custodian.*

[F. R. Doc. 45-23997; Filed, Dec. 23, 1945; 11:04 a. m.]

[1] General Order No. 2 (7 F.R. 4634, June 23, 1942); General Order No. 3 (7 F.R. 4635, June 23, 1942); General Order No. 5 (7 F.R. 6199, August 11, 1942); General Order No. 11 (8 F.R. 291, January 8, 1943); General Order No. 12 (7 F.R. 9476, November 19, 1942); General Order No. 13 (8 F.R. 1, January 1, 1943); General Order No. 14 (7 F.R. 10546, December 17, 1942); General Order No. 16 (8 F.R. 15727, November 19, 1943); General Order No. 18 (8 F.R. 1707, February 9, 1943); General Order No. 22 (8 F.R. 7095, May 28, 1943); General Order No. 23 (8 F.R. 9178, July 6, 1943); and General Order No. 28 (8 F.R. 15729, November 19, 1943).

## TITLE 10—ARMY: WAR DEPARTMENT

### Chapter VIII—Personnel

### PART 707—MEDICAL AND DENTAL ATTENDANCE

#### MEDICAL ATTENDANCE

Sections 707.1, 707.5, 707.6 and 707.8 are retained without change in revision of AR 40-505, dated 5 December 1945, and §§ 707.2-707.4, inclusive, and 707.7 are amended, and § 707.9 is added as follows:

1. Amend § 707.2 (b) (1) to read as follows:

§ 707.2 *For whom authorized.* * * *

(b) *Military.* (1) Officers, Army nurses. Women's Army Corps, other militarized female personnel of the Army, contract surgeons (full time), warrant officers, flight officers, cadets, enlisted men, general prisoners, and prisoners of war.

2. In § 707.3 paragraph (b) (1) is amended and subparagraph (4) is added as follows:

§ 707.3 *Civilian medical attendance for military patients at public expense.* * * *

(b) *For whom authorized.* * * *

(1) Officers, Army nurses, Women's Army Corps, other militarized female personnel of the Army, contract surgeons (full time), warrant officers, flight officers, cadets, enlisted men, when on a duty status or when absent on authorized leave, sick leave, furlough, or pass. Civilian medical attendance is not authorized for the personal enumerated when absent without leave.

* * * * *

(4) Civilian seamen in the service of ships operated by the War Department and Transportation Corps marine officer cadets, for a reasonable time and except for injuries or diseases resulting from their own misconduct. Traumatic injuries and occupational diseases incurred in the course of employment are covered by the United States Employees' Compensation Commission and are not included in this part.

3. Amend paragraphs (a) (1) and (b) of § 707.4 to read as follows:

§ 707.4 *Treatment in hospitals of other Government services*—(a) *For whom authorized.* * * *

(1) Officers, Army nurses, Women's Army Corps, other militarized female personnel of the Army, contract surgeons (full time), warrant officers, flight officers, cadets, and enlisted men, when on a duty status or while absent from duty on authorized leave or absent without leave.

* * * * *

(b) *Subsistence.* Subsistence charges will be at the rate prescribed by the individual hospital. Payment for subsistence will not be made to the hospital by the individual concerned. The Surgeon General will collect the subsistence charges from any officer, Army nurse, officer of the Women's Army Corps, other militarized female personnel of the Army in officer status, contract surgeon (full time), warrant officer, flight officer, so hospitalized, and deposit it to the proper appropriations.

4. The first portion of § 707.7 (d) is amended as follows:

§ 707.7 *Civilian physicians practicing upon military reservations, posts, or camps.* * * *

(d) If the patient is an officer, Army nurse, member of the Women's Army Corps or other militarized female personnel of the Army, contract surgeon (full time), warrant officer, flight officer, cadet, enlisted man. * * *

5. Section 707.9 is added as follows:

§ 707.9 *Issuance of narcotic prescriptions by medical officers to be filled at civilian pharmacies.* Officers of the medical corps of the Army and Navy, in the course of official medical treatment of Army and Navy personnel and members of their families entitled to receive such treatment, are required to issue prescriptions for these patients which may call for narcotic drugs or preparations. Under circumstances where the drug or preparation required by the patient for medical use cannot be furnished from official stocks, it is necessary that it be obtained, pursuant to the official prescription, from drug store duly qualified by registration under the Federal narcotic law to fill narcotic prescriptions.

Such prescriptions, issued in the course of official professional practice only, and prepared on official blanks or stationery (such as printed forms of an Army or Navy hospital or dispensary) and otherwise meeting the requirements of Narcotic Regulations No. 5 (Part 151, Chapter I of this title) relating to narcotic prescriptions, may be filled by a duly registered druggist although they do not bear a registry number of the issuing practitioner; provided they bear the signature, title, corps, and serial or jacket number of the issuing medical officer. Such prescriptions, when filled, shall be filed with, and detained for the same period as narcotic prescriptions issued by regularly registered practitioners and filled by the druggist.

This procedure shall not apply in the case of prescriptions written by an Army or Navy medical officer in the treatment of a private patient, i. e., a patient not entitled to receive medical treatment from the physician in the latter's capacity as a service medical officer. In prescribing and dispensing narcotic drugs to such private persons, the officer is subject to all the requirements of the Federal narcotic law, including registration and payment of tax, as are imposed upon other physicians conducting private medical practice.

(R.S. 161; 5 U.S.C. 22)

[SEAL] EDWARD F. WITSELL,
*Major General,*
*Acting The Adjutant General.*

[F. R. Doc. 45-22999; Filed, Dec. 27, 1945; 3:53 p. m.]

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

### PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

#### EXEMPTION OF CERTAIN HOLDING COMPANIES, ACQUISITION, RETIREMENT AND REDEMPTION OF SECURITIES BY ISSUER, SALES TO AFFILIATES, SALES OF UTILITY SECURITIES AND ASSETS

Acting pursuant to the Public Utility Holding Company Act of 1935, and particularly section 20 (a) thereof, and such of the several sections of the act as are specified in appropriate footnotes hereto, and finding that such action is necessary and appropriate in the public interest and in the interest of investors and consumers, the Securities and Exchange Commission hereby takes the following action:

1. Paragraph (a) of § 250.2 [Rule U-2] is amended to read as follows:

§ 250.2 *Exemption of holding companies which are intrastate or predominantly operating companies*[1]—(a) *General provisions.* Any holding company, and every subsidiary company thereof as such, shall, upon the filing of an exemption statement on form U-3A-2 and subject to the filing of such exemption statement on or before March 1 of each year thereafter, and subject to the provisions of Rule U-6, be exempt from all the provisions of the act and rules thereunder, except section 9 (a) (2) of the act, if—

2. Paragraph (b) (6) of § 250.42 [Rule U-42] is amended by inserting the words "other than common stock" after the word "securities."[2]

3. The proviso clause of paragraph (b) (6) of § 250.42 [Rule U-42] is amended to read as follows:

§ 250.42 *Acquisition, retirement, and redemption of securities by the issuer thereof*[3] * * *

(b) *Exceptions.* * * *

(6) *Exemption of small amounts.* * * * *Provided,* That none of the above exceptions shall be applicable to any transaction with an associate company, an affiliate, or an affiliate of an associate company, unless such transaction is part of a general program where the issuer of the security involved exercises no choice as to persons dealt with, consideration, or similar matters, *And further provided,* That the above exceptions numbered (4), (5) and (6) shall not be applicable to any transaction involving securities ordered to be eliminated or modified pursuant to section 11 of the act, or the possible elimination of which is an issue in any proceedings pursuant to section 11 of the act, or on which payment of principal, interest or dividends is in default or in arrears.

[1] Sections 3 (a) (1) and 3 (a) (2). Subparagraphs (1) and (2) remain unchanged.
[2] Sections 9 (c) and 12 (c).
[3] Sections 9 (c), 12 (c) and 11.

4. Paragraph (b) (2) of § 250.43 [Rule U-43] is amended to read as follows:

§ 250.43 *Sales to affiliates.*[4] * * *

(b) *Exceptions.* * * *

(2) Any sale of securities or of utility assets, if the total consideration is less than $100,000 and the acquisition by the vendee is not subject to the approval of the Commission; or

5. The headings to § 250.44 [Rule U-44] and to paragraph (a) of this section are amended to read as follows:

§ 250.44 *Sales of securities and assets*[5]—(a) *Sales of utility securities or assets.* * * *

6. Paragraph (b) (2) of § 250.44 [Rule U-44] is amended to read as follows:[6]

§ 250.44 *Sales of securities and assets.* * * *

(b) *Exemptions.* * * *

(2) *Limited sales of securities or of utility assets.* Sales of securities or of utility assets, if the total consideration is less than $100,000, and the acquisition by the vendee is not subject to the approval of the Commission, and, in the case of securities, a written notice of intention to effect the proposed sale shall have been filed with the Commission at least fifteen days prior to such sale.

7. Section 250.44 [Rule U-44] is amended to include a new paragraph (c), to read as follows:[7]

§ 250.44 *Sales of securities and assets.* * * *

(c) *Sales pursuant to order or plan under section 11.* No registered holding company or subsidiary thereof shall, directly or indirectly, sell or otherwise dispose of any security, asset or other interest in any business which it is required to dispose of by reason of any order of this Commission under section 11 (b) of the act, or pursuant to the provisions of any plan pending or approved under section 11 (e) of the act, unless it shall have given at least ten days' notice to the Commission of its intention to make such sale or other disposition and:

(1) No notice shall have been given to said company by the Commission within said ten day period that a declaration should be filed with respect to the proposed transaction, or notice shall have been given by the Commission within said ten day period that no declaration is required: or

(2) A declaration filed by the company with respect to such transaction shall have been permitted to become effective by order of the Commission.

*Provided,* That the provisions of this paragraph (c) shall not apply to any transaction as to which a declaration is required under paragraph (a) of § 250.43 [Rule U-43] or paragraph (a) of this section.

8. Paragraph (i) of § 250.70 (a) (4) [Rule U-70 (a) (4)] is amended by substituting the figure "2,500,000" for the figure "$1,500,000".[8]

9. Paragraphs (a), (b), (c) and (e) are eliminated from the appendix of the compiled General Rules and Regulations under the Public Utility Holding Company Act of 1935.[9] Paragraph (d) of the appendix is redesignated paragraph (a). The title to the appendix is amended to read as follows:[10] *"Rules of Special and Limited Application"*

10. Subparagraph (8) of § 250.70 (a) [Rule U-70 (a)] is renumbered subparagraph (6) of § 250.70 (a) [Rule U-70 (a)], and the reference to such subparagraph, in subparagraph (1) of § 250.70 (b) [Rule U-70 (b)] is changed accordingly.[11]

Effective: December 27, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-23018; Filed, Dec. 23, 1945; 11:11 a. m.]

[4] Sections 12 (d), 12 (f) and 27 (a).
[5] Sections 11, 12 (d), 12 (f) and 27 (a).
[6] Sections 12 (d) and 27 (a).
[7] Sections 11, 12 (d), 12 (f) and 27 (a).
[8] Sections 17 (c) and 12 (f).
[9] 17 CFR, Cum. Supp., 250.201. Paragraph (e) appears at 6 F.R. 2032.
[10] Sections 3, 6, 7, 9, 10, 12 and 17.
[11] Sections 17 (c) and 12 (f).

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## TITLE 26—INTERNAL REVENUE

### Chapter I—Bureau of Internal Revenue

#### Subchapter D—Employment Taxes

[T. D. 5487]

### PART 402—EMPLOYEES' TAX AND EMPLOYERS' TAX UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT

INCREASE IN RATES

Regulations 106 amended to conform to section 401 of the Revenue Act of 1945, postponing until January 1, 1947, the increase in rates of the taxes under the Federal Insurance Contributions Act.

In order to conform Regulations 106 (26 C.F.R., Cum. Supp., Part 402), relating to the employees' tax and the employers' tax under the Federal Insurance Contributions Act (subchapter A, chapter 9, Internal Revenue Code), to section 401 of the Revenue Act of 1945 (Public Law 214, 79th Congress), approved November 8, 1945, such regulations are amended as follows:

PARAGRAPH 1. Immediately preceding § 402.301, relating to measure of employees' tax, the following is inserted:

SECTION 401 (A) OF THE REVENUE ACT OF 1945

Clauses (1) and (2) of section 1400 of the Federal Insurance Contributions Act (Internal Revenue Code, sec. 1400) are amended to read as follows:

"(1) With respect to wages received during the calendar years 1939, 1940, 1941, 1942, 1943, 1944, 1945, and 1946, the rate shall be 1 per centum.

"(2) With respect to wages received during the calendar years 1947 and 1948, the rate shall be 2½ per centum."

PAR. 2. Section 402.302, as amended by Treasury Decision 5430, approved January 17, 1945, relating to rates and computation of employees' tax, is further amended to read as follows:

§ 402.302 *Rates and computation of employees' tax.* The rates of employees' tax applicable for the respective calendar years are as follows:

| | Percent |
|---|---|
| For the calendar years 1940, 1941, 1942, 1943, 1944, 1945, and 1946 | 1 |
| For the calendar years 1947 and 1948 | 2½ |
| For the calendar year 1949 and subsequent calendar years | 3 |

The employees' tax is computed by applying to the wages received by the employee the rate in effect at the time such wages are received.

EXAMPLE. During 1946 A is an employee of B and is engaged in the performance of services which constitute employment (see § 402.203). In the following year, 1947, A receives from B $1,000 as remuneration for services performed by A in the preceding year. The tax is payable at the 2½ percent rate in effect for the calendar year 1947 (the year in which the wages are received), and not at the 1 percent rate which is in effect for the calendar year 1946 (the year in which the services were performed).

PAR. 3. Immediately preceding § 402.401, relating to measure of employers' tax, the following is inserted:

SECTION 401 (B) OF THE REVENUE ACT OF 1945

Clauses (1) and (2) of section 1410 of such Act [Federal Insurance Contributions Act] (Internal Revenue Code, sec. 1410) are amended to read as follows:

"(1) With respect to wages paid during the calendar years 1939, 1940, 1941, 1942, 1943, 1944, 1945, and 1946, the rate shall be 1 per centum.

"(2) With respect to wages paid during the calendar years 1947 and 1948, the rate shall be 2½ per centum."

PAR. 4. Section 402.402, as amended by Treasury Decision 5430, relating to rates and computation of employers' tax, is further amended to read as follows:

§ 402.402 *Rates and computation of employers' tax.* The rates of employers' tax applicable for the respective calendar years are as follows:

| | Percent |
|---|---|
| For the calendar years 1940, 1941, 1942, 1943, 1944, 1945, and 1946 | 1 |
| For the calendar years 1947 and 1948 | 2½ |
| For the calendar year 1949 and subsequent calendar years | 3 |

The employers' tax is computed by applying to the wages paid by the employer the rate in effect at the time such wages are paid.

PAR. 5. The last paragraph of § 402.705, as amended by Treasury Decision 5430, relating to special refunds of employees' tax on wages over $3,000, is further amended by striking out "1945" and "1946" wherever they now appear therein, and by inserting in lieu thereof "1946" and "1947", respectively.

(Sec. 1429 of the Internal Revenue Code, 53 Stat. 178; 26 U.S.C., 1429, and section 401 of the Revenue Act of 1945, Pub. Law 214, 79th Cong.)

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

Approved: December 27, 1945.

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

[F. R. Doc. 45-23027; Filed, Dec. 23, 1945; 11:18 a. m.]

## TITLE 31—MONEY AND FINANCE: TREASURY

### Chapter I—Monetary Offices, Department of the Treasury

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

TRADE TRANSACTIONS WITH FRANCE AND BELGIUM

DECEMBER 29, 1945.

Revocation of General Licenses Nos. 90, 91, 92 and 93, under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Section 131.90 (General License No. 90, issued April 14, 1945, 10 F.R. 4062), § 131.91 (General License No. 91, issued May 15, 1945, 10 F.R. 5573), § 131.92 (General License No. 92, issued October 5, 1945, 10 F.R. 12599), and § 131.93 (General License No. 93, issued November 20, 1945, 10 F.R. 14289), are hereby revoked.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942, as amended by E.O. 9567, June 8, 1945; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] FRED M. VINSON,
*Secretary of the Treasury.*

[F. R. Doc. 45-23005; Filed, Dec. 28, 1945; 10:48 a. m.]

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PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

PROPERTY CERTIFIED BY GOVERNMENTS OF SPECIFIED COUNTRIES

DECEMBER 29, 1945.

General License No. 95 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

§ 131.95 *Property certified by governments of specified countries*—(a) *Certification by governments of countries specified herein.* Whenever a designated agent of the government of any country specified herein has certified in writing that no foreign country designated in the Order or national thereof, other than a country specified herein or national thereof, has at any time between the effective date of the Order and the date of certification had any interest in any property subject to the proviso of paragraph (a) of § 131.94 (General License No. 94), the property so certified is hereby licensed to be regarded as property in which no blocked country or national thereof has or has had any interest.

(b) *Waiver of section 2A of the order and General Ruling No. 5.* The provisions of section 2A of the order and of General Ruling No. 5 are waived with respect to any security to which a certification under the preceding paragraph is attached.

(c) *Application of license to certain nationals of countries specified herein.* This license shall not apply with respect to any national of a country specified herein who is a national of another foreign country designated in the order and not specified herein, *Provided, however,* That for the purpose only of this license the following shall be deemed nationals only of a country specified herein:

(1) Any individual residing in a country specified herein, except any citizen or subject of Germany or Japan who at any time on or since December 7, 1941 has been within the territory of either such country or within any other territory while it was designated as "enemy territory" under General Ruling No. 11;

(2) Any partnership, association, corporation, or other organization, organized under the laws of a country specified herein, unless it is a national of Germany, Japan, Bulgaria, Hungary, or Rumania.

(d) *Definitions.* As used in this license,

(1) The term "country specified herein" means the following:

(i) France, effective October 5, 1945;

(ii) Belgium, effective November 20, 1945;

(iii) Norway, effective December 29, 1945;

(iv) Finland, effective December 29, 1945;

and each country specified herein shall be deemed to include any colony or other territory subject to its jurisdiction.

(2) The term "foreign country designated in the order" shall be deemed to include countries licensed by § 131.94 (General License No. 94).

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942, as amended by E.O. 9567, June 8, 1945; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] FRED M. VINSON,
*Secretary of the Treasury.*

[F. R. Doc. 45-23004; Filed, Dec. 28, 1945; 10:47 a. m.]

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## TITLE 32—NATIONAL DEFENSE

### Chapter II—National Guard and State Guard, War Department

PART 211—STATE GUARD

CORRESPONDENCE AND REPORTS

Amend paragraphs (b) (2) and (3) of § 211.9 to read as follows:

§ 211.9 *Correspondence and reports.* * * *

(b) *Channels of communication.* * * *

(2) *Between State authorities and service commands.* Direct correspondence where action within the purview of a service command is required.

(3) *Between service commands and the War Department.* Direct to the Chief, National Guard Bureau, except that communications pertaining to changes in general procedure or basic policy will be forwarded through the Commanding General, Army Service Forces. (Sec. 61, act of June 3, 1916, 39 Stat. 198, 32 U.S.C. 194, as amended by act of Oct. 21, 1940, 54 Stat. 1206; act of Aug. 18, 1941, 55 Stat. 628; act of Oct. 1, 1942, 56 Stat. 762; and act of June 26, 1944, 58 Stat. 359)

[AR 850-250, Sept. 21, 1945, as amended by C 1, Dec. 13, 1945]

[SEAL] EDWARD F. WITSELL,
*Major General,*
*Acting The Adjutant General.*

[F. R. Doc. 45-22994; Filed, Dec. 27, 1945; 3:53 p. m.]

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### Chapter VI—Selective Service System

[Operations Order 68]

CALIFORNIA

ESTABLISHMENT OF BOARD OF APPEAL AREA

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, and in accordance with the recommendation of Colonel K. H. Leitch, State Director of Selective Service for the State of California, I hereby order:

1. That the State Director of Selective Service for the State of California is hereby authorized to disestablish the board of appeal areas for Boards of Appeal numbered 1, 2, 3, 5, 10, 11, 12, 18, 19, 20, and 21 for the State of California, and to establish one board of appeal area having more than 70,000 registrants as the result of the first registration, which board of appeal area shall be coextensive with the State of California.

2. That the present members of Boards of Appeal numbered 1, 2, 3, 5, 10, 11, 12, 18, 19, 20, and 21 for the State of California are hereby transferred to the Board of Appeal for the State of California, and are assigned to groups of such Board of Appeal for the State of California, as shown on Exhibit A filed herewith.[1]

LEWIS B. HERSHEY,
*Director.*

DECEMBER 27, 1945.

[F. R. Doc. 45-22993; Filed, Dec. 27, 1945; 3:37 p. m.]

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### Chapter IX—Civilian Production Administration

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, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O.

[1] Filed as part of the original document.

9599, 10 F.R. 10155; E.O. 9638, 10 F.R. 12591; CPA Reg. 1, Nov. 5, 1945, 10 F.R. 13714.

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

[Priorities Reg. 32, Direction 7]

NEWSPRINT INVENTORIES

The following direction is issued pursuant to PR 32:

(a) *Purpose.* In view of the continued shortage of newsprint, this Direction restricts deliveries of newsprint to all persons based upon their inventory. It tells a person how many days' inventory he may have based on his average daily consumption during the last six months of 1945. It also requires all users of newsprint to report monthly on the amount of newsprint in inventory.

(b) *Definition of "newsprint".* "Newsprint" means the grades of paper commonly known as "standard newsprint" and "super standard newsprint".

(c) *Inventory ceiling.* No person may accept delivery of newsprint in any calendar month if he has reason to believe his inventory will by virtue of such acceptance become on the last day of the month greater than: (1) 25 days' supply for persons in the states named in List A, (2) 45 days' supply for persons in the states named in List B, or (3) 60 tons for persons who would be limited to a smaller amount by subdivision (1) or (2) above.

LIST A

| | |
|---|---|
| Connecticut | Maryland |
| District of Columbia | Massachusetts |
| Delaware | Michigan |
| Illinois | Minnesota |
| Indiana | Missouri |
| Iowa | Nebraska |
| Kansas | New Hampshire |
| Kentucky | New Jersey |
| Maine | New York |
| North Dakota | Vermont |
| Ohio | Virginia |
| Pennsylvania | West Virginia |
| Rhode Island | Wisconsin |
| South Dakota | |

LIST B

| | |
|---|---|
| Alabama | Nevada |
| Arizona | New Mexico |
| Arkansas | North Carolina |
| California | Oklahoma |
| Colorado | Oregon |
| Florida | South Carolina |
| Georgia | Tennessee |
| Idaho | Texas |
| Louisiana | Utah |
| Montana | Washington |
| Mississippi | Wyoming |

(d) *Exclusions from inventory.* In computing the maximum tonnage which a person may have in his inventory on the last day of any month in accordance with paragraph (c), he shall exclude in January and February 1946, any less-than-quota savings under his consumption quota of Order L-240 which he had in inventory on December 31, 1945. He shall also exclude newsprint which he has received by Great Lakes or coastal waterborne shipments; provided on May 1 of any calendar year he shall have on hand or available for use no more than the amount of newsprint permitted him by the applicable limitations of paragraph (c) above.

(e) *Computation of rate of consumption.* The number of days' supply shall be computed at the average daily rate of consumption for the last six months of 1945.

(f) *Reports.* On and after January 1, 1946 all persons using more than 25 tons of newsprint in any calendar quarter shall file with the Civilian Production Administration a monthly statement of his inventory of newsprint on Form WPB 4292 within three days after the close of each month, beginning with January 1946.

This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Persons not established as users of newsprint.* Any person who is not, but wishes to become, a regular user of newsprint must apply by letter to the Civilian Production Administration for permission to get an initial inventory of newsprint in excess of 60 tons. This letter should state how much newsprint he needs to start operating, the purpose for which the newsprint is to be used and any other information to help the Civilian Production Administration decide whether he intends to become a regular user of newsprint.

*Appeals.* Any appeal from this direction should be filed by letter, in triplicate, to the Civilian Production Administration, Printing and Publishing Branch, Washington 25, D. C. Ref: PR 32, Direction 7.

*Communications.* All communications concerning this direction shall, unless otherwise directed, be addressed to the Civilian Production Administration, Printing and Publishing Branch, Washington 25, D. C. Ref: PR 32, Direction 7.

(h) *Applicability of Priorities Regulation 32.* All provisions of Priorities Regulation 33 apply to newsprint except to the extent this direction gives different rules.

(i) This direction is effective January 1, 1946.

Issued this 27th day of December 1945.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
*Recording Secretary.*

[F. R. Doc. 45-23000; Filed, Dec. 27, 1945; 4:42 p. m.]

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PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-240, Revocation]

NEWSPAPERS AND OTHER USERS OF NEWSPRINT

Section 3133.6 *Limitation Order L-240* is hereby revoked, effective January 1, 1946. This revocation does not affect any liabilities incurred for violation of the order, or of actions taken by the War Production Board or Civilian Production Administration under the order. The inventory provisions of the order are superseded by Priorities Regulation 32, Direction 7 simultaneously with this revocation.

Issued this 27th day of December 1945.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
*Recording Secretary.*

[F. R. Doc. 45-22999; Filed, Dec. 27, 1945; 4:42 p. m.]

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## Chapter XI—Office of Price Administration

PART 1499—COMMODITIES AND SERVICES

[MPR 586, Amdt. 4 to Supp. Storage Reg. 1[2]]

FREEZING MEAT IN CARCASS IN CONNECTION WITH PURCHASE BY PRODUCTION AND MARKETING ADMINISTRATION FOR EXPORT

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 18 is amended by deleting paragraph (c).

This amendment shall become effective January 1, 1946.

Issued this 28th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-23064; Filed, Dec. 28, 1945; 11:34 a. m.]

[2] 10 F.R. 5802.

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PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11, Amdt. 63]

EXCEPTIONS FOR CERTAIN SERVICES

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.

Section 1499.46 (b) is hereby amended by deleting subparagraph (139).

This amendment shall become effective January 1, 1946.

Issued this 28th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-23041; Filed, Dec. 28, 1945; 11:35 a. m.]

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PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 336, Amdt. 29]

RETAIL CEILING PRICES FOR PORK CUTS AND CERTAIN SAUSAGE PRODUCTS

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

Maximum Price Regulation No. 336 is amended in the following respects:

1. Paragraph (e) of section 2 is amended to read as follows:

(e) Consult the directions given in sections 11, 12 and 13 to find your annual gross sales.

Effective January 31, 1946, this regulation requires that the year 1945 be used as the basis for figuring your annual gross sales instead of the year 1944. If you find that as a result of that change your store is in a group different from the one it was in before, you must, on and after January 31, 1946, use the ceiling prices fixed for the group in which you are now classified.

2. Paragraph (a) of section 11 is amended by changing the figures "1944" appearing in both the first and third sentences to read "1945".

3. The first sentence of paragraph (b) of section 11 is amended to read as follows:

(b) If you were in business during only part of the year 1945, you must divide your total sales from the time you began operation up to January 1, 1946 by the number of weeks you were in business.

4. Section 13 is amended to read as follows:

SEC. 13. *How to find your annual gross sales if you are a new retailer.* If you open a retail store after January 1, 1946 which is not a chain store, you must consider yourself a "Group 1 and 2" retailer and figure your ceiling prices accordingly. But after you have been in operation for three months you must determine again what group your store is in. To do this, take your gross sales for the 3-month period and multiply by 4. If you own four or more stores which have been in operation for this 3-month period, you must take your gross sales for each of these stores for the 3-month period and multiply by 4. Use the result as your "annual gross sales" in order to find in what group your store or stores belong. If you then find that your store or stores no longer fall in "Group 1 and 2", but in "Group 3 and 4", you must take the ceiling prices for "Group 3 and 4" stores for the applicable zone or zones.

This amendment shall become effective January 2, 1946.

Issued this 28th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-23036; Filed, Dec. 28, 1945; 11:33 a. m.]

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## PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[RMPR 169,[1] Incl. Amdts. 1-65]

### BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

This compilation of Revised Maximum Price Regulation 169 includes Amendment 65, effective January 2, 1946, except that until January 23, 1946, sales of nonkosher, deckle-on fresh (fabricated) corned and cooked corned beef briskets may be made at the ceiling prices for such products in effect immediately prior to January 2, 1946. Additions, amendments, redesignations and deletions by Amendment 65 are indicated by underscoring or notes.

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 issued by the President on October 3, 1942, to establish specific maximum prices for beef and veal. These prices are established as provided in §§ 1364.451 and 1364.452 for beef, and §§ 1364.466 and 1364.467 for veal. The Price Administrator has ascertained and given due consideration to the prices of beef and veal prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

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 said act and Executive order. 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.[2]

The maximum prices established herein are not below prices which will reflect to producers of the agricultural commodities from which beef and veal carcasses and wholesale cuts are produced, a price for their products equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and by the Executive Order of October 3, 1942.

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another government agency, the Administrator has determined, with respect to such standardization that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1,[3] issued by the Office of Price Administration, Revised Maximum Price Regulation No. 169 is hereby issued.

[Preamble amended by Am. 4, 8 F.R. 4097, effective 4-3-43, Supplementary Order No. 63, 8 F.R. 12553, effective 9-11-43, and Am. 54, 10 F.R. 6182, effective 6-1-45]

SUBPART A—GENERAL PROVISIONS


Sec.
1364.401 Prohibition against selling beef and veal carcasses and wholesale cuts at prices above the maximum.
1364.402 Exempt sales.
1364.403 Export sales.
1364.404 Less than maximum prices.
1364.405 Adjustable pricing and adjustment.
1364.406 Evasion.
1364.407 Records and reports.
1364.408 Enforcement.
1364.409 Licensing.
1364.410 Petitions for amendment.
1364.411 Duty to maintain grades.
1364.412 Applicability of General Maximum Price Regulation.
1364.413 Revocation of orders issued under Maximum Price Regulation No. 169.
1364.414 Effective date.
1364.415 Limitations on volume of sales to purveyors of meals.
1364.416 Limitation on volume of sales to ultimate consumers by hotel supply houses.
1364.417 Maximum selling price for products which are not priced under Subpart B (Beef) or Subpart C (Veal) of this regulation.

SUBPART B—PROVISIONS AFFECTING BEEF

1364.451 Maximum prices for beef carcasses and wholesale cuts.
1364.452 Schedule I: Beef price zones and applicable zone prices.
1364.453 Schedule II: Amounts which must be deducted from zone prices listed in Schedule I.
1364.454 Schedule III: Amounts which may be added to zone prices listed in Schedule I.
1364.455 Definitions applicable to beef.

SUBPART C—PROVISIONS AFFECTING VEAL

1364.466 Maximum prices for veal carcasses and wholesale cuts.
1364.467 Schedule IV: Veal price zones and applicable zone prices.
1364.468 Schedule V: Amounts which must be deducted from zone prices listed in Schedule IV.
1364.469 Schedule VI: Amounts which may be added to zone prices listed in Schedule IV.
1364.470 Definitions applicable to veal.

SUBPART D—APPENDICES

1364.526 Appendix A: Formula for meat marking fluid.
1364.527 Appendix B: Rules and regulations of the Secretary of Agriculture governing the grading and certification of meats for class, quality (grade), and condition.
1364.528 Appendix C: Specifications for grades of carcass beef.
1364.529 Appendix D: Specifications for grades of veal carcasses.
1364.530 Appendix E: Beef cutting charts.
1364.531 Appendix F: Form No. 636-590 (Revised).
1364.532 Appendix G: Form No. 635-1088.
1364.533 Appendix H [Revoked]


AUTHORITY: §§ 1364.401 to 1364.532, inclusive, issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9599, 10 F.R. 10155; E.O. 9651, 10 F.R. 13487.

### SUBPART A—GENERAL PROVISIONS

§ 1364.401 *Prohibition against selling beef and veal carcasses and wholesale cuts at prices above the maximum*—(a) *Beef carcasses and wholesale cuts.* On and after December 16, 1942, regardless of any contract, agreement, or other obligation no person shall sell or deliver any beef carcass or beef wholesale cut, and no person shall buy or receive any beef carcass or beef wholesale cut at a price higher than the maximum price permitted by § 1364.451; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Revised Maximum Price Regulation No. 169 shall not be applicable to sales or deliveries of beef carcasses or beef wholesale cuts to a purchaser, if, prior to December 10, 1942, such beef carcasses or beef wholesale cuts have been received by a carrier other than a carrier owned or controlled by the seller, for shipment to such purchaser. "Person," "beef carcass," and "beef wholesale cut" are defined in § 1364.455.

[Section heading amended by Am. 54, 10 F.R. 6182, effective 6-1-45]

(b) *Veal carcasses and wholesale cuts.* On or after April 3, 1943, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any veal carcass or veal wholesale cut and no person shall buy or receive any veal carcass or veal wholesale cut at a price higher than the maximum price permitted by § 1364.466, and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this Revised Maximum Price Regulation No. 169 shall not be applicable to sales or deliveries of veal carcasses or veal wholesale cuts if, prior to April 3, 1943 such veal carcasses or veal wholesale cuts have been received by a carrier other

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[1] 10 F.R. 6182.

[2] Statements of considerations are also issued simultaneously with each amendment. Copies may be obtained from the Office of Price Administration.

[3] 9 F.R. 10476, 13715; 10 F.R. 11295.

than a carrier owned or controlled by the seller, for shipment to such purchaser. "Person," "veal carcass," and "veal wholesale cut" are defined in § 1364.470.

[Paragraph (b) amended by Am. 4, 8 F.R. 4097, effective 4-3-43]

[Former paragraph (c) added by Am. 4, 8 F.R. 4097, effective 4-3-43; revoked by Am. 54, 10 F.R. 6182, effective 6-1-45]

(c) *Maximum prices for custom slaughtering of cattle or calves.* (1) On and after June 15, 1945, regardless of any contract, agreement, or other obligation, no person shall custom slaughter cattle or calves as a service for the owner of such cattle or calves and no person in the course of trade or business shall cause cattle or calves to be custom slaughtered at a price higher than the maximum price permitted by paragraph (c) (2) hereof, and no person shall agree, offer, solicit or attempt to do any of the foregoing. The rental, leasing, subleasing, assignment or otherwise transferring of a packing or slaughtering plant or slaughtering facilities to the owner of cattle or calves killed in such plant or facilities shall be deemed an evasion of this paragraph (c) and is prohibited, unless such rental, lease, sublease, assignment or transfer is made to such owner as an individual, corporation, partnership or agency of the United States government and (i) covers a definite, full-time and continuous period of not less than six months without the privilege of interim cancellation, (ii) is for a specified consideration notwithstanding the number or volume of cattle or calves slaughtered in such plant or facilities by the owner thereof, and (iii) grants full, complete and exclusive use and control of such plant or facilities to the owner of the cattle or calves other than the usual rights of inspection by the lessor.

(2) The maximum amount which may be charged or received by any person for the custom slaughtering of cattle or calves shall be determined as follows:

(i) Except as provided in footnotes 1 and 2 of the table below and subparagraphs (c) (3) and (c) (4) hereof, if the packing or slaughtering plant at which the slaughtering service is performed is equipped with facilities for the commercial rendering of waste fats into tallows and greases, the custom slaughterer shall assume ownership of all edible and inedible by-products, including the hide (except in the case of calves, dressed, hide-on) derived from the cattle or calves custom slaughtered by him and shall remit to the owner thereof an amount not less than the appropriate of the following amounts:

[All amounts are on dollars per cwt., dressed carcass, hot weight basis [1] [2]]

| Cattle | Grades | Weight classifications | | |
|---|---|---|---|---|
| | | Under 451 lbs. | 451 to 650 lbs. | 651 lbs. up |
| (a) Steers, heifers, cows and stags. | Choice or AA, Good or A, Commercial or B and Utility or C (except Utility or C grade cows). | $1.60 | $1.60 | $2.10 |
| (b) Steers, heifers and stags. | Cutter and Canner or D | 1.25 | 1.65 | 1.85 |
| (c) Cows | Utility or C or Cutter and Canner or D | 1.25 | 1.65 | 1.85 |
| (d) Bulls | All grades | 1.00 | 1.40 | 1.60 |
| *Calves* | | 153 lbs. and under | 154 to 275 lbs. | |
| (e) Calves (hide off) | All grades | $3.00 | $3.10 | |
| (f) Calves (hide on) | All grades | 1.00 | 1.00 | |

(ii) Except as provided in footnotes 1 and 2 of the table below and subparagraph (c) (3) and (c) (4) hereof, if the custom slaughterer is not subject to the provisions of subdivision (i) hereof, he shall assume ownership of all edible and inedible by-products, including the hide (except in the case of calves, dressed, hide-on) derived from the cattle or calves custom slaughtered by him and shall remit to the owner thereof, an amount not less than the appropriate of the following amounts:

[All amounts are on dollars per cwt., dressed carcass, hot weight basis [1] [2]]

| Cattle | Grades | Weight classifications | | |
|---|---|---|---|---|
| | | Under 451 lbs. | 451 to 650 lbs. | 651 lbs. up |
| (a) Steers, heifers, cows and stags. | Choice or AA, Good or A, Commercial or B and Utility or C (except Utility or C grade cows). | $0.85 | $1.25 | $1.45 |
| (b) Steers, heifers, and stags. | Cutter and Canner or D | .65 | 1.00 | 1.25 |
| (c) Cows | Utility or C or Cutter and Canner or D | .65 | 1.00 | 1.25 |
| (d) Bulls | All grades | .50 | .85 | 1.10 |
| *Calves* | | 153 lbs. and under | 154 to 275 lbs. | |
| (e) Calves (hide off) | All grades | $3.05 | $2.55 | |
| (f) Calves (hide on) | All grades | .50 | .50 | |

[1] For beef or veal derived from cattle or calves custom slaughtered, approved and stamped as kosher under rabbinical supervision, the custom slaughterer may deduct not more than 35 cents per hundredweight (dressed carcass hot weight basis) from the appropriate amount required to be remitted as set forth in the table above.

[2] Any slaughterer who quarters, wraps, freezes or loads into rail cars or trucks, beef or veal derived from cattle or calves custom slaughtered by him may deduct from the appropriate amount required to be remitted as set forth in the table above, not more than whichever is applicable of the following amounts: *Provided*, That the service was actually performed or the expense actually incurred by the custom slaughterer:

| | *Per cwt.* |
|---|---|
| (a) For quartering beef | $0.05 |
| (b) For wrapping beef (for War Procurement Agencies) | .15 |
| (c) For freezing (for War Procurement Agencies) | .35 |
| (d) For wrapping veal—an amount not in excess of that permitted for wrapping veal as specified in Section 1364.469 of this regulation | |
| (e) For loading | .05 |

[Items (a), (b), (c) and (d) deleted and footnotes 1 and 2 substituted by Am. 65, effective 1-2-46]

[Footnote 2 amended by Am. 65, effective 1-2-46]

(3) Notwithstanding the provisions of subparagraphs (c) (2) hereof, a custom slaughterer may, at his option, regardless of the condition or quality of the edible or inedible by-products derived from cattle or calves custom slaughtered by him, return to the owner of the cattle or calves slaughtered, without assuming ownership thereof or assess against such owner in the event of a condemned by-product, any of the following by-products: *Provided*, That the appropriate amount to be remitted to the owner of the cattle or calves in accordance with the provisions of subparagraph (c) (2) hereof, shall be reduced by an amount not more than the appropriate amount specified in subdivisions (i) through (vi) below (if the amount to be deducted from the remittance exceeds the amount of the remittance, the custom slaughterer may require the owner to pay him not more than the difference): *And provided further*, That the owner of the cattle or calves slaughtered does not sell such by-products to the custom slaughterer in any form:

| | *Per cwt.* |
|---|---|
| (i) Hides (green) derived from the slaughter of cattle—applicable maximum prices for green hides as determined under the provisions of Revised Price Schedule 9, as amended | $11.00 |
| (ii) Skins (green) derived from the slaughter of all grades of calves producing veal carcasses (hide off) weighing 153 pounds and under (hot weight) | 18.75 |
| (iii) Skins (green) from the slaughter of all grades of calves producing veal carcasses (hide off) weighing 154 to 275 pounds (hot weight) | 15.35 |
| (iv) Livers (beef)—applicable maximum price for unblemished beef livers as determined under Maximum Price Regulation No. 398; | |
| (v) Livers (veal)—applicable maximum price for unblemished veal livers as determined under Maximum Price Regulation No. 398; | |

*Per cwt.*

(vi) Any other edible by-product derived from the slaughter of cattle or calves—applicable maximum price for such item as determined under Maximum Price Regulation No. 398.

[Subparagraph (i) amended; (ii) revoked, (iii) through (vii), inclusive, redesignated as (ii) through (vi), inclusive, by Am. 65, effective 1-2-46]

(4) Notwithstanding the provisions of paragraph (c) (2) (i) or (ii) hereof, a custom slaughterer shall not be required to make the remittance required thereunder, in any case in which a beef or veal carcass derived from an animal custom slaughtered by him has been condemned by an inspector of the United States Department of Agriculture or of any State or local governmental agency, but shall compute the amount of the required remittance in the following manner:

(i) In the case of a beef carcass which has been condemned, he shall compute the value of the green hide at the established ceiling price and add an amount not less than $1.00 per hundredweight (dressed carcass, hot weight basis). From the total, the custom slaughterer shall deduct an amount not to exceed $6.00 for beef carcasses weighing under 451 pounds, $7.00 for beef carcasses weighing between 451 and 650 pounds and $8.00 for beef carcasses weighing 651 pounds and over. The amount so computed shall be remitted to the owner of the slaughtered cattle.

(ii) In the case of a veal carcass which has been condemned he shall compute the value of the green skin using the appropriate amounts shown in redesignated subdivisions (3) (ii) and (iii) of Section 1364.401 (c) hereof, and add to this an amount not less than $1.00 per hundredweight (dressed carcass, hot weight basis). From the total, the custom slaughterer shall deduct an amount not to exceed $2.00 per hundredweight (dressed carcass, hot weight basis, hide off). The amount so computed shall be remitted to the owner of the slaughtered calves.

(5) Wherever used in this paragraph (c), the term "custom slaughterer" or "custom slaughtering" shall mean the rendering by a slaughterer, otherwise than as an employee, of such services as are described herein, in connection with the killing of cattle or calves for the owner thereof; provided that a person who slaughters livestock owned by a Class 3 slaughterer (defined in section 1 (f) of Control Order No. 1, issued by the Office of Price Administration), at the livestock owner's Class 3 slaughtering establishment, shall not be deemed to be a custom slaughterer with respect to such slaughter. Beef or veal which is derived from the custom slaughtering of cattle or calves shall be dressed by the custom slaughterer in accordance with the requirements set forth in the definition of "beef carcass" and "veal carcass" in § 1364.455 (a) (8) and § 1364.470 (a) (8), respectively, of this regulation. Custom slaughtering shall commence when the cattle or calves are driven into the killing pen. The service shall be complete when the beef or veal carcasses are hung in the chilling room, where they may remain at the request of the owner for at least 48 hours.

During such 48 hour period, the custom slaughterer shall provide the necessary equipment in the chilling room such as hooks, rails, sawdust and refrigeration equipment, and shall maintain a sufficiently low temperature for adequate chilling in accordance with standard commercial practice.

Custom slaughtering shall include weighing of dressed carcasses, the proper handling of hides and the chilling of such by-products as the owner may be required to accept pursuant to the provisions of paragraph (c) (3), hereof.

Maximum prices established herein for custom slaughtering shall not include expenses incurred in handling the live cattle or calves prior to slaughtering such as buying expense, transportation expense, feeding and yardage expense or delivery. No charge may be made or received by the custom slaughterer for the performance of any service for or in connection with beef or veal derived from the custom slaughtering of cattle or calves unless a specific charge for such service has been provided in this regulation except that nothing contained herein shall be deemed to prohibit a charge by a custom slaughterer (i) for the storage of such beef or veal in excess of 48 hours, (ii) for delivery, other than by rail, of such beef or veal from the slaughtering plant to the owner's place of business in an amount not in excess of the amount permitted for local delivery in § 1364.454 (a) or § 1364.469 (a), respectively, (iii) for delivery by rail of such beef or veal from the slaughtering plant to the owner's unloading station in an amount not in excess of the lowest common carrier freight rate, provided that the charge made is itemized separately in an invoice delivered to the owner, (iv) for the performance of meat grading services by commercial freezer or locker plants in an amount not to exceed the maximum charge as specified in Supplementary Service Regulation No. 57, and (v) for food locker service or rental (including but not limited to processing of meats to be stored) in an amount not to exceed the maximum charge permissible in accordance with the provisions of Revised Maximum Price Regulation No. 165 "Services".

[Subparagraphs (4) and (5) amended by Am. 65, effective 1-2-46]

(6) On or after June 15, 1945, each person performing custom slaughtering of cattle and/or calves pursuant to this paragraph (c) shall keep for inspection by representatives of 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 for each transaction showing the name and address of the person for whom the custom slaughtering is performed, the date the service was performed, the total number and dressed (hot) weights of carcasses by grades, separately itemized for each class of cattle or calves and each carcass weight classification specified herein, and the amount remitted to the owner thereof pursuant to this paragraph (c).

[Paragraph (c), formerly (d), amended by Am. 3, 8 F.R. 491, effective 1-16-43; redesignated (d) and amended by Am. 4, 8 F.R. 4097, effective 4-3-43; Am. 6, 8 F.R. 4814, effective 4-14-43; Am. 25, 8 F.R. 11299, effective 7-16-43; redesignated (c) and proviso amended by Am. 54, 10 F.R. 6182, effective 6-14-45. Effective date of Am. 54 and entire paragraph (c) amended by Am. 55, 10 F.R. 6956, effective 6-15-45; and Am. 57, 10 F.R. 9878, effective 8-9-45]

(d) *War procurement agencies.* Notwithstanding any of the foregoing provisions of this § 1364.401, a war procurement agency, in addition to paying to the seller the maximum price for the commodity prescribed by the applicable provision of this regulation, may pay to Defense Supplies Corporation an amount equivalent to the meat production payments made by Defense Supplies Corporation on account of the production of such meat.

[Paragraph (d), formerly (e), added by Am. 15, 8 F.R. 7675 and redesignated by Am. 54, effective 6-1-45. For effective dates of Am. 15, see note following table in § 1364.452 (d) (2)]

§ 1364.402 *Exempt sales.* The provisions of this Revised Maximum Price Regulation No. 169 shall not apply

(a) To sales at retail:

(1) As defined in § 1364.455 with respect to sales of beef; and

(2) As defined in § 1364.470 with respect to sales of veal; and

(3) [Revoked]

[Subparagraph (3) revoked by Am. 54, 10 F.R. 6182, effective 6-1-45]

(b) To deliveries of beef made to any political subdivision or agency of any state or of the United States, under contracts entered into prior to December 10, 1942: *Provided,* That this exemption shall not be construed to permit the upward revision of any prices fixed in such contracts;

(c) To deliveries of veal made to any political subdivision or agency of any state or of the United States, under contracts entered into prior to April 3, 1943: *Provided,* That this exemption shall not be construed to permit the upward re-

vision of any prices fixed in such contracts;

(d) To sales outside of the forty-eight states of the United States and the District of Columbia.

[Paragraph (a) amended, (c) added, and former (c) redesignated (d) by Am. 4, 8 F.R. 4097, effective 4-3-43]

§ 1364.403 *Export sales.* The maximum price at which a person may export any beef carcass or wholesale cut, veal carcass or wholesale cut, or other meat item subject to this Revised Regulation shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation* issued by the Office of Price Administration.

[§ 1364.403 amended by Am. 54, 10 F.R. 6182, effective 7-1-45]

§ 1364.404 *Less than maximum prices.* Lower prices than those established in §§ 1364.451 and 1364.452 for beef and §§ 1364.466 and 1364.467 for veal, may be charged, demanded, paid or offered.

[§ 1364.404 amended by Am. 4, 8 F.R. 4097, effective 4-3-43; and Am. 54, 10 F.R. 6182, effective 6-1-45]

§ 1364.405 *Adjustable pricing and adjustment*—(a) *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

(b) *Adjustment for transportation to critical areas.* Upon a finding that a critical shortage of meat has occurred in a specific area because of the unavailability of customary sources of supply and because the established maximum prices do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply, the Administrator may by order designate such area as a critical area for such period as he may prescribe. Subject to such conditions as may be prescribed in the order of the Administrator, the Regional Administrator for the area or any District Manager designated by him, may in writing authorize named sellers to charge and receive, for beef and veal carcasses and wholesale cuts sold to buyers in that area, the added cost of transportation in addition to the applicable maximum price.

[Paragraph (b) amended by Am. 54, 10 F.R. 6182, effective 7-1-45]

(c) Upon the petition of any person or upon his own motion, the Administrator may, by order, authorize the sale or delivery to a War Procurement Agency, of any meat item subject to this revised regulation, where it is found: (1) that an inventory of meat items has been accumulated (showing each item and the total volume in pounds), which items were prepared pursuant to a contract, agreement or at the request of a War Procurement Agency on the basis of specifications issued by the Office of Price Administration or by a War Procurement Agency and adopted by the Office of Price Administration; (2) that by reason of a change in specifications or the provisions of this revised regulation, the sale or delivery of the accumulated inventory is prohibited; and (3) that a War Procurement Agency indicates in writing that it is essential for it to obtain such accumulated inventory (showing the items and total inventory in pounds required).

Upon proof of the foregoing, the Administrator shall authorize the applicant to sell or deliver such accumulated inventory or portion thereof, to the designated War Procurement Agency at a maximum price or prices in line with appropriate prices established for sales of beef and veal, and may require delivery within a time specified by the Administrator. Any person authorized to make sales or deliveries pursuant to this paragraph (d) shall submit a copy of the authorization issued hereunder with the invoice submitted for payment.

[Paragraph (c), formerly (d), added by Am. 22, 8 F.R. 10363, effective 7-28-43; amended by Am. 26, 8 F.R. 11445; effective 8-16-43; and Am. 39, 9 F.R. 3424, effective 3-23-44]

[Former paragraph (c) added as § 1364.410 (c) by Am. 6, 8 F.R. 4344, effective 4-14-43; redesignated as § 1364.405 (c) by Am. 22, 8 F.R. 10363, effective 7-28-43; revoked by Am. 47, 9 F.R. 13158, effective 11-8-44. Former paragraphs (d), (e), (f) and (g) redesignated (c), (d), (e) and (f) by Am. 47]

(d) *Contract boning for the Armed Forces.* (1) Any person who shows in a written statement filed with the Price Administrator at Washington, D. C., that he has been requested to perform contract boning for the Armed Forces, may perform such boning services and may charge and receive no more than the maximum price therefor fixed by this paragraph (d): *Provided,* That (i) he will, as a condition for such boning, perform such services only when an official representative designated by the Army is present who will inspect, approve and otherwise supervise his operations and performances under such contract or contracts, and (ii) he will perform Army contract boning in order to produce quantities of frozen boneless beef (Army specifications) in addition to and not in lieu of other quantities of frozen boneless beef (Army specifications) as he may be required to sell to war procurement agencies pursuant to the provisions of WFO 75-2, as amended.

(2) If any person fails to comply with any of the provisions of this paragraph (d), the Price Administrator may, in addition to other penalties provided by law, revoke the authorization contained herein to perform Army contract boning.

(3) The maximum price for Army contract boning shall be $1.00 per hundredweight, carcass basis, and in addition, the boner may retain all of the bones, fat, sinews, kidneys and other byproducts (not including tenderloins), remaining from the production of frozen boneless beef (Army specifications). The weight for determining the monetary portion of the maximum price shall be the weight of the dressed carcasses and/or hindquarters as the case may be, taken at the time of delivery by the Army at the boner's unloading platform. Each delivery of dressed carcasses and/or hindquarters shall constitute a separate transaction for purposes of computing the monetary portion of the price and the voucher submitted by the boner for payment must be accompanied by an exact copy of the record prepared in accordance with the provisions of paragraph (d) (6) hereof.

(4) "Army contract boning" as used in this paragraph (d) means the performance, for the Army on dressed beef carcasses or hindquarters owned and supplied by the Army, of all operations and services, and the furnishing of all materials (except the beef) specified and required by "C. Q. D. No. 11 K—as amended—Specifications for Beef; Boneless, Frozen", issued March 24, 1944, by the Chicago Quartermaster Depot of the United States Army. Army contract boning includes the boning out of all carcasses and/or hindquarters, as the case may be, cutting, trimming, grinding, packaging and marking, freezing, including one month's storage if frozen in a commercial freezer and transportation to such freezer, and the performance of all other acts and services and the furnishing of all materials necessary to perform any of the foregoing in the manner required by C. Q. D. No. 11 K, as amended.

(5) For failure to satisfy any of the specifications or requirements pertaining to Army contract boning, which results in the production of boneless beef not approved by the Army as being frozen boneless beef (Army specifications), the person performing the Army contract boning shall not be entitled to charge or receive any of the monetary portion of the maximum price authorized for the performance of such services.

(6) Every person performing any contract boning pursuant to this paragraph (d) shall keep for inspection by the OPA for so long as the Emergency Price Control Act of 1942, as amended, is in effect, complete and accurate records for each separate transaction showing: (i) the date, number of carcasses and/or hindquarters of each grade, total weight of dressed carcasses of each grade, the total weight of hind quarters of each grade, delivered by the Army to the boning plant (weights shall be taken at time of delivery); and (ii) the net weight of frozen boneless beef (Army specifications) of each grade delivered to the Army and derived from each delivery recorded under (i).

(7) Nothing contained in this paragraph (d) shall be construed as prohibiting the Army from requiring such bonds or undertakings which shall be paid for by the Army contract boner without reimbursement, as are deemed necessary to protect the Army's interest in or title to any beef delivered to or in the possession of the contract boner.

[Paragraph (d), formerly (e), added by Am. 33, 8 F.R. 15527, effective 11-11-43, and amended by Am. 51, 10 F.R. 1033, effective 1-25-45]

(e) *Temporary adjustments affecting frozen boneless beef (Army specifica-*

*Second Revised: 8 F.R. 4132, 5937, 7662, 9998, 15193; 9 F.R. 1036, 5435, 5923, 7201, 9835, 11273, 12919, 14436; 10 F.R. 863, 923, 2432, 6590, 8746, 8611, 9586, 10029.

*tions) due to increased labor costs.* (1) Any person who has increased production or has actually undertaken the production of frozen boneless beef (Army specifications) at the request of a war procurement agency, and who shows by records covering his production of frozen boneless beef (Army specifications) for a period of not less than two weeks that: (i) his direct labor costs are higher than the average of the direct labor costs heretofore filed with the Office of Price Administration by representative and substantial suppliers of frozen boneless beef (Army specifications) and (ii) such higher direct labor costs incurred in the increased or new production of frozen boneless beef (Army specifications) are caused by the use of inexperienced and/or inefficient labor and/or overtime work, may file an application in duplicate for adjustment either of the applicable maximum f. o. b. boning plant price established in § 1364.452 (m) or the maximum price for government contract boning established in § 1364.405 (d), to cover such excess of direct labor costs. Such application shall be made on Revised Form No. 636-590, a copy of which is contained in § 1364.531 of this regulation, and shall be filed with the appropriate regional office of the Office of Price Administration. The Regional Administrator shall, within 21 days after receipt of the application, issue an order either denying the application or granting it in whole or in part. In no event shall an adjustment be granted for more than $1.00 per cwt. under § 1364.452 (m) or $0.72 per cwt. under § 1364.405 (d). Any order issued pursuant to this paragraph shall be issued for a period of 90 days but the Regional Administrator may thereafter request additional data from the applicant and may amend or revoke the order if he deems such action necessary. Within 30 days of the expiration date of any order, the applicant, if he desires a further adjustment, shall file another application in duplicate on a form similar to Revised Form 636-590 in which he shall submit his operating records for a 60-day period or in the event that 60 days have not elapsed since the last adjustment was granted, for the period between the date on which the last adjustment was granted and three days prior to the filing date of such application. The Regional Administrator shall, within 21 days after receipt of such application, issue an order either denying the application or granting it in whole or in part as he deems appropriate, but in no event shall the adjustment be granted for more than $1.00 per hundredweight under § 1364.452 (m) or $0.72 per hundredweight under § 1364.405 (d). In determining the amount of the adjustment, the Regional Administrator shall give consideration only to direct labor costs. The direct labor costs which may be appropriately considered are wages paid for breaking and boning of carcasses, trimming, grinding, packing, strapping, stapling, labelling, weighing, utility work in the boning rooms, and other labor directly involved in the preparation of the boneless beef for freezing.

(2) Notwithstanding any other provision of this paragraph (e), the appropriate Regional Administrator shall adjust downward the reported direct labor costs in accordance with the following instructions:

(i) *Excess overtime.* If the applicant reports a greater percentage of overtime hours devoted to the production of frozen boneless beef (Army specifications) than on all combined boneless beef operations, the total overtime hours and corresponding overtime costs pertaining to frozen boneless beef (Army specifications) shall be adjusted downwards so that the percentage of overtime hours on such operations does not exceed the percentage of overtime hours on all combined boneless beef operations. Furthermore, when the reported overtime hours on frozen boneless beef (Army specifications) exceed 50 percent of the total hours on such operations the overtime hours shall be adjusted downward to that maximum percentage.

(ii) *Production rate per man-hour.* If the applicant's reported production rate falls below 110 pounds per man-hour for boners, or below 60 pounds per man-hour on an overall basis, the total production shall be adjusted upward to conform with either one or the other of these minimum standards.

(iii) *Excess unskilled personnel.* If the applicant reports total man-hours for boners (skilled employees) which are less than 150 percent of the total man-hours for all non-skilled employees working on frozen boneless beef (Army specifications), the total hours for the non-skilled personnel shall be reduced so that the total man-hours for boners is at least 50 percent greater than the total man-hours for the non-skilled workers.

(iv) *Excessive wage rates.* If the wage rates reported by an applicant are higher than the average wage rates paid by other firms in the same market area, the applicant's wage rates shall be adjusted downward so that the adjusted wage rates conform with the approximate average wage rates prevailing in the same market area.

(v) *Unreasonably low yield.* If the applicant obtains an unreasonably low yield in the production of frozen boneless beef (Army specifications) his higher direct labor costs due to such low yield shall be adjusted downward accordingly.

[Subparagraph (v) added by Am. 55, 10 F.R. 6956, effective 6-9-45]

(3) Applicants operating more than one plant shall file separately for each plant at which an adjustment is sought. Following the issuance of an order, pursuant to this paragraph (e), the Regional Administrator shall forward to the Administrator at Washington, D. C., for review, a copy of the application together with a copy of the order and such other data as were considered in connection with the application. After review, the Regional Administrator shall modify, or revoke the order if the Administrator deems such modification or revocation appropriate. However, the provisions of the Regional Administrator's order shall remain in full force and effect until such time as they are modified or revoked.

(4) Any adjustment granted under this paragraph (e) shall be conditioned upon the keeping of records by the applicant showing: The weekly production of frozen boneless beef (Army specifications) by grades; the dressed carcass weight used in such production by grade; the total number of direct production employees by classifications; (i. e. boners and others) the number of man-hours worked by each classification, and the total wages paid each classification. For failure to maintain such records, any adjustment granted shall be deemed void as of the date of issuance and the amount charged or received in excess of the applicable maximum price established in § 1364.452 (m) or § 1364.405 (d), as the case may be, shall be deemed an overcharge.

[Paragraph (e) formerly (f), added by Am. 34, 8 F.R. 16290, effective 12-1-43; amended by Am. 45, 9 F.R. 9617, effective 8-12-44; and Am. 54, 10 F.R. 6182, effective 6-1-45]

[Former paragraph (f), originally (g), added by Am. 41, 9 F.R. 4782, effective 5-4-44; amended by Am. 44, 9 F.R. 9425, effective 8-2-44; revoked by Am. 58, 10 F.R. 11808, effective 9-13-45, except that any order issued prior to September 13, 1945, pursuant to the provisions of said paragraph (f) shall remain in full force and effect until terminated by the date specified in the order, but in any event not later than October 15, 1945]

(f) *F. O. B. Shipments of fabricated beef cuts and veal carcasses (War Shipping Administration specifications); Licensed ship suppliers' transportation adjustments.* (1) Upon receipt of a written statement from the Director of Food Control Division of the War Shipping Administration certifying that (i) designated licensed ship suppliers (setting forth the name and address in each case) are unable to procure sufficient quantities of fabricated beef cuts and veal carcasses (War Shipping Administration specifications) to meet the requirements of vessels operating under the direction of the War Shipping Administration, (ii) designated sellers (setting forth the name and address in each case) will supply such licensed ship suppliers with fabricated beef cuts and veal carcasses (War Shipping Administration specifications) provided that the purchaser pays the shipping charges directly to the carrier and (iii) in order to assist the War Shipping Administration to operate more expeditiously in its function of assuring delivery of meats to ship operators, it is essential that (*a*) the designated sellers be authorized to sell fabricated beef cuts and veal carcasses (War Shipping Administration specifications) to the designated licensed ship suppliers on an f. o. b. shipping point basis, the latter paying the shipping charges directly to the carrier and (*b*) the designated licensed ship suppliers be permitted to add the amount of such shipping charges to the applicable zone prices on resale of the meats upon which such shipping charges were paid, and

(2) Upon a finding that the established prices of fabricated beef cuts and veal carcasses (War Shipping Administration specifications) do impede, in the specified cases, the ultimate procurement of meats by ship operators because of the charges incurred in the

shipment of such meats from the point of origin to the delivery point required by the licensed ship supplier, the Price Administrator at Washington, D. C., may, by order, authorize the named seller or sellers to sell and the named licensed ship supplier or suppliers to buy fabricated beef cuts and veal carcasses (War Shipping Administration specifications) where delivery of such meats is made by the seller to a carrier and shipped at the carload rate to the purchaser who pays the shipping charges directly to the carrier, and may, by order, further authorize the purchaser (licensed ship supplier) who resells the meats upon which such shipping charges were paid, to add to the applicable zone prices specified in § 1364.452 (o) (3) and (o) (6) for beef and § 1364.467 (n) (3) and (n) (6) for veal,

(i) The actual shipping charges paid by him provided that the charges paid covered a shipment of such meats to him from a point located in the same price zone, or

(ii) The difference between the actual shipping charges paid by him and $1.75 per cwt. if the shipping charges paid by him covered a shipment of fabricated beef cuts (War Shipping Administration specifications) from Zone 3 or 4 to a point located in Zone 1, or

(iii) The difference between the actual shipping charges paid by him and $0.75 per cwt., if the shipping charges paid by him covered a shipment of fabricated beef cuts (War Shipping Administration specifications) from Zone 2 to a point located in Zone 1, or

(iv) The difference between the actual shipping charges paid by him and $2.50 per cwt., if the shipping charges paid by him covered a shipment of fabricated veal carcasses (War Shipping Administration specifications) from Zone 4 to a point located in Zone 1, or

(v) The difference between the actual shipping charges paid by him and $1.75 per cwt., if the shipping charges paid by him covered a shipment of fabricated veal carcasses (War Shipping Administration specifications) from Zone 3 to a point located in Zone 1, or

(vi) The difference between the actual transportation charges paid by him and $1.00 per cwt., if the shipping charges paid by him covered a shipment of fabricated veal carcasses (War Shipping Administration specifications) from Zone 2 to a point located in Zone 1.

(3) Notwithstanding any provision to the contrary contained in this paragraph (f) or in §§ 1364.452 (o) or 1364.467 (n), which establish maximum prices for fabricated beef cuts and veal carcasses (War Shipping Administration specifications), the War Shipping Administration may sell, and any licensed ship supplier or suppliers may buy, fabricated beef cuts and veal carcasses (War Shipping Administration specifications) f. o. b. shipping point basis, provided that the meats are delivered by the seller to the carrier and shipped at the carload rate to the purchaser who shall pay the shipping charges directly to the carrier, and provided further, that the seller furnish the buyer (licensed ship supplier) at the time of delivery with a statement setting forth, in addition to the information required by § 1364.407 (f), that the shipment to the buyer is f. o. b. shipping point basis. The buyer shall retain this statement for inspection by the OPA for so long as the Emergency Price Control Act, as amended, remains in effect and may, upon resale of the meats upon which such shipping charges were paid, add to the applicable zone price specified in § 1364.452 (o) (3) and (o) (6) for beef and § 1364.467 (n) (3) and (n) (6) for veal, the shipping charges paid by him to the extent permitted by subdivision (2) (i) through (vi) hereof whichever is applicable, if the charges paid covered a shipment to him from a point located in the same price zone or from Zone 2, 3 or 4 to a point located in Zone 1. However, if the charges paid covered a shipment to him from a higher price zone to a lower price zone, upon resale of the meats upon which such shipping charges were paid, the maximum price shall be the applicable zone price for the zone in which is located the point of origin of the shipment plus the shipping charges paid by him not in excess however of the lowest common carrier carload rate for the method of transportation used.

[Subparagraph (3) added by Am. 63, 10 F.R. 14144, effective 11-13-45]

[Paragraph (f), formerly (g), added by Am. 50, 10 F.R. 861, effective 1-20-45; redesignated by Am. 58, 10 F.R. 11803, effective 9-13-45]

(g) *"Group I ship chandler" adjustments affecting fabricated beef cuts and veal carcasses (War Shipping Administration specifications).* (1) Notwithstanding the pricing provisions of §1364.452 (o) (1) (iii) and §1364.467 (n) (1) (ii), pertaining to maximum prices for fabricated beef cuts and veal carcasses (War Shipping Administration specifications), the Price Administrator at Washington, D. C., may, by order, adjust the applicable zone prices established in § 1364.452 (o) (6) for beef and § 1364.467 (n) (6) for veal, for any "Group I ship chandler" (defined in § 1364.452 (o) (9) (iv) who shows:

(i) That in the period covering the entire calendar or fiscal year of 1944, whichever period is used by the applicant for filing his Federal Income Tax return, at least 85% of his total dollar volume of sales consisted of sales of food items,

(ii) That during his most recent 3 month fiscal or calendar accounting period, his total dollar volume derived from the sale of all his products, including but not limited to food items, exceeding his total cost of products sold during such period (adjusted for inventory changes) by an amount which was less than 12½%, and

(iii) That no adequate alternative exists to the price adjustment, such as a reduction of other operating costs.

(2) Any applicant requesting a price adjustment under this paragraph (g) shall file a written application with the Price Administrator at Washington, D. C., in which he shall certify that he is a "Group I ship chandler" as defined in § 1364.452 (o) (9) (iv) of this regulation, that he meets the requirements of subparagraphs (1) (i) through (iii) above, and sets forth:

(i) His "annual total dollar volume" as computed in accordance with the provisions of § 1364.452 (o) (9) (vi) of this regulation.

(ii) His total dollar volume derived from the sale of food items only during the same period covered by subdivision (i) above,

(iii) The total cost of all products purchased by him (adjusted for inventory changes) during the three consecutive months specified in subparagraph (1) (ii) above, and his total dollar volume derived from sales of such products during the same period, setting forth the total dollar volume of sales of (*a*) all products, including foods, (*b*) foods, including all meats, (*c*) beef and veal, and (*d*) pork; and the total pounds of beef and veal, and pork, separately stated, sold during the same period.

In addition to the foregoing, each application shall be accompanied by a letter signed by the appropriate district food control representative of the War Shipping Administration located in the City of New York, New Orleans or San Francisco, as the case may be, certifying that the applicant is a "Group I ship chandler" as defined in § 1364.452 (o) (9) (iv) herein.

(3) Upon receipt of an application satisfying the requirements of paragraph (g) (2) hereof, the Price Administrator may, subject to such terms and conditions as he may deem necessary, adjust the maximum prices established for fabricated beef cuts and veal carcasses (War Shipping Administration specifications) for sales by the applicant to such an extent as to increase the applicant's gross operating margin percentage-wise to 12½% over cost of products sold, except that in no case shall an adjustment be granted in excess of 75 cents per hundredweight.

(4) If during any 3 consecutive calendar or fiscal months following the granting of an adjustment pursuant to this paragraph (g), the applicant's dollar volume sales of food items fall below 85% of his total dollar volume of sales of all products sold during such 3 months period, the adjustment granted shall be deemed null and void thereafter. If during any 3 month calendar or fiscal period or a fiscal or calendar year closing after the granting of an adjustment pursuant to this paragraph (g), the applicant's gross operating margin is more than 12½% of cost of products sold, the adjustment granted under this paragraph (g) shall be subject to revocation or modification.

(5) For purposes of convenience, an application filed under this § 1364.405 (g) may be combined with a similar application filed under the provisions of Revised Maximum Price Regulation No. 148.

[Paragraph (g), formerly (h), added by Am. 55, 10 F.R. 6956, effective 6-9-45; redesignated by Am. 58, 10 F.R. 11803, effective 9-13-45]

[§ 1364.405 amended by Am. 4, 8 F.R. 4097, effective 4-3-43; Am. 5, 8, F.R. 4786, effective 4-10-43; and as otherwise noted. Section heading amended by Am. 33]

§ 1364.406 *Evasion.* (a) The price limitations set forth in this Revised Max-

imum Price Regulation No. 169, shall not be evaded, either by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to beef or veal, separately or in conjunction with any other commodity or service, or by way of any commission, service, transportation, wrapping, packaging or other charge or discount premium or other privilege, or by tying agreement or other trade understanding, or by changing the selection of, grading, or the style of dressing, cutting, trimming, cooking or otherwise processing, or the canning, wrapping or packaging of beef or veal or otherwise: *Provided*, That a payment by a buyer to a seller for icing services performed by the seller after April 2, 1943, and before delivery of any beef carcass or wholesale cut, or veal carcass or wholesale cut, to a railroad whose freight charges are paid directly to such railroad by the buyer, or a payment by a buyer to a seller for such icing services performed by the seller after February 2, 1944 with respect to any other meat item subject to this regulation, sold under similar conditions, shall not be construed as an evasion of such price limitations, if the charge for such icing services is no higher than the cost actually incurred by the seller in performing such service and in no event higher than the charge which could lawfuly have been made by the railroad if such services had been performed by the railroad.

[Paragraph (a) amended by Am. 4, 8 F.R. 4097, effective 4-3-43; Am. 36, 9 F.R. 1121 and Am. 54, 10 F.R. 6182, effective 6-1-45. The effective date provision of Am. 36 was amended by Am. 38, 9 F.R. 2135, effective 2-22-44, to read as follows: "Am. 36 shall become effective March 1, 1944, except that it shall remain effective as of December 1, 1943, in any case where prior to February 22, 1944, an adjusted quota has been authorized pursuant to the provisions of Am. No. 36, or in any case where a previously established quota is increased by the provisions of Am. 36."]

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Unnecessarily routing beef or veal through any distribution point in order to obtain a higher zone price or for the purpose of making a higher transportation or local delivery charge.

[Subparagraph (1) amended by Am. 4, effective 4-3-43]

(2) Falsely or incorrectly grading or invoicing beef or veal.

(2) Selling or invoicing kosher beef or kosher veal to purchasers who are not bona fide buyers of kosher meat (defined in § 1364.455 (a) (11)).

[Subparagraphs (2) and (3) amended by Am. 54, 10 F.R. 6182, effective 6-1-45]

(4) Selling or invoicing fabricated beef cuts and/or fabricated veal cuts to buyers other than purveyors of meals.

[Subparagraph (4) amended by Am. 4, effective 4-3-43; and Am. 20, 8 F.R. 10362, effective 7-28-43]

(5) Offering, selling or delivering beef or veal on condition that the purchaser is required to purchase another meat item or items or any other commodity.

[Subparagraph (5) amended by Am. 47, 9 F.R. 13158, effective 11-8-44; and Am. 54, 10 F.R. 6182, effective 6-1-45]

(6) Making or receiving a charge for delivery on the basis of a route different from that actually followed and in excess of that permitted for the route by which beef or veal was actually delivered.

[Subparagraph (6) amended by Am. 4, effective 4-3-43]

(7) Selling or transferring title to cattle or calves by a purchaser thereof at a lower price than was paid for such cattle or calves and repurchasing or receiving title to the dressed carcasses or wholesale cuts derived from such cattle or calves, or derived from other cattle, or calves in lieu thereof after such cattle have been slaughtered: *Provided, however*, That this prohibition shall not apply to the sale or transfer of title to cattle or calves certified to be club cattle or calves within the meaning of this Revised Maximum Price Regulation No. 169.

[Subparagraph (7) amended by Am. 47, 9 F.R. 13158, effective 11-8-44]

(8) Charging, paying, billing, or receiving any consideration for or in connection with any service for which a specific allowance has not been provided in this Revised Maximum Price Regulation No. 169.

[Subparagraph (8) amended by Am. 4, effective 4-3-43]

(c) Any transaction, device or arrangement whereby a person who sells, transfers or delivers beef or veal to a retail establishment not wholly owned and operated by such person, receives for the beef or veal a greater realization than he would be entitled to receive under this regulation for the sale of such beef or veal to a retailer is a violation of this regulation and is prohibited.

(1) For purposes of this paragraph (c), a person shall not be deemed to wholly own and operate a retail establishment unless such person (i) operates an entire and undivided selling establishment composed of all the food selling units or departments within the physical premises of the selling establishment, including but not limited to those units or departments from which meats, groceries, fruits and vegetables, fish, etc. are sold, and (ii) wholly owns the assets of such entire and undivided selling establishment including those fixtures and equipment which are generally and customarily used in the business of selling meat in addition to other foods.

(2) However, notwithstanding the provisions of subparagraph (c) (1) hereof, a person shall be deemed to wholly own and operate a retail establishment if such person (i) operates an entire meat selling unit or department in a selling establishment in which there is located more than one retailer engaging in the sale of the same general class of food, and (ii) wholly owns the assets of such unit or department, including those fixtures and equipment which are generally and customarily used in the business of selling meats. He shall also be deemed to wholly own and operate a retail establishment if he currently operates and prior to August 16, 1943, operated, as lessee or owner, the entire meat selling unit or department in such retail selling establishment.

[Paragraph (c) added by Am. 26, 8 F.R. 11445, effective 8-16-43; amended by Am. 57, 10 F.R. 9878, effective 8-9-45]

(d) A payment by a buyer to a broker of not to exceed $0.125 per hundredweight in excess of the maximum prices fixed by this regulation for services rendered by the broker to the buyer in connection with a sale of beef and veal carcasses and wholesales cuts, boneless beef for Army canned meat and/or boneless processing beef shall not be deemed an evasion if the broker has no business affiliation with the seller, and if the total compensation received by the broker from both buyer and seller in connection with the sale does not exceed $0.125 per hundredweight.

[Paragraph (d) added by Am. 28, 8 F.R. 13249, effective 10-2-43; amended by Am. 45, 9 F.R. 9617, effective 8-12-44; and Am. 48, 9 F.R. 13933, effective 11-20-44]

§ 1364.407 *Records and reports.* The reporting and recording provisions of this regulation are approved by the Bureau of the Budget.

[Former paragraph (a) amended by Am. 4, 8 F.R. 4097, effective 4-3-43; and revoked by Am. 54, 10 F.R. 6182, effective 6-1-45. Former paragraphs (b) through (f) redesignated as (a) through (e), inclusive by Am. 54]

(a) Every person making a sale and every person in the course of trade or business making a purchase of any beef carcass, beef wholesale cut, veal carcass or veal wholesale cut or other meat item subject to this revised regulation, shall make and 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, complete and accurate records of each such sale or purchase, showing the date thereof, the name and address of the buyer and seller, the quantity, type of cut or item, grade or grades and the weight of all beef carcasses, beef wholesale cuts, veal carcasses and veal wholesale cuts or other meat items subject to this revised regulation sold or purchased and the price charged or received or paid therefor.

[Paragraph (a), formerly (b) amended by Am. 3, 8 F.R. 491, effective 1-16-43; Am. 54, 10 F.R. 6182, effective 7-1-45; and Am. 61, 10 F.R. 13636, effective 11-7-45]

(b) Persons affected by this Revised Maximum Price Regulation No. 169 shall, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, submit such reports to the Office of Price Administration as it may from time to time require.

[Paragraph (b), formerly (c) amended by Am. 4, effective 4-3-43]

(c) Every person who slaughters cattle or calves and whose slaughter plant or plants are located north of the Potomac River in the area designated as Zone 9 in § 1364.452 (i) (1) shall file with the Office of Price Administration at

Washington, D. C., a true copy of the abattoir stamp used in each slaughter plant, and shall identify each abattoir stamp by indicating alongside thereof the name and business address of the slaughter plant at which each such abattoir stamp is used.

[Paragraph (c), formerly (d) amended by Am. 1, 7 F.R. 10719, effective 12-19-43; Am. 4, effective 4-3-43; and Am. 52, 10 F.R. 1547, effective 2-3-45]

(d) (1) Every separate selling establishment making sales to purveyors of meals pursuant to the provisions of paragraph (o) or (p) of § 1364.452 or paragraph (m) or (n) of § 1364.467 shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is in effect, a complete and accurate record of each such sale and/or delivery showing the date of sale, the name and address of the buyer, the weight and grade of each type of fabricated meat cut and/or ground beef and miscellaneous beef item and/or boneless and miscellaneous veal cut sold to a purveyor of meals, the price charged and the total cost thereof. All sales of kosher meats are to be shown separately.

(2) No selling establishment shall make sales to purveyors of meals pursuant to the provisions of paragraph (o) or (p) of § 1364.452 or paragraph (m) or (n) of § 1364.467 until such selling establishment shall have filed a statement in duplicate with the appropriate regional office of the Office of Price Administration showing:

[Above paragraph amended by Am. 54, effective 6-1-45]

(i) The total volume by weight of all meats (fresh, frozen, cured and/or corned, cooked, dried, canned or otherwise processed, including sausage and similar products thereof) and variety meats and edible byproducts (defined in § 1364.455 (b) (6)), sold and/or delivered by such establishment from September 15, 1942, through December 15, 1942, other than to war procurement agencies;

(ii) The total volume by weight of all meats (fresh, frozen, cured and/or corned, cooked, dried, canned or otherwise processed, including sausage, and similar products thereof) and variety meats and edible byproducts (defined in § 1364.455 (b) (6)), sold and/or delivered from September 15, 1942, through December 15, 1942, to purveyors of meals other than to contract schools;

(iii) The total volume by weight of all beef, veal, lamb and mutton, not including canned meats, variety meats and edible byproducts (defined in § 1364.455 (b) (6)), sausage and similar products thereof, sold and/or delivered from September 15, 1942, through December 15, 1942, to purveyors of meals other than to contract schools.

[Subparagraph (2) amended by Am. 45, 9 F.R. 9617, effective 8-12-44]

(3) Not later than the tenth day following each three months quota period ending August 31, November 30, February 28 or 29, or May 31, each separate selling establishment making sales to purveyors of meals pursuant to the provisions of paragraph (o) or (p) of § 1364.452 or paragraph (m) or (n) of § 1364.467, shall file with the appropriate Regional Office of the Office of Price Administration a statement showing for such three months quota period, the total volume by weight of fabricated meat cuts and/or ground beef and miscellaneous beef items and/or boneless and miscellaneous veal cuts, sold or delivered by such selling establishment to purveyors of meals, other than contract schools.

(4) Not later than the tenth day following each three months quota period ending August 31, November 30, February 28 or 29 or May 31, each hotel supply house making sales of retail meat cuts and/or variety meats and edible byproducts and/or processed meat products to ultimate consumers, pursuant to paragraph (a) of § 1364.416, shall file with the appropriate Regional Office of the Office of Price Administration a statement showing for such three months quota period (i) the total volume by weight of all meats (fabricated, fresh, frozen, cured and/or corned, cooked, dried, canned or otherwise processed, including sausage and similar products thereof) and/or variety meats and edible byproducts sold by such establishment other than to contract schools; (ii) the total volume by weight of all retail meat cuts and/or variety meats and edible byproducts and/or processed meat products sold by such establishment to ultimate consumers.

(5) In the event that the statements required under subparagraph (3) and/or (4) hereof, are not filed within the period specified, no further sales of fabricated meat cuts and/or ground beef and miscellaneous beef items and/or boneless and miscellaneous veal cuts shall be made to purveyors of meals until such time as these requirements are complied with.

[Subparagraph (5) added by Am. 54, 10 F.R. 6182, effective 6-1-45]

[Paragraph (d), formerly (e), amended by Am. 2, 8 F.R. 164, effective 1-8-43; Am. 12, 8 F.R. 7109, effective 6-1-43; Am. 20, 8 F.R. 10362, effective 7-23-43; Am. 26, 8 F.R. 11445, effective 8-10-43; and Am. 36, 9 F.R. 1121 (for effective date of Am. 36 see note following § 1364.400 (a)). Subparagraphs (3) and (4) amended by Am. 40, 9 F.R. 4648, effective 5-1-44]

(e) Whenever used in this paragraph (e), the term "shipment" shall mean all commodities which are consigned to a single buyer as part of a single freight car or truck movement for delivery to the place of business or warehouse of the buyer, other than a consignment for delivery of the entire content of a common carrier freight car or truck to a war procurement agency.

(1) Except as provided in paragraph (e) (2) of this § 1364.407, every person making a sale of any beef carcass, beef wholesale cut, veal carcass, veal wholesale cut, or other meat item subject to this revised regulation, shall furnish to the purchaser at the time of delivery a written statement setting forth the name and address of the buyer and seller; identifying each such item sold; setting forth the quantity, grade, including sex identification of beef as to stag or bull, the weight thereof, and the price charged and/or received therefor, including a separate statement of the transportation and local delivery charge as required by § 1364.454 (a) (7).

[Subparagraph (1) amended by Am. 54, 10 F.R. 6182, effective 7-1-45]

(2) (i) In the case of any shipment made to a buyer located within a radius of 25 miles from the seller's distribution point, and in the case of any C. O. D. shipment made, irrespective of the distance, each person shipping any of the meat items subject to this revised regulation, shall send with each such shipment, a copy of the written statement referred to in paragraph (e) (1) hereof.

(ii) In the case of a shipment made to a buyer located beyond a radius of 25 miles from the seller's distribution point, other than a C. O. D. shipment, each person shipping any of the meat items subject to this regulation, shall send with each such shipment, a copy of the written statement referred to in paragraph (e) (1) hereof: *Provided, however,* That if the shipment made to the buyer is commenced before 12 o'clock noon, that portion of the statement with respect to the price charged or received therefor, and the separate statement of the transportation and/or local delivery charge, may be omitted but must be mailed to the buyer on the same day. If the shipment made to the buyer is commenced after 12 o'clock noon that portion of the statement with respect to the price charged or received therefor, and the separate statement of the transportation and/or local delivery charge may be omitted but must be mailed to the buyer before 12 o'clock noon of the following business day.

(iii) Where the shipment made constitutes the entire content of a common carrier freight car or truck, the copy of the statement referred to in paragraph (e) (1) shall be posted in the freight car or truck near or on the door. Where the shipment made constitutes only a part of the content of a common carrier freight car or truck, the copy shall be securely attached in a conspicuous place to one of the items included within the shipment. Where the shipment made is by a vehicle other than a common carrier, the copy referred to shall be given to and carried by the driver and he shall be authorized to display it to enforcement officers on request.

(iv) Every person transferring any of the meat items subject to this regulation to a business establishment or warehouse controlled or operated by him, which constitute the entire content of a vehicle, shall send with each vehicle making such transfer, a statement showing the name and address of the owner, the point of destination and that the meat items are not being transferred to a buyer in connection with a sale. The transfer must be identified in the same manner as required in the foregoing subparagraph (2) (iii) of this paragraph (e) except that the statement with respect to price or transportation and/or local delivery charge shall not be required.

[Paragraph (e), formerly (f), added by Am. 3, 8 F.R. 491, effective 1-16-43; amended by Am. 27, 8 F.R. 12748, effective 9-16-43; Am. 29, 8 F.R. 13181, effective 9-23-43; and Am. 45, 9 F.R. 9617, effective 8-12-44]

§ 1364.408 *Enforcement.* (a) Persons violating any provisions of this Revised

Maximum Price Regulation No. 169 are subject to the criminal penalties, civil enforcement actions, proceedings for suspension of licenses, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended: *Provided*, That no war procurement agency, or any contracting or paying finance officer thereof, shall be subject to any liability, civil or criminal, imposed by this Revised Maximum Price Regulation No. 169 or the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Revised Maximum Price Regulation No. 169 or any price schedule, regulation or order issued by the Office of Price Administration, or any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1364.409 *Licensing.* The provisions of Licensing Order No. 1,[5] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for 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.

[§1364.409 amended by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

§ 1364.410 *Petitions for amendment.* Any person seeking an amendment of any provision of this Revised Maximum Price Regulation No. 169 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, as amended, issued by the Office of Price Administration.

§ 1364.411 *Duty to maintain grades.* No person shall sell, offer to sell, deliver or break any beef carcass or veal carcass, unless each such carcass has been graded in accordance with the provisions of this section. No custom slaughterer shall ship or deliver any beef carcass or wholesale cut, or veal carcass or wholesale cut unless each such carcass or wholesale cut has been graded in accordance with the provisions of this section. Each person shall maintain uniform grades, as specified in paragraph (a) of this section and shall determine his maximum prices upon the basis of such uniform grades rather than upon the basis of his own grades, as provided in paragraph (b) of this section.

[Above paragraph amended by Am. 4, 8 F.R. 4097, effective 4-3-43 and Am. 25, 8 F.R. 11298, effective 7-16-43]

(a) *Uniform grades.* (1) Beef carcasses and wholesale cuts derived from steers, heifers and cows shall be graded into the following uniform grades: choice, good, commercial, utility, cutter and canner; except, that no cow carcass or wholesale cut shall be graded choice. Beef carcasses and wholesale cuts derived from bulls and stags shall be graded in the same manner, except that no bull carcass or wholesale cut shall be graded choice or good, and no stag carcass or wholesale cut shall be graded choice. In determining the grade of each beef carcass or beef wholesale cut, the "Specifications for Official United States Standards for Grades of Carcass Beef"[6] set forth in Appendix C hereof, and incorporated herein as § 1364.528, shall be used, except that the specifications therein for the two grades, prime and choice, shall be combined and treated as a single grade choice, and the specifications therein for the two grades, cutter and canner, shall be combined and treated as a single grade.

(2) Veal carcasses and wholesale cuts shall be graded into the following uniform grades: choice, good, commercial, utility, and cull. In determining the grade of each such carcass or wholesale cut the "Specifications for Official United States Standards for Grades of Veal and Calf Carcasses"[7] set forth in Appendix D hereof, and incorporated herein as § 1364.529, shall be used except that the specifications therein for the two grades, prime and choice, shall be combined and treated as a single grade, choice.

[Paragraph (a) amended by Am. 4, effective 4-3-43]

(b) *Duty to determine maximum prices on the basis of uniform grades.* The word "grade", as used in §§ 1364.451, 1364.452, 1364.466 and 1364.467 and in paragraph (c) of this section, means any uniform grade referred to in paragraph (a) of this section, and shall not be construed to mean the private grade of an individual seller.

Irrespective of the private grading system heretofore used by the seller, it shall be the duty of the seller, except as provided in paragraph (c) (3), to have classified into the uniform grades provided for in paragraph (a) of this section, by an official grader of the United States Department of Agriculture, the beef carcasses and beef wholesale cuts of cattle and the veal carcasses and veal wholesale cuts of calves slaughtered by the seller or sold by the seller, and then to determine the maximum price for each grade of beef carcass and beef wholesale cut by reference to §§ 1364.451 and 1364.452, and veal carcass and veal wholesale cut by reference to §§ 1364.466 and 1364.467.

[Paragraph (b) amended by Am. 4, effective 4-3-43]

(c) *Duty to identify product by sex marks.* The sex identification shall be stamped on all bull and stag carcasses and wholesale cuts. The prescribed sex identification of each beef carcass and wholesale cut as to stag or bull and the grade of each beef carcass and wholesale cut and veal carcass and wholesale cut must appear on the seller's invoice.

[Above paragraph amended by Am. 45, 9 F.R. 9617, effective 8-12-44]

(1) The appropriate grade for each uniform grade shall be as follows:

*Beef grade*

Choice or AA.
Good or A.
Commercial or B.
Utility or C.
Cutter / Canner } or D.

*Veal grade*

Choice or AA.
Good or A.
Commercial or B.
Utility or C.
Cull or D.

(2) (i) No person shall sell, offer to sell, deliver or break any beef or veal carcass irrespective of grade unless such carcass has been examined and graded by an official grader of the United States Department of Agriculture in accordance with the "Rules and Regulations of the Secretary of Agriculture Governing the Grading and Certification of Meats, etc.", as modified to the extent set forth in Appendix B hereof, and as required by § 4002.2 of OES Regulation 1.[8] However, in any instance where any person is unable to procure the services of an official grader within 24 hours after such person has made an application for grading, pursuant to section 3 of Regulation No. 4 (Grading Service) contained in § 1364.527 hereof, then the provisions of this subparagraph shall not apply, for so long a period as the Food Distribution Administration of the United States Department of Agriculture certifies in writing that it is unable to provide such person with the services of an official grader. During such period such beef and veal carcasses shall be graded by the seller in the manner provided in paragraphs (a), (b), (c) (1) and (c) (2) of this § 1364.411.

(ii) If the slaughterer is a farm slaughterer or if he is primarily the resident operator of a farm engaging only casually, and not as a business, in slaughtering cattle or calves as a service for others, he shall not be required to have the cattle or calves slaughtered by him graded by an official grader of the United States Department of Agriculture. Such beef or veal as is sold by such slaughterer, or is slaughtered by him as a service for sale by others, shall be graded by him in accordance with the requirements of paragraphs (a), (b), (c) (1), and (c) (2) of this § 1364.411. "Farm slaughterer" as used in this paragraph (c) (2) (ii) means a person chiefly engaged in producing agricultural products as the resident operator of a farm who did not deliver meat in 1941 of a live weight of more than 10,000 pounds and whose current slaughter is not in excess of that permitted such slaughterers under Food Distribution Order No. 27[9] or any superseding order

(3) Whenever any person having a financial interest in any beef or veal carcass which has been graded by an offi-

[5] 8 F.R. 13240.

[6] Service and Regulatory Announcement No. 99, Official United States Standards for the Grades of Carcass Beef, United States Department of Agriculture, Food Distribution Administration, issued as amended May 1942.

[7] Service and Regulatory Announcement No. 114, Official United States Standards for Grades of Veal and Calf Carcasses, United States Department of Agriculture, Food Distribution Administration, issued as amended October 1940.

[8] 8 F.R. 10989.

[9] 8 F.R. 2785.

cial grader pursuant to paragraph (c) (2) hereof or otherwise, is dissatisfied with the determination of such official grader, such person may appeal the grading by making an application for appeal grading in the manner provided in Regulation No. 5 (appeal grading) contained in § 1364.527 hereof, and shall thereafter give immediate notice in writing to the Office of Price Administration at Washington, D. C. of such appeal.

[Paragraph (c) amended by Am. 4, 8 F.R. 4097, effective 4-3-43; Am. 6, 8 F.R. 4844, effective 4-14-43; Am. 25, 8 F.R. 11298, effective 7-16-43; and as otherwise noted]

(d) *Use of other grading and branding systems.* Any seller may use a private grading and branding system in addition to that required by the foregoing paragraphs of this section; *Provided,* That he shall identify his private grading and branding system in such manner as to distinguish it from the official grade stamp as required by paragraph (c) of this section.

§ 1364.412 *Applicability of General Maximum Price Regulation.*[20] The provisions of this Revised Maximum Price Regulation No. 169 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this revised regulation.

§ 1364.413 *Revocation of orders issued under Maximum Price Regulation No. 169.* (a) The order issued in the matter of Meyer Kornblum Packing Company (Docket No. 3169-8; July 27, 1942) and orders numbered 2, 3, 4, 5, 9, 10, 13, 15, 16, and 17 under Maximum Price Regulation No. 169 are hereby revoked.

(b) The orders issued in the matters of Jones Country Veal (Docket No. 3169-66); October 2, 1942, Order No. 11, and Earl H. Schurr (Docket No. 3169-43); October 28, 1942, Order No. 18, under Maximum Price Regulation No. 169 are hereby revoked.

[Text of § 1364.413 designated (a); (b) added by Am. 4, 8 F.R. 4097, effective 4-3-43]

(c) Any order issued pursuant to the provisions of paragraph (b) of § 1364.415 is revoked as of August 31, 1944, and each Regional Administrator shall notify every person affected by this paragraph of the revocation.

[Paragraph (c) added by Am. 45, 9 F.R. 9617, effective 8-12-44; amended by Am. 47, 9 F.R. 13158, effective 11-8-44]

§ 1364.414 *Effective date.* Revised Maximum Price Regulation No. 169 (§§ 1364.401 to 1364.414 inclusive; §§ 1364.451 to 1364.455, inclusive; §§ 1364.476 to 1364.477, inclusive; and §§ 1364.526 to 1364.530, inclusive) shall become effective December 16, 1942, except that it shall become effective December 10, 1942 as to sales to a war procurement agency. [Revised MPR 169 originally issued December 10, 1942.]

[Effective dates of amendments are shown in notes following the parts affected]

§ 1364.415 *Limitations on volume of sales to purveyors of meals.* (a) (1) Notwithstanding the terms of any contract, agreement, or other obligation, no hotel supply house, packing or slaughtering plant, packer's branch house, wholesaler's or other seller's establishment shall sell or deliver to purveyors of meals other than contract schools, during any three month quota period beginning March 1, June 1, September 1 or December 1, a total volume by weight of fabricated meat cuts and/or ground beef and miscellaneous beef items and/or boneless and miscellaneous veal cuts in excess of 100 percent of the total volume by weight of beef, veal, lamb and mutton, not including canned meats of any kind, variety meats and edible by-products of any kind, and/or sausage and similar products thereof, sold or delivered by such selling establishment from September 15 through December 15, 1942, to purveyors of meals, other than to contract schools (in no event shall a war procurement agency be deemed to be a purveyor of meals). The volume by weight so determined, shall hereinafter be referred to as the "quota": *Provided, however,* That any quota granted by a Regional Administrator pursuant to the provisions of paragraph (a) as they existed prior to June 1, 1945 shall remain in full force and effect. Any quotas which have been determined on the basis of the provisions of paragraph (b) hereof, shall be redetermined on the basis of the percentage specified in this paragraph (a) (1).

[Subparagraph (1) amended by Am. 59, 10 F.R. 12742, effective 9-1-45]

(2) Any selling establishment which has a quota but which has for two successive three month quota periods beginning June 1, 1945, sold less than 10 percent of such quota to purveyors of meals, other than contract schools, shall be deemed to have abandoned such quota and neither that selling establishment nor any other selling establishment shall thereafter make further sales pursuant to such quota. However, if during such two successive three month quota periods, the major portion of sales or deliveries from such selling establishment consisted of sales to war procurement agencies, it shall not be deemed to have abandoned its quota although less than 10 percent of its quota was sold or delivered during such periods to purveyors of meals other than contract schools.

(3) Except as provided in paragraph (a) (4) hereof, any person may request the appropriate Regional Administrator for authorization to transfer an entire quota from one selling establishment to another. The request for such authorization shall be contained in a written application appropriately filed in duplicate which shall show that:

(i) The applicant is or was the owner or operator of a selling establishment which has a quota,

(ii) The applicant is engaged or has engaged, within six months prior to the filing of the application, in the business of selling meats to purveyors of meals pursuant to such quota, and

(iii) The applicant desires to transfer the quota to a new selling establishment (setting forth the old and new addresses and the reasons for the transfer) and

(iv) If the request for the transfer of the quota is granted, the applicant will not thereafter engage in the business of selling meats from the establishment from which the quota is transferred, or

(v) The owner or operator (other than the applicant) of a selling establishment which has a quota has been precluded from engaging further in sales pursuant to such quota because of a judicial or administrative suspension order against such owner or operator, and the suspension order was issued within six months of the date of the filing of the application.

(4) Notwithstanding any other provision of this paragraph (a), a quota shall not be transferred from a selling establishment (other than a hotel supply house) to a hotel supply house where both establishments are owned or controlled by the same person. For the purposes of this paragraph (a) (4), "own or control" means to own or control directly or indirectly, a partnership equity or in excess of 10% of any class of outstanding stock or to have made loans or advances in excess of 5% of either selling establishment's monthly sales.

(5) Upon receipt of an application filed pursuant to paragraph (a) (3) hereof, the Regional Administrator may, by order, upon proof of the matters contained in paragraphs (a) (3) (i), (ii), (iii), and (iv) or (v) authorize the transfer of the quota: *Provided,* That sales pursuant to the quota will be made to purveyors of meals located in the same municipal area or areas as those previously served by the selling establishment from which the quota is transferred and that such sales will be made subject to such further terms and conditions as he may deem necessary: However, if the transfer of the quota is predicated upon the issuance of a judicial or administrative suspension order, the quota shall be transferred for such period as the suspension order remains in full force and effect.

(6) Following the issuance of an order pursuant to paragraph (a) (3) hereof, the Regional Administrator shall forward to the Administrator in Washington, D. C., for review, a copy of the application together with a copy of the order and such other data as were considered in connection with the application. After review, the Regional Administrator shall modify or revoke the order if the Administrator deems such modification or revocation appropriate. However, the provisions of the Regional Administrator's orders shall remain in full force and effect until such time as they are modified or revoked.

(7) Notwithstanding any other restriction or limitation contained in this Revised Maximum Price Regulation No. 169, the Administrator at Washington, D. C., in the case of any emergency or because of unforeseen circumstances which impede or threaten to impede the war effort, may, upon his own motion, adjust quotas or grant quotas to named sellers for such period and subject to such terms and conditions as are deemed necessary.

[Paragraph (a) amended by Am. 40, 9 F.R. 4648, effective 5-1-44; Am. 45, 9 F.R. 9617, effective 8-12-44; and Am. 54, 10 F.R. 6182, effective 6-1-45]

[20] 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.

(b) Any selling establishment which has established a quota pursuant to paragraph (a) of this § 1364.415 may, subject to the conditions hereinafter set forth, redetermine its quota for sales to purveyors of meals for each three month quota period, on the basis of its sales to purveyors of meals during the corresponding three month quota period of 1942: *Provided,* That such selling establishment shall fix its quotas for each three month quota period thereafter, other than the period beginning December 1, by reference to sales made by it during the corresponding three month period of 1942. For the three month quota period beginning December 1, such selling establishment shall determine its quota on the basis of its sales to purveyors of meals during the three month period beginning December 1, 1941. Any selling establishment which elects to fix its quotas for sales to purveyors of meals pursuant to the alternative method stated herein, shall exercise such election by the filing of the reports required under § 1364.407 (d) (2) (iii) for each three month period beginning December 1, 1941, and ending November 30, 1942. Such reports shall be filed prior to the beginning of the three month quota period in which the alternative quota is to be used, except that after December 1, 1945, no selling establishment may elect the alternative quota and any selling establishment which has failed to file the alternative quota reports as required herein shall remain subject to the quota computed by reference to sales made from September 15, 1942, through December 15, 1942.

[Paragraph (b) amended by Am. 45, 9 F.R. 9617, effective 8-12-44; Am. 54, 10 F.R. 6182, effective 6-1-45; and Am. 58, 10 F.R. 11808, effective 9-13-45]

(c) (1) Upon a finding that there exists within any specified area or areas, quotas permitting sales of fabricated meat cuts which are insufficient to supply the requirements of purveyors of meals, and upon further finding that such condition has occurred because of an increase in population in such area or areas due to the establishment and maintenance of a project or projects connected directly with the war effort and under the direction and control of the United States Government, the Administrator at Washington, D. C., may, by order, designate such area as a deficiency area for such period as he may prescribe and may, pursuant to such designation, authorize in writing named sellers to sell and deliver specified quantities of fabricated meat cuts for such period and subject to such terms and conditions as he may deem necessary.

(2) In order that public or parochial schools may procure adequate supplies of fabricated meat cuts and/or ground beef and miscellaneous beef items, any person who is authorized to sell such items may apply to the Office of Price Administration at Washington, D. C., for a special quota for sales to such schools by showing (i) that the current monthly requirements of such schools for beef, veal, lamb and mutton (not including canned meats, variety meats and edible by-products, and sausage) have increased to the extent of at least 20 percent above the monthly amount required and purchased by such institutions during the period from September 15, 1942, to December 15, 1942; (ii) the total current monthly weight volume of ground beef, miscellaneous beef items, and fabricated meat cuts (beef, veal, lamb and mutton) which such schools desire to purchase from the applicant; (iii) that the volume named in subdivision (ii) constitutes 5 percent or more of the applicant's duly authorized quota on a monthly basis (setting forth the total amount of his duly authorized three month quota); (iv) that the required amount of fabricated meat cuts and/or ground beef and miscellaneous beef items cannot be currently sold to such schools by the applicant without unduly affecting his deliveries to other purveyors of meals regularly supplied by him.

Each person seeking a special quota under this paragraph (c) (2) shall attach to his application a statement from each purchaser (public or parochial school) or authorized agent thereof, showing the total weight volume of beef, veal, lamb and mutton (not including canned meats, variety meats and edible by-products, and sausage) purchased from all sellers during the period from September 15, 1942, to December 15, 1942; the total current monthly weight volume of ground beef, miscellaneous beef items and fabricated meat cuts (beef, veal, lamb and mutton) being purchased from all sellers; the total current monthly weight volume of such meats desired to be purchased from the applicant, and the total current monthly weight volume of such meats desired to be purchased from other sellers.

Upon a finding by the Price Administrator that the above conditions exist, he may, by order, establish for the applicant a special quota for sales to public or parochial schools to the extent necessary to effectuate the purposes of this paragraph and may incorporate in the order such further provisions as he may deem necessary and proper.

[Paragraph (c) added by Am. 47, 9 F.R. 13158, effective 11-8-44; redesignated (c) (1) and subparagraph (2) added by Am. 48, 9 F.R. 13933, effective 11-20-44]

(d) Any person who violates any provision of this section may, in addition to any other penalty provided by law, be prohibited by administrative suspension order from receiving, selling, using or otherwise disposing of any fabricated meat cuts and/or ground beef and miscellaneous beef items and/or boneless and miscellaneous veal cuts. Such suspension order shall be issued for such period as in the judgment of the Administrator or such person as he may designate for that purpose, is necessary and appropriate in the public interest or to promote the national security.

(e) This section is issued under the authority vested in the Administrator by Executive Order No. 9125, issued by the President on April 3, 1942; Directive No. 1 and Supplementary Directive No. 1-M of the War Production Board, issued on January 24, 1942, and September 12, 1942, respectively; Executive Order No. 9280, issued by the President on December 5, 1942; and Food Directives No. 1, No. 3, No. 5, No. 6 and No. 7, issued by the Secretary of Agriculture.

[Paragraphs (d) and (e), formerly (c) and (d), redesignated by Am. 47, 9 F.R. 13158, effective 11-8-44]

[§ 1364.415 added by Am. 12, 8 F.R. 7109, effective 6-1-43; amended by Am. 20, 8 F.R. 10362, effective 7-28-43; Am. 24, 8 F.R. 11081, effective 8-7-43; Am. 36, 9 F.R. 1121 (for effective date of Am. 36 see note following § 1364.406 (a)); and as otherwise noted]

§ 1364.416 *Limitation on volume of sales to ultimate consumers by hotel supply houses.* (a) Any hotel supply house may sell and/or deliver to ultimate consumers during any three month quota period beginning June 1, September 1, December 1 or March 1, a volume by weight of retail meat cuts and/or variety meats and edible by-products and/or processed meat products which are described and for which maximum prices are established for class 3 and 4 stores in Maximum Price Regulation No. 355, "Retail Ceiling Prices for Beef, Veal, Lamb and Mutton and All Variety Meats and Edible By-Products"; Maximum Price Regulation No. 336, "Retail Ceiling Prices for Pork Cuts and Processed Meat Products", and Maximum Price Regulation No. 394, "Retail Ceiling Prices for Kosher Beef, Veal, Lamb and Mutton Cuts", not in excess of 20 percent of the actual sales or deliveries made by it pursuant to paragraph (a) of § 1364.415 during the same three months quota period. Such sales at retail must be made at prices not higher than those established for class 3 and 4 stores: *Provided,* That no hotel supply house shall make sales to ultimate consumers pursuant to this paragraph (a) until (i) such hotel supply house shall have filed with the appropriate Regional Office of the Office of Price Administration a statement in affidavit form showing that from September 15, 1942, through December 15, 1942, such establishment regularly and generally made sales of retail meat items to ultimate consumers from the same selling establishment in conjunction with its sales to purveyors of meals and (ii) such hotel supply house has received written authorization from the appropriate Regional Office, approving such affidavit and authorizing the sale and/or delivery of fabricated beef cuts and/or fabricated veal cuts to purveyors of meals at maximum prices specified in § 1364.452 (o) (4) or § 1364.467 (n) (4) as the case may be, in addition to the sale to ultimate consumers of retail meat cuts and/or variety meats and edible by-products and/or processed meat products which are described and for which maximum prices are established therein under Maximum Price Regulations Nos. 355, 336 and 394 for class 3 and 4 stores. Nothing contained in this paragraph (a) shall be construed as to permit the sales and/or deliveries of fabricated beef cuts and/or fabricated veal cuts to purchasers other than purveyors of meals.

(b) Any hotel supply house whose sales or deliveries to ultimate consumers, during any three month quota period, exceed 20% of the actual sales or deliveries made by it pursuant to paragraph (a) of § 1364.415 during the same three month quota period, shall thereafter be required

to use the maximum prices specified in § 1364.452 (o) (5) or in § 1364.467 (n) (5), as the case may be, on sales of fabricated beef cuts and/or fabricated veal cuts to purveyors of meals.

(c) The Price Administrator's authority relative to the issuance of the provisions of this § 1364.416 is set forth in detail in § 1364.415 (e) and is incorporated herein by reference.

[Paragraph (c) added by Am. 65, effective 1-2-46]

[§ 1364.416 added, and former § 1364.416 redesignated § 1364.417 by Am. 36, 9 F.R. 1121 (for effective date of Am. 36 see note following § 1364.406 (a)]

§ 1364.417 *Maximum selling price for products which are not priced under Subpart B (Beef) or Subpart C (Veal) of this regulation.* (a) Any person who desires to manufacture and sell a beef or veal product for which a dollar-and-cent maximum selling price has not been established in Subpart B or C, or which may not be authorized under paragraph (r) of § 1364.452 of this regulation may apply in writing to the Price Administrator at Washington, D. C., for a maximum selling price. The applicant shall show: (1) that prior and subsequent to March 1942, he regularly engaged in the preparation, sale and delivery of the product for which a maximum selling price is sought, and had established a maximum price for sales of such a product (setting forth the amount thereof) in accordance with the provisions of § 1364.476 of Subpart D "Provisions affecting Processed Products", as these provisions existed prior to their revocation on July 1, 1945; (2) a description of the product including (i) the wholesale cut and grade of meat used, (ii) a description of the complete processing operation, (iii) the type of wrapping or packaging used, if any, (iv) the manner in which the product differs from the most similar product of the same type for which a maximum price has been established in Subpart B or Subpart C of this regulation and (v) the costs of any of the operations which are added to or eliminated from the manufacture of the most similar product of the same type for which a maximum price has been established in Subpart B or Subpart C of this regulation.

Upon receipt of an application filed pursuant to this § 1364.417 the Price Administrator at Washington, D. C., may if he deems it in the public interest authorize a maximum selling price for such product subject to such conditions as he may deem necessary and proper in the interest of effective price control. The Price Administrator may at any time thereafter adjust such maximum price so as to bring it in line with the level of maximum prices otherwise established by this regulation. However, notwithstanding any other provisions of this Revised Maximum Price Regulation No. 169, any order which has been issued by the Price Administrator at Washington, D. C., pursuant to the provisions of § 1364.476 (h) of Subpart D "Provisions Affecting Processed Products" as these provisions existed prior to their revocation on July 1, 1945, shall remain in full force and effect.

[§ 1364.417 added and former § 1364.417 deleted by Am. 54, 10 F.R. 6182, effective 6-1-45]

SUBPART B—PROVISIONS AFFECTING BEEF

§ 1364.451 *Maximum prices for beef carcasses and wholesale cuts.* Subject to the pricing instructions contained in paragraph (a), the maximum price of each grade of each beef carcass or wholesale cut shall be the maximum price determined as provided in paragraph (b).

(a) *Pricing instructions.* (1) Whenever used in this Revised Maximum Price Regulation No. 169, the term "lower price zone" means a price zone having a lower zone price, and the term "higher price zone" means a price zone having a higher zone price; the words "lower" and "higher" used in the respective terms shall not be construed to refer to the numerical designation of any zone.

(2) Except for the additions permitted in Schedule III hereof, incorporated herein as § 1364.454, the zone price shall be the delivered price anywhere within the zone to which such price applies. Schedule I (paragraphs (a) to (j), inclusive) hereof, incorporated herein as § 1364.452, contains a statement describing the geographical limits of each price zone and the zone prices established therefor.

(3) The applicable zone price shall be the price specified in Schedule I (§ 1364.452) for the zone in which is located the seller's distribution point:

(i) At which the buyer takes actual physical possession of the meat; or

(ii) From which local delivery to the buyer's place of business begins; or

(iii) From which the meat, consigned to the buyer, (*a*) is delivered to a common carrier, other than a railroad, for shipment to the buyer, who pays the shipping charges directly to the carrier, or (*b*) is delivered to a railroad for shipment at the carload rate to the buyer who pays the shipping charges directly to the carrier.

(iv) In the case of a less than carload rail shipment, other than an express shipment to a purveyor of meals, the applicable zone price shall be the price for the zone in which is located the rail unloading station nearest to the buyer's place of business.

(v) On sales to purveyors of meals the distribution point may be, in addition to those listed, the point at which meat consigned to the buyer is delivered to a railway express company for shipment by express to the buyer who pays the shipping charges directly to the carrier.

(4) Except as permitted in § 1364.417 and in paragraph (l), (m), (n), (o), (p), (q), (r), (s), or (t) of Schedule I (§ 1364.452) regardless of any contract, agreement or other obligation, no person shall sell or deliver any beef or any part or portion of any beef carcass, and no person in the course of trade or business shall buy or receive any beef or any part or portion of beef carcass unless such beef or part or portion is a beef carcass or a beef wholesale cut as defined in § 1364.455 for which an applicable zone price has been established.

[Subparagraph (4) amended by Am. 6, 8 F.R. 4244, effective 4-14-43, Am. 46, 9 F.R. 10374, effective 9-7-44; Am. 54, 10 F.R. 6182 effective 6-1-45; Am. 61, 10 F.R. 13636, effective 11-7-45; and Am. 64, 10 F.R. 14703, effective 11-30-45]

(5) On and after April 22, 1943, regardless of any contract, agreement or other obligation, no person shall sell or deliver any ground, chopped or comminuted meat containing any proportion of beef or any miscellaneous beef item and no person in the course of trade or business shall buy or receive any ground chopped or comminuted meat containing any proportion of beef or any miscellaneous beef item unless such ground, chopped or comminuted meat is ground beef and such miscellaneous beef item is a miscellaneous beef item as defined in § 1364.452 (p), for which applicable prices have been established.

[Subparagraph (5) added by Am. 6, effective 4-14-43 and amended by Am. 7, 8 F.R. 5170, effective 4-16-43]

(b) *Maximum price.* The maximum price for each grade of each beef carcass or beef wholesale cut shall be the applicable zone price determined in accordance with the provisions of paragraph (a) of this § 1364.451 and specified in Schedule I (incorporated herein as § 1364.452), minus the required deductions, if any, specified in Schedule II (incorporated herein as § 1364.453), plus the permitted additions, if any, specified in Schedule III (incorporated herein as § 1364.454).

[NOTE: Supplementary Order No. 31 (7 F.R. 9894) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

§ 1364.452 *Schedule I: Beef price zones and applicable zone prices*—(a) *Zone 1.* (1) Zone 1 includes the following areas: Washington, Oregon, California, and Nevada. All that portion of Idaho north of and including the counties of Idaho, Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Clearwater, Nez Perce and Lewis.

[Subparagraph (1) amended by Am. 23, 8 F.R. 13249, effective 10-2-43]

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 1.* Subject to the provisions of paragraph (k) of this section, the Zone 1 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.75 per cwt.

(b) *Zone 2.*

(1) Zone 2 includes the following areas: Montana, Wyoming, Utah, Ari-

zona and all that portion of Idaho south of, but not including Idaho county.

[Subparagraph (1) amended by Am. 28, effective 10-2-43]

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 2.* Subject to the provisions of paragraph (k) of this section, the Zone 2 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.00 per cwt.

(c) *Zone 3.* (1) Zone 3 includes the following area:

Colorado and New Mexico.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 3.* Subject to the provisions of paragraph (k) of this section, the Zone 3 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price).

(d) *Zone 4.* (1) Zone 4 includes the following area:

North Dakota, South Dakota, Minnesota, Nebraska, Kansas, Oklahoma, and Texas.

All that portion of Wisconsin west of and including the counties of Iron, Price, Taylor, Clark, Jackson, Monroe, Vernon, and Crawford.

Iowa except the counties of Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines, and Lee.

All that portion of Missouri west of and including the counties of Scotland, Knox, Shelby, Monroe, Audrain, Montgomery, Warren, Franklin, Washington, Saint Francois, Madison, Wayne, and Butler.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 4.* Subject to the provisions of paragraph (k) of this § 1364.452, the applicable zone prices for Zone 4 are as follows:

[Subparagraph (2) amended by Am. 47, 9 F.R. 13158, effective 11-8-44]

[All prices are on dollars per hundredweight basis; the price for any fraction of a hundredweight shall be reduced accordingly]

| | Grade | | | | | |
|---|---|---|---|---|---|---|
| | Choice or AA[1] | Good or A[1] | Commercial or B[1] | Utility or C[1] | Cutter, canner or D[1] | Bologna bulls (equivalent cutter and canner grade) |
| STEER OR HEIFER | | | | | | |
| (i) Beef carcass or side | $20.00 | $19.00 | $17.00 | $15.00 | $12.25 | $13.00 |
| (ii) Hindquarter | 22.25 | 21.00 | 18.25 | 15.75 | 12.50 | 13.00 |
| (iii) Forequarter | 18.00 | 17.25 | 16.00 | 14.50 | 12.00 | 13.00 |
| (iv) Round | 21.75 | 20.50 | 18.25 | 15.50 | 12.50 | |
| (v) Trimmed full loin | 29.00 | 27.25 | 22.50 | 19.25 | | |
| (vi) Flank | 12.50 | 12.50 | 12.50 | 12.50 | | |
| (vii) Flank steak | 23.00 | 23.00 | 23.00 | 23.00 | | |
| (viii) Short loin | 32.00 | 29.75 | 24.75 | 21.50 | | |
| (ix) Sirloin | 26.50 | 25.25 | 20.50 | 17.50 | | |
| (x) Cross cut chuck | 17.75 | 17.00 | 15.50 | 14.00 | | |
| (xi) Regular chuck | 19.50 | 18.25 | 17.00 | 15.00 | | |
| (xii) Brisket | 16.25 | 16.25 | 14.25 | 14.25 | | |
| (xiii) Foreshank | 11.50 | 11.50 | 11.50 | 11.50 | | |
| (xiv) Rib | 23.50 | 22.25 | 20.50 | 18.00 | | |
| (xv) Short plate | 13.50 | 13.50 | 12.75 | 12.75 | | |
| (xvi) Back | 20.50 | 19.25 | 18.00 | 15.75 | | |
| (xvii) Triangle | 17.00 | 16.25 | 15.00 | 13.75 | | |
| (xviii) Arm chuck | 18.25 | 17.25 | 16.25 | 14.50 | | |

[1] 25 cents per hundredweight may be added on sales of beef carcasses or sides and/or hindquarters to a war procurement agency or on sales of set-aside beef carcasses or sides and/or hindquarters to any authorized purchaser of set-aside beef where the latter transaction is covered by a separate invoice and where such purchaser has satisfied the requirements of WFO 75.2.

[Table amended by Am. 4, 8 F.R. 4097, effective 4-3-43; Am. 6, 8 F.R. 4844, effective 4-14-43; Am. 13, 8 F.R. 6945, effective 6-1-43; Am. 15, 8 F.R. 7675, effective (1) as to sales or deliveries of fresh and frozen beef and veal, by others than wholesalers, hotel supply houses and peddler truck sellers, on June 14, 1943; (2) as to sales or deliveries of fresh and frozen beef and veal, by wholesalers, hotel supply houses and peddler truck sellers, on June 19, 1943; (3) as to sales or deliveries of miscellaneous beef items and processed products, by others than wholesalers, hotel supply houses and peddler truck sellers, on June 23, 1943; and (4) as to sales or deliveries of miscellaneous beef items and processed products by wholesalers, hotel supply houses and peddler truck sellers, on July 5, 1943 (effective dates of Am. 15 as amended by Am. 17, 8 F.R. 8877); Am. 35, 8 F.R. 16600, effective 12-13-43; and Am. 47, 9 F.R. 13158, effective 11-8-44; Am. 54, 10 F.R. 6182, effective 6-1-45 and Am. 62, 10 F.R. 13682, effective 11-3-45] Footnote 1 added by Am. 53, 10 F.R. 4493, effective 4-23-45.

The applicable Zone 4 price of each cow carcass or wholesale cut of cutter and canner grade, utility grade, commercial grade or good grade, shall be the same as the zone 4 price of the carcass or corresponding wholesale cut of steer or heifer of the same grade.

[Above paragraph amended by Am. 45, 9 F.R. 9617, effective 8-12-44]

The applicable Zone 4 price of each stag carcass or wholesale cut of cutter and canner grade, utility grade, commercial grade or good grade shall be the same as the Zone 4 price of the carcass or corresponding wholesale cut of steer or heifer of the same grade.

The applicable Zone 4 price of each bull carcass or wholesale cut of utility grade or commercial grade shall be the same as the Zone 4 price of the carcass or corresponding wholesale cut of steer or heifer of the same grade. The applicable Zone 4 price of each bologna bull carcass and wholesale cut, which are equivalent to cutter and canner grade are specified above.

The applicable zone price of each beef carcass or beef wholesale cut which has not been graded or identified by sex mark (required by paragraph (c) of § 1364.411) when offered for sale, sold or delivered shall be the price of the lowest-priced carcass or corresponding wholesale cut.

[Above paragraph amended by Am. 25, 8 F.R. 11298, effective 7-16-43]

(3) *Kosher beef wholesale cut prices applicable in Zone 4.* Subject to the provisions of paragraph (k) of this § 1364.452 and paragraph (b) of Schedule III (§ 1364.454), the applicable zone prices of kosher wholesale cuts for Zone 4 are as follows:

[Subparagraph (3) amended by Am. 47, 9 F.R. 13158, effective 11-8-44]

[All prices are on dollars per hundredweight basis; the price for any fraction of a hundredweight shall be reduced accordingly]

| | Grade | | | | | |
|---|---|---|---|---|---|---|
| | Choice or AA | Good or A | Commercial or B | Utility or C | Cutter, canner or D | Bologna bulls (equivalent cutter and canner grade) |
| STEER OR HEIFER | | | | | | |
| (i) Forequarter | $18.75 | $18.00 | $16.75 | $15.25 | $12.75 | $13.75 |
| (ii) Triangle | 17.75 | 17.00 | 15.75 | 14.50 | | |
| (iii) Cross cut chuck | 18.50 | 17.75 | 16.25 | 14.75 | | |
| (iv) Regular chuck | 20.25 | 19.00 | 17.75 | 15.75 | | |
| (v) Brisket | 17.00 | 17.00 | 15.00 | 15.00 | | |
| (vi) Foreshank | 12.25 | 12.25 | 12.25 | 12.25 | | |
| (vii) Short plate | 14.25 | 14.25 | 13.50 | 13.50 | | |
| (viii) Arm chuck | 19.00 | 18.00 | 17.00 | 15.25 | | |
| (ix) Rib | 24.25 | 23.00 | 21.25 | 18.75 | | |

[Table amended by Am. 4, 8 F.R. 4097, effective 4-3-43; Am. 6, 8 F.R. 4844, effective 4-14-43; Am. 13, 8 F.R. 6945, effective 6-1-43; Am. 15, 8 F.R. 7675; Am. 35, 8 F.R. 16600, effective 12-13-43; and Am. 47, 9 F.R. 13158, effective 11-8-44; Am. 54, 10 F.R. 6182, effective 6-1-45. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2).]

The applicable Zone 4 price of each kosher cow wholesale cut of cutter and canner grade, utility grade, commercial grade or good grade shall be the same as the Zone 4 price of the corresponding kosher wholesale cut of steer and heifer of the same grade.

[Above paragraph amended by Am. 45, 9 F.R. 9617, effective 8-12-44]

The applicable Zone 4 price of each kosher stag wholesale cut of cutter and canner grade, utility grade, commercial grade or good grade shall be the same as the Zone 4 price of the corresponding kosher wholesale cut of steer or heifer of the same grade.

The applicable Zone 4 price of each kosher bull wholesale cut of utility grade or commercial grade shall be the same as the Zone 4 price of the corresponding kosher wholesale cut of steer or heifer of the same grade. The applicable Zone 4

price of each kosher bologna bull forequarter, which is equivalent to cutter and canner grade, is specified above.

The applicable zone price of each kosher beef wholesale cut which has not been graded or stamped by sex marks (required by paragraph (c) of § 1364.411) when offered for sale, sold or delivered shall be the price of the lowest priced corresponding kosher wholesale cut.

[Above paragraph amended by Am. 25, 8 F.R. 11298, effective 7-16-43]

(e) *Zone 5.* (1) Zone 5 includes the following area:

All that portion of Michigan west of and including the counties of Marquette and Menominee.

All that portion of Wisconsin east of and including the counties of Vilas, Oneida, Lincoln, Marathon, Wood, Juneau, Sauk, Richland and Grant.

The following counties of Iowa: Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines, and Lee.

All that portion of Illinois north and west of and including the counties of Vermilion, Champaign, Douglas, Coles, Shelby, Effingham, Fayette, Bond, Madison, St. Clair, and Monroe.

The following counties of Missouri: Clark, Lewis, Marion, Ralls, Pike, Lincoln, St. Charles, St. Louis, and Jefferson.

The following counties in Indiana: Lake, Newton, Benton, and Warren.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 5.* Subject to the provisions of paragraph (k) of this section, the Zone 5 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus 50 cents per cwt.

(f) *Zone 6.* (1) Zone 6 includes the following area:

The following counties of Michigan: Alger, Delta, Schoolcraft, Luce, Mackinac, Chippewa, and Berrien.

Indiana except the counties of Lake, Newton, Benton, and Warren.

All that portion of Illinois east and south of and including the counties of Edgar, Clark, Cumberland, Jasper, Clay, Marion, Clinton, Washington, and Randolph.

The following counties of Missouri: Saint Genevieve, Perry, Bollinger, Cape Girardeau, Stoddard, Scott, New Madrid, Mississippi, Dunklin, and Pemiscot.

All that portion of Kentucky west and north of and including the counties of Carroll, Henry, Shelby, Anderson, Washington, Marion, Larue, Hardin, Grayson, Ohio, Muhlenberg, and Todd.

The following counties of Tennessee: Lake, Obion, Weakley, Henry, Stewart, Montgomery, Dyer, Gibson, Crockett, Carroll, Benton, and Houston.

The state of Arkansas.

All that portion of Louisiana west of the Mississippi River from the northeast point of East Carroll Parish to the northeast point the Point Coupee Parish and west of and including the parishes of Avoyelles, Saint Landry, Saint Martin, and Iberia.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 6.* Subject to the provisions of paragraph (k) of this section, the Zone 6 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus 75 cents per cwt.

(g) *Zone 7.* (1) Zone 7 includes the following area:

The Lower Peninsula of Michigan except Berrien County, but including the islands of Michigan lying in Lake Michigan and Lake Huron.

The State of Ohio.

The county of Chautauqua in New York.

All that portion of Pennsylvania west of and including the counties of Warren, Forest, Clarion, Armstrong, Westmoreland, and Fayette.

All that portion of West Virginia west of and including the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Doddridge, Gilmer, Calhoun, Roane, Kanawha, Boone, Logan, and Mingo.

All that portion of Kentucky east of and including the counties of Boone, Gallatin, Owen, Franklin, Woodford, Mercer, Boyle, Casey, Taylor, Green, Hart, Edmonson, Butler, and Logan.

All that portion of Tennessee west of and including the counties of Campbell, Scott, Fentress, Overton, Putnam, White, Warren, Grundy, and Marion; but excluding the counties of Lake, Obion, Weakley, Henry, Stewart, Montgomery, Dyer, Gibson, Crockett, Carroll, Benton, and Houston.

All that portion of Alabama north and west of and including the counties of Jackson, Madison, Morgan, Cullman, Walker, Fayette, and Lamar.

All that portion of Mississippi north of and including the counties of Lowndes, Oktibbeha, Choctaw, Attala, Madison, Yazoo, and Issaquena.

[Subparagraph (1) amended by Am. 42, 9 F.R. 5955, effective 5-30-44]

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 7.* Subject to the provisions of paragraph (k) of this section, the Zone 7 price for each grade of each class of beef carcass and wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.00 per cwt.

(h) *Zone 8.* (1) Zone 8 includes the following area:

All that portion of New York west of and including the counties of Oswego, Oneida, Madison, Chenango, Broome, but excluding the county of Chautauqua.

The following counties of Pennsylvania: McKean, Potter, Elk, Cameron, Clinton, Jefferson, Clearfield, Centre, Indiana, Cambria, Blair, Huntingdon, Somerset, Bedford, and Fulton.

All that portion of West Virginia east of and including the counties of Monongalia, Marton, Harrison, Lewis, Braxton, Clay, Nicholas, Fayette, Raleigh, Wyoming, and McDowell; but excluding the counties of Berkeley and Jefferson.

The following counties of Maryland: Garrett and Allegany.

All that portion of Virginia west of and including the counties of Highland, Bath, Alleghany, Craig, Montgomery, Floyd, and Carroll.

All that portion of Tennessee east of and including the counties of Claiborne, Union, Anderson, Morgan, Cumberland, Bledsoe, Van Buren, Sequatchie, and Hamilton.

All that portion of North Carolina west and southwest of and including the counties of Alleghany, Wilkes, Alexander, Caldwell, Burke, and Cleveland.

All that portion of South Carolina west and northwest of and including the counties of Cherokee, Union, Newberry, Saluda, and Edgefield.

All that portion of Georgia west and northwest of and including the counties of Columbia, McDuffie, Warren, Glascock, Washington, Johnson, Laurens, Dodge, Wilcox, Ben Hill, Irwin, Tift, Colquitt, and Thomas.

All that portion of Alabama south of and including the counties of De Kalb, Marshall, Blount, Jefferson, Tuscaloosa, and Pickens.

All that portion of Mississippi south of and including the counties of Noxubee, Winston, Leake, Scott, Rankin, Hinds, and Warren.

All that portion of Louisiana east of and including the parishes of West Feliciana, Point Coupee, Iberville, Assumption, and Saint Mary.

All that portion of Florida west of and including the counties of Leon and Wakulla.

[Subparagraph (1) amended by Am. 42, 9 F.R. 5955, effective 5-30-44]

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 8.* Subject to the provisions of paragraph (k) of this section, the Zone 8 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.25 per cwt.

(i) *Zone 9.* (1) Zone 9 includes the following area:

Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

All that portion of New York east of and including the counties of St. Lawrence, Jefferson, Lewis and Herkimer, and east and southeast of and including the counties of Otsego, Delaware, Sullivan, Orange, Rockland, Westchester, New York, Bronx, Kings, and Richmond.

All that portion of Pennsylvania east of and including the counties of Tioga, Lycoming, Union, Mifflin, Juniata, Perry, and Franklin.

New Jersey and Delaware.

All that portion of Maryland east and southeast of and including the counties of Washington, Frederick, Montgomery, Prince Georges, Charles, and Saint Marys.

The District of Columbia.

The following counties in West Virginia: Berkeley and Jefferson.

All that portion of Virginia east of and including the counties of Frederick, Shenandoah, Rockingham, Augusta, Rockbridge, Botetourt, Roanoke, Franklin, and Patrick.

All that portion of North Carolina east and southeast of and including the counties of Surry, Yadkin, Iredell, Catawba, Lincoln, and Gaston.

All that portion of South Carolina east of and including the counties of York, Chester, Fairfield, Richland, Lexington, Aiken, Barnwell, Allendale, Hampton, Jasper, and Beaufort.

All that portion of Georgia east of and including the counties of Richmond, Jefferson, Emanuel, Treutlen, Wheeler, Tolfair, Coffee, Berrien, Cook, and Brooks.

The following counties of Florida: Jefferson, Madison, Taylor, Hamilton, Suwannee, Lafayette; Dixie, Columbia, Gilchrist, Levy, Baker, Nassau, Duval, Union, Bradford, Clay, St. Johns, Alachua, Putnam, Flagler, Marion, Volusia, Lake, Sumter, Citrus, Hernando, and Pasco.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 9.* Subject to the provisions of paragraph (k) of this section, the Zone 9 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.50 per cwt.

(j) *Zone 10.* (1) Zone 10 includes the following area:

All that portion of Florida south of and including the counties of Brevard, Seminole, Orange, Osceola, Polk, Hillsborough, and Pinellas.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 10.* Subject to the provisions of paragraph (k) of this section, the Zone 10 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.75 per cwt.

(k) *Applicable zone price of miscuts.* For any beef wholesale cut which has been miscut or for any piece or portion of beef which has been cut in a manner not authorized by this Revised Maximum Price Regulation No. 169, the zone price used for the determination of the maximum price shall be the applicable zone price of the lowest priced wholesale cut.

(l) *Boneless beef for Army canned meat.* (1) On and after December 10, 1942, regardless of any contract, agreement or other obligation, no person shall sell or deliver any "boneless beef for Army canned meat", and no person shall buy or receive any "boneless beef for Army canned meat" at a price higher than the maximum price permitted in paragraph (1) (2) of this section; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

(2) The maximum delivered [11] price for "boneless beef for Army canned meat" in each of the following price zones shall be:

[Zone prices per hundredweight in carload or less than carload quantities; frozen and packaged. The price for any fraction of a hundredweight shall be reduced accordingly. Additions and deductions of Schedules III and II, respectively, are not applicable.] [12]

| Price zone | Grade | | |
|---|---|---|---|
| | Cutter and canner or D (other than bull) | Utility or C | Cutter and canner or D (bull) |
| 1 | $19.85 | $23.35 | $20.25 |
| 2 | 19.10 | 22.60 | 19.50 |
| 3 | 18.10 | 21.60 | 18.50 |
| 4 | 18.10 | 21.60 | 18.50 |
| 5 | 18.60 | 22.10 | 19.00 |
| 6 | 18.85 | 22.35 | 19.25 |
| 7 | 19.10 | 22.60 | 19.50 |
| 8 | 91.35 | 22.85 | 19.75 |
| 9 | 19.60 | 23.10 | 20.00 |
| 10 | 19.85 | 23.35 | 20.25 |

[1] If packed in (1) a V-1 full telescope, weather-proof fibre board box, with a minimum of .100 caliper inches and a minimum dry bursting strength of 750 lb. per square inch, (2) a V-3 full telescope solid fibre or (3) a V-3 full telescope corrugated box, each meeting C. Q. D. or Schedule FSCC-10 specifications, 25 cents additional boxing charge may be made.

[2] Any person, other than a slaughterer, may add 50 cents per hundredweight to the table of prices listed above. The term "slaughterer" means a person who owns or controls in whole or in substantial part a slaughtering plant or facilities or who is owned or controlled in whole or in substantial part by a person who owns or controls in whole or in substantial part a slaughtering plant or facilities.

[11] If "boneless beef for Army canned meat" is sold on an f. o. b. boning plant basis, the seller shall reduce the price specified above for the zone in which the boning plant is located by 25 cents per hundredweight and the result shall be the seller's f. o. b. boning plant price.

[Footnote 1 amended by Am. 64, 10 F.R. 14703, effective 11-30-45. Footnote 2 added by Am. 60, 10 F.R. 13113, effective 10-24-45]

[Table amended by Am. 56, 10 F.R. 8130, effective 6-30-45; and Am. 64]

(3) "Boneless beef for Army canned meat" as used in paragraph (1) (2), (4) and (5) hereof, means beef derived from the grades and classes and satisfying the specifications and requirements of the Quartermaster Depot of the United States Army. No boneless beef shall be packed as "boneless beef for Army canned meat" except in the presence of an official inspector designated by the United States Army Veterinary Corps or other United States Government Agency. The seller shall place a sticker or stencil on the container certifying the appropriate grade of the "boneless beef for Army canned meat", and if such meat is derived from cutter and canner or D grade bull carcasses, the stencil or sticker shall show the words "bull meat" in addition to the grade designations. By placing an official United States inspection stamp on the container, the official inspector shall attest the accuracy of the seller's certification.

[Subparagraph (3) amended by Am. 54, 10 F.R. 6182, effective 6-1-45; Am. 56, 10 F.R. 8130, effective 6-30-45; and Am. 65, effective 1-2-46]

(4) The maximum delivered price for boneless beef which does not qualify as "boneless beef for Army canned meat" and which has been rejected by a war procurement agency or by any of its authorized agents or representatives shall be $1.00 per hundredweight lower than the applicable zone price established for "boneless beef for Army canned meat" of utility or cutter and canner grade in paragraph (1) (2) of this section, depending on the grade of boneless beef involved.

(5) In the event "boneless beef for Army canned meat" is ordered and delivered fresh, chilled or refrigerated, but unfrozen, the seller shall deduct 35 cents per hundredweight from the applicable zone price specified in paragraph (1) (2) of this section.

[Paragraph (l) amended by Am. 13, 8 F.R. 6945, effective 6-1-43; Am. 15, 8 F.R. 7675 (for effective dates of Am. 15, see note following table in § 1364.452 (d) (2)); Am. 35, 8 F.R. 16600, effective 12-13-43; Am. 45, 9 F.R. 9617, effective 8-12-44; Am. 46, 9 F.R. 10874, effective 9-7-44; Am. 47, 9 F.R. 13158, effective 11-8-44; and Am. 49, 10 F.R. 47, effective 12-29-44]

(m) *Frozen boneless beef (Army specifications).* (1) On and after December 10, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver frozen boneless beef (army specifications) to any purchasing agency of a war procurement agency at a price higher than the maximum price permitted therefor in paragraph (m) (2) of this section.

(2) The maximum f. o. b. boning plant price for frozen boneless beef (army specifications) in each of the following price zones shall be:

[Zone prices per hundredweight in carload or less than carload quantities; frozen and packaged. The price for any fraction of a hundredweight shall be reduced accordingly. Additions and deductions of Schedules III and II, respectively, are not applicable.]

| Price zone | Choice or AA | Good or A | Commercial or B | Utility or C |
|---|---|---|---|---|
| 1 | $31.05 | $29.70 | $26.05 | $21.10 |
| 2 | 30.05 | 28.70 | 25.05 | 23.10 |
| 3 | 28.65 | 27.30 | 24.50 | 21.70 |
| 4 | 28.65 | 27.30 | 24.50 | 21.70 |
| 5 | 29.35 | 28.00 | 25.20 | 22.35 |
| 6 | 29.70 | 28.35 | 25.55 | 22.70 |
| 7 | 30.05 | 28.70 | 25.90 | 23.05 |
| 8 | 30.40 | 29.05 | 26.25 | 23.40 |
| 9 | 30.75 | 29.35 | 26.60 | 23.80 |
| 10 | 31.05 | 29.70 | 26.05 | 24.10 |

[Table amended by Am. 6, 8 F.R. 4844, effective 4-14-43; Am. 15, 8 F.R. 7675; Am. 21, 8 F.R. 9995, effective 7-16-43; Am. 28, 8 F.R. 13249, effective 10-2-43; Am. 30, 8 F.R. 13181, effective 9-25-43; Am. 47, 9 F.R. 13158, effective 11-8-44; Am. 53, 10 F.R. 4493, effective 4-23-45; and Am. 64, 10 F.R. 14703, effective 11-30-45]

On contracts made between April 23, 1943 and June 13, 1943, inclusive, for deliveries up to and including July 5, 1943, the seller may add $1.00 per cwt. to the applicable boning plant price.

[Above sentence added by Am. 8, 8 F.R. 5478, effective 4-23-43; amended by Am. 9, 8 F.R. 5634, effective 4-28-43; Am. 10, 8 F.R. 6058, effective 5-8-43; Am. 14, 8 F.R. 7199, effective 5-24-43; and Am. 16, 8 F.R. 8011, effective 6-8-43]

(3) "Frozen boneless beef (army specifications)" as used in this paragraph (m) means beef, frozen and boneless, derived from steers and heifers of the grades choice, good, commercial or utility and satisfying the specifications and requirements contained in "C. Q. D. No. 11 K—Specifications for Beef, Boneless, Frozen" issued March 24, 1944 by the Chicago Quartermaster Depot of the United States Army. Any frozen boneless beef which has been rejected by the purchasing agency of a war procurement agency shall not be sold as frozen boneless beef (army specifications).

[Subparagraph (3) amended by Am. 6, 8 F.R. 4844, effective 4-14-43; Am. 28, 8 F.R. 13249, effective 10-2-43; Am. 30, 8 F.R. 13181, effective 9-25-43; and Am. 45, 9 F.R. 9617, effective 8-12-44]

(4) *Frozen boneless beef (hindquarters) (Army specifications).* On and after October 21, 1943, regardless of any contract, agreement, or other obligation, no person shall sell or deliver frozen boneless beef (hindquarters) (army specifications) to any purchasing agency of a war procurement agency at a price higher than the maximum prices permitted therefor in paragraph (m) (5) of this section.

[Subparagraph (4) added by Am. 32]

(5) The maximum f. o. b. boning plant price for frozen boneless beef (hindquarters) (army specifications) in each of the following price zones shall be:

[Zone prices per hundredweight in carload or less than carload quantities; frozen and

packaged. The price for any fraction of a hundredweight shall be reduced accordingly. Additions and deductions of Schedules III and II, respectively, are not applicable.]

| Price zone | Grades | | |
|---|---|---|---|
| | Choice or AA | Good or A | Commercial or B |
| 1 | 35.70 | 32.90 | 28.95 |
| 2 | 34.65 | 31.85 | 27.90 |
| 3 | 33.20 | 30.40 | 26.45 |
| 4 | 33.20 | 30.40 | 26.45 |
| 5 | 33.95 | 31.15 | 27.20 |
| 6 | 34.30 | 31.50 | 27.55 |
| 7 | 34.65 | 31.85 | 27.90 |
| 8 | 35.00 | 32.20 | 28.25 |
| 9 | 35.35 | 32.55 | 28.60 |
| 10 | 35.70 | 32.90 | 28.95 |

[Table headnote amended by Am. 47, 9 F.R. 13158, effective 11-8-44]

[Subparagraph (5) added by Am. 32, 8 F.R. 14400, effective 10-21-43; and amended by Am. 53, 10 F.R. 4493, effective 4-23-45]

(6) "Frozen boneless beef (hindquarters) (army specifications)" as used in this paragraph (m) means hindquarters of beef, frozen and boneless, derived from steers and heifers of the grades choice, good or commercial and satisfying the specifications and requirements contained in "C. Q. D. No. 11 K—Specifications for Beef: Boneless, Frozen", issued March 24, 1944, by the Chicago Quartermaster Depot of the United States Army. Any frozen boneless beef (hindquarters) which has been rejected by the purchasing agency of a war procurement agency shall not be sold as frozen boneless beef (army specifications).

[Subparagraph (6) added by Am. 32, 8 F.R. 14400, effective 10-21-43; amended by Am. 45, 9 F.R. 9617, effective 8-12-44]

(n) *Boneless processing beef.* (1) On and after August 12, 1944, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any boneless processing beef, and no person shall buy or receive any boneless processing beef at a price higher than the maximum price permitted therefor in paragraph (n) (2) of this section.

[Subparagraph (1) amended by Am. 38, 9 F.R. 2135, effective 2-22-44; and Am. 45, 9 F.R. 9617, effective 8-12-44]

(2) The maximum delivered price for each of the following items of boneless processing beef shall be: (If boneless processing beef is sold on an f.o.b. boning plant basis, the seller shall reduce the prices specified below for the zone in which the boning plant is located by 25 cents per cwt., and the result shall be the selling f.o.b. boning plant price).

[Zone prices per hundredweight in carload or less than carload quantities. The price for any fraction of a hundredweight shall be reduced accordingly. Additions and deductions of Schedules III and II, respectively, are not applicable.][3]

| Price zone | I | II | III | IV | V | VI | VII | VIII | IX |
|---|---|---|---|---|---|---|---|---|---|
| | Fresh or frozen boneless bull carcass | Fresh or frozen boneless carcass other than bull | Fresh or frozen boneless carcass other than bull (round removed) | Fresh or frozen kosher boneless forequarter[1] | Fresh or frozen beef trimmings (may contain 25 percent trimmable fat) | Fresh or frozen boneless chucks (may contain 10 percent trimmable fat) | Fresh or frozen boneless shank meat | Fresh or frozen rough flank meat (flank steak removed) | Fresh or frozen sterilized beef trimmings (may contain 25 percent trimmable fat) |
| 1 | 19.25 | 18.25 | 18.00 | 20.25 | 16.75 | 18.50 | 18.25 | 12.75 | 14.75 |
| 2 | 18.50 | 17.50 | 17.25 | 19.50 | 16.00 | 17.75 | 17.50 | 12.00 | 14.00 |
| 3 | 17.50 | 16.50 | 16.25 | 18.50 | 15.00 | 16.75 | 16.50 | 11.00 | 13.00 |
| 4 | 17.50 | 16.50 | 16.25 | 18.50 | 15.00 | 16.75 | 16.50 | 11.00 | 13.00 |
| 5 | 18.00 | 17.00 | 16.75 | 19.00 | 15.50 | 17.25 | 17.00 | 11.50 | 13.50 |
| 6 | 18.25 | 17.25 | 17.00 | 19.25 | 15.75 | 17.50 | 17.25 | 11.75 | 13.75 |
| 7 | 18.50 | 17.50 | 17.25 | 19.50 | 16.00 | 17.75 | 17.50 | 12.00 | 14.00 |
| 8 | 18.75 | 17.75 | 17.50 | 19.75 | 16.25 | 18.00 | 17.75 | 12.25 | 14.25 |
| 9 | 19.00 | 18.00 | 17.75 | [2]20.00 | 16.50 | 18.25 | 18.00 | 12.50 | 14.50 |
| 10 | 19.25 | 18.25 | 18.00 | 20.25 | 16.75 | 18.50 | 18.25 | 12.75 | 14.75 |

[1] The price established for kosher boneless forequarters shall apply only on sales to bona fide processors of kosher products. On sales to a person other than a bona fide processor of kosher products, the maximum selling price for kosher boneless bull forequarters shall be the applicable zone price designated in column I, and on sales of kosher boneless forequarters other than bull, the maximum selling price shall be the applicable zone price designated in column II, and furthermore, the seller shall remove all stamps and designations which identify the boneless meat as kosher.

[2] A maximum selling price of $21.50 per cwt. shall be applicable to sales of kosher boneless forequarters derived from cattle slaughtered in that portion of zone 9 north of the Potomac River, provided that the meat is properly identified with the abattoir stamp of the plant where the cattle were slaughtered and provided further that the meat is sold to a bona fide processor of kosher products whose plant is located in that portion of zone 9 north of the Potomac River.

[3] Any person, other than a slaughterer, may add 50 cents per hundredweight to the table of prices listed above. The term "slaughterer" means a person who owns or controls in whole or in substantial part a slaughtering plant or facilities, or who is owned or controlled in whole or in substantial part by a person who owns or controls in whole or in substantial part a slaughtering plant or facilities.

[Footnote 3 added by Am. 60, 10 F.R. 13113, effective 10-24-45]

[Subparagraph (2) amended by Am. 1, 7 F.R. 10719, effective 12-19-42; Am. 4, 8 F.R. 4097, effective 4-3-43; Am. 13, 8 F.R. 6945, effective 6-1-43; Am. 15, 8 F.R. 7675; Am. 45, 9 F.R. 9617, effective 8-12-44; Am. 47, 9 F.R. 13158, effective 11-8-44; and Am. 54, 10 F.R. 6182, effective 6-1-45. For effective dates of Am. 15, see note following table in § 1364.452 (d) (2)]

(3) "Boneless processing beef" as used in paragraph (n) of this § 1364.452 means beef from which the bones have been removed, which has been properly trimmed and which has been derived from the following carcasses or wholesale cuts:

(i) Cutter and canner grade beef carcasses

(ii) Cutter and canner grade beef carcasses from which the rounds have been removed

(iii) Kosher cutter and canner grade beef forequarters

(iv) Cutter and canner grade beef chucks

(v) Beef flanks of any grade from which the flank steaks have been removed

(vi) Beef shanks of any grade.

In addition to the foregoing the term "boneless processing beef" shall also include beef trimmings of all grades as well as sterilized beef trimmings of all grades.

[Subparagraph (3) amended by Am. 15 (for effective dates see note following table in § 1364.452 (d) (2)); and Am. 54, 10 F.R. 6182, effective 6-1-45]

(o) *Applicable zone prices for fabricated beef cuts and/or ground beef and miscellaneous beef items sold to purveyors of meals; Applicable zone prices for fabricated beef cuts (War Shipping Administration Specifications).* (1) (i) Subject to the pricing instructions contained in paragraph (a) of § 1364.451, the maximum price for each grade of each fabricated beef cut shall be the applicable zone price determined in accordance with the provisions of paragraph (a) of § 1364.451, substituting for the purposes of this paragraph (o) the term "fabricated beef cut" wherever the words "wholesale cut" or "wholesale cuts" are used in said paragraph (a) of § 1364.451, plus the permitted additions, if any, specified in Schedule III (§ 1364.454) excluding therefrom the additions permitted under paragraphs (d), (e), (f), and (g) thereof, minus the required deductions, if any specified in Schedule II (§ 1364.453), applicable to beef carcasses and wholesale cuts, substituting for purposes of this paragraph (o) the term "fabricated beef cut" wherever the words "wholesale cut" or "wholesale cuts" are used in Schedule II and Schedule III, other than in subparagraph (a) (6) of § 1364.454 (Schedule III). No person shall sell or deliver and no person in the course of trade or business shall buy or receive any fabricated beef cut unless such cut is a fabricated beef cut as defined in § 1364.455 (b) (3) for which applicable zone prices have been established. No person shall sell or deliver any fabricated beef cut and no person in the course of trade or business shall buy or receive any fabricated beef cut at a price higher than the maximum price permitted therefor by this regulation.

[Last sentence added by Am. 65, effective 1-2-46]

(ii) Subject to the pricing instructions contained in paragraph (a) of § 1364.451, the maximum price for ground beef and for each miscellaneous beef item shall be the applicable zone prices determined in accordance with the provisions of paragraph (a) of § 1364.451 substituting for the purposes of this paragraph (o), the term "ground beef and miscellaneous beef item" wherever the words "wholesale cut" or "wholesale cuts" are used in said paragraph (a) of § 1364.451, plus the permitted additions, if any, specified in Schedule III (§ 1364.454), excluding therefrom the additions permitted under paragraph (f) thereof, minus the required deductions, if any, specified in

Schedule II (§ 1364.453), applicable to beef carcasses and wholesale cuts, substituting for purposes of this paragraph (o) the term "ground beef and miscellaneous beef item" wherever the words "wholesale cut" or "wholesale cuts" are used in Schedule II and Schedule III, other than paragraph (c) with respect to corned and/or cooked briskets and plates and subparagraph (a) (6) both of § 1364.454. No person shall sell or deliver and no person in the course of trade or business shall buy or receive any ground beef or miscellaneous beef item other than the ones defined in § 1364.452 (p) (4) and (p) (7), respectively, for which applicable zone prices have been established. No person shall sell or deliver any ground beef or miscellaneous beef item and no person, in the course of trade or business shall buy or receive any ground beef or miscellaneous beef item at a price higher than the maximum price permitted therefor by this regulation.

[Last sentence added by Am. 65, effective 1-2-46]

(iii) The maximum price for each grade of each fabricated beef cut (War Shipping Administration specifications) shall be the applicable zone price specified in subparagraph (o) (3) and (o) (6) of this section for the zone in which is located the point of delivery as required in Column III of subparagraph (o) (6), or in the case of an f. o. b. shipment of such meats made pursuant to § 1364.405 (g), which shipment originates in Zone 2, 3 or 4 and is consigned at the carload rate to a licensed ship supplier located in Zone 1 who pays the shipping charges directly to the carrier, the maximum price shall be the applicable zone price for the zone in which is located the point of origin of such shipment. No person shall sell or deliver any fabricated beef cut (War Shipping Administration Specifications) which does not meet War Shipping Administration specifications, to the War Shipping Administration, to a licensed ship supplier for resale as ship stores, or to any ship operator for ship stores. No person shall sell or deliver any fabricated beef cut (War Shipping Administration specifications) and no person in the course of trade or business shall buy or receive any fabricated beef cut (War Shipping Administration specifications) at a price higher than the maximum price permitted therefor by this regulation.

[Last sentence added by Am. 65, effective 1-2-46]

[Subparagraph (1) amended by Am. 36, 9 F.R. 1121 (for effective date see note following § 1364.406 (a)); Am. 37, 9 F.R. 2023, effective 2-25-44; Am. 40, 9 F.R. 4648, effective 5-1-44; Am. 47, 9 F.R. 13158, effective 11-8-44; and Am. 50, 10 F.R. 861, effective 1-20-45]

(2) The zone areas for each grade of each fabricated beef cut and/or ground beef and miscellaneous beef item and/or fabricated beef cut (War Shipping Administration Specifications) are identical to the beef zone areas set forth in Schedule I (§ 1364.452 (a) to (j) inclusive).

[Subparagraph (2) amended by Am. 4, 8 F.R. 4097, effective 4-3-43; Am. 36, 9 F.R. 1121 (for effective date see note following § 1364.406 (a)); and Am. 40, 9 F.R. 4648, effective 5-1-44]

(3) The applicable zone prices in Zones 1 and 2 and 5 to 10 for fabricated beef cuts and for fabricated beef cuts (War Shipping Administration Specifications) shall be the prices specified in subparagraphs (4), (5) or (6) hereof respectively, (the applicable Zone 3 and 4 price) plus the following:

| Zone: | |
|---|---|
| 1 | $1.75 |
| 2 | 1.00 |
| 5 | $0.50 |
| 6 | .75 |
| 7 | 1.00 |
| 8 | 1.25 |
| 9 | 1.50 |
| 10 | 1.75 |

[Subparagraph (3) amended by Am. 20, 8 F.R. 10362, effective 7-28-43; Am. 36, 9 F.R. 1121 (for effective date see note following § 1364.406 (a)); Am. 37, 9 F.R. 2023, effective 2-25-44; Am. 40, 9 F.R. 4648, effective 5-1-44; and Am. 47, 9 F.R. 13158, effective 11-8-44]

(4) The fabricated beef cut prices applicable in Zone 3 and 4 for sales by a hotel supply house to purveyors of meals, subject to the provisions in paragraph (k) of § 1364.452, substituting for the purpose of this paragraph (o) the term "fabricated beef cut" for the term "wholesale cut" contained therein, are as follows:

[All prices are on a dollars per hundredweight basis. The price for any fraction of a hundredweight shall be reduced accordingly. The prices set forth herein include cost of packaging, boxing and freezing. The addition set forth in § 1364.454 (f) may not be charged]

| | Grade | | | |
|---|---|---|---|---|
| | Choice or AA | Good or A | Commercial or B | Utility or C |
| FABRICATED BEEF CUTS | | | | |
| (i) Round, rump and shank off | $30.00 | $23.75 | $24.75 | $20.50 |
| (ii) Boneless rump (butt) | 25.00 | 22.75 | 21.00 | 18.75 |
| (iii) Hind shank | 11.50 | 11.50 | 11.50 | 11.50 |
| (iv) Boneless round | 33.00 | 31.00 | 27.25 | 22.50 |
| (v) Inside (top) round | 36.75 | 34.25 | 29.75 | 24.25 |
| (vi) Outside (bottom) round | 36.75 | 34.25 | 29.75 | 24.25 |
| (vii) Knuckle (face) | 27.50 | 27.50 | 24.25 | 21.25 |
| (viii) Gooseneck boneless round | 32.50 | 29.75 | 26.50 | 24.75 |
| (ix) Strip loin (bone in) | 44.75 | 40.50 | 33.25 | 29.75 |
| (x) Boneless strip | 52.25 | 47.25 | 38.75 | 31.00 |
| (xi) Trimmed full beef tenderloin | 58.25 | 58.25 | 49.25 | 49.25 |
| (xii) Trimmed sirloin tenderloin (butt tenderloin) | 58.25 | 58.25 | 49.25 | 49.25 |
| (xiii) Trimmed tip tenderloin (short tenderloin) | 58.25 | 58.25 | 49.25 | 49.25 |
| (xiv) Boneless sirloin (butt) | 37.75 | 35.00 | 27.50 | 21.25 |
| (xv) Top sirloin (butt) | 46.75 | 44.75 | 36.25 | 20.25 |
| (xvi) Bottom sirloin (butt) | 31.25 | 28.00 | 21.25 | 17.75 |
| (xvii) Boneless chuck [1] | 26.75 | 25.00 | 23.25 | 20.50 |
| (xviii) Boneless chuck (shoulder clod out) | 26.00 | 24.25 | 22.75 | 19.75 |
| (xix) Shoulder clod | 29.00 | 27.75 | 25.75 | 23.00 |
| *(xx) Boneless briskets (deckle off) | 27.25 | 27.25 | 25.25 | 23.25 |
| (xxi) Oven prepared rib | 31.50 | 29.50 | 27.25 | 23.50 |
| (xxii) Rib short ribs, plate short ribs | 21.00 | 21.00 | 19.25 | 19.25 |
| (xxiii) Rib boned, rolled and tied | 39.25 | 37.00 | 34.00 | 29.50 |
| (xxiv) Spencer roll | (2) | (2) | 41.50 | 35.75 |
| (xxv) Regular roll (rib eye) | (2) | (2) | 64.50 | 54.25 |
| (xxvi) Boneless short plate | 20.00 | 20.00 | 19.00 | 19.00 |
| (xxvii) Cube steak | 22.50 | 22.50 | 22.50 | 22.50 |
| (xxviii) Flank steak, scored | 25.00 | 25.00 | 25.00 | 25.00 |
| (xxix) Club steaks, bone in | 45.25 | 41.75 | 34.50 | 29.75 |
| (xxx) Boneless strip steaks | 53.75 | 48.75 | 40.00 | 32.00 |
| (xxxi) Porterhouse steaks (bone in) | 45.25 | 41.75 | 34.50 | 29.75 |
| (xxxii) T-Bone steaks (bone in) | 45.25 | 41.75 | 34.50 | 29.75 |
| (xxxiii) Boneless sirloin steaks | 39.00 | 36.00 | 28.25 | 22.00 |
| (xxxiv) Top sirloin steaks | 48.25 | 46.00 | 37.25 | 27.00 |
| (xxxv) Boneless rump (butt) (corned) [3] | 24.00 | 24.00 | 20.50 | 20.50 |
| (xxxvi) Inside (top) round (corned) and outside (bottom) round (corned) [4] | 34.75 | 34.75 | 27.00 | 27.00 |

[1] On sales to federal, state or municipal institutions only, $0.25 per hundredweight may be added for grinding commercial or utility grades of boneless chuck: *Provided*, That a written request is received by the seller from the buyer for each such order specifically showing (1) that the buyer requests the seller to perform the grinding operation, (2) the weight of ground beef so requested, and (3) the grade of boneless chuck requested to be ground. In addition an F. D. A. meat inspector must be present at the time of grinding and must issue a certificate in duplicate form stating the weight and grade of boneless chuck ground. Both seller and buyer must retain such certificate and request for inspection by the OPA.

[2] This grade not permitted to be sold and/or delivered.

[3] The cured weight of boneless rump (butt) (corned) shall not exceed the green weight by more than 10 percent.

[4] The cured weight of inside (top) round (corned) and outside (bottom) round (corned) shall not exceed the green weight by more than 10 percent.

[Subparagraph (4) amended by Am. 15, 8 F.R. 7675 (for effective dates of Am. 15, see note following table in § 1364.452 (d) (2)); Am. 31, 8 F.R. 14009, effective 10-16-43; Am. 36, 9 F.R. 1121 (for effective date of Am. 36, see note following § 1364.406 (a)); Am. 47, 9 F.R. 13158; effective 11-8-44; and Am. 48, 9 F.R. 13933, effective 11-20-44; *Item amended by Am. 65, effective 1-2-46]

(5) The fabricated beef cut prices applicable in Zones 3 and 4 for sales by packing or slaughtering plants, packing branch houses, wholesaler's or other selling establishments to purveyors of meals subject to the provisions in paragraph (k) of § 1364.452, substituting for the purposes of this paragraph (o) the term "fabricated beef cut" for the term "wholesale cut" contained therein, are as follows:

[All prices are on a dollars per hundredweight basis. The price for any fraction of a hundredweight will be reduced accordingly. The prices set forth herein include costs of packaging, boxing and freezing. The additions set forth in § 1364.451 (f) may not be charged]

| | Grade | | | |
|---|---|---|---|---|
| | Choice or AA | Good or A | Commercial or B | Utility or C |
| FABRICATED BEEF CUTS | | | | |
| (i) Round, rump and shank off | $28.25 | $26.50 | $23.25 | $19.25 |
| (ii) Boneless rump (butt) | 22.75 | 20.50 | 19.25 | 17.00 |
| (iii) Hind shank | 11.50 | 11.50 | 11.50 | 11.50 |
| (iv) Boneless round | 30.50 | 28.50 | 25.00 | 20.75 |
| (v) Inside (top) round | 33.50 | 31.25 | 27.00 | 21.75 |
| (vi) Outside (bottom) round | 33.50 | 31.25 | 27.00 | 21.75 |
| (vii) Knuckle (face) | 26.00 | 26.00 | 23.00 | 20.50 |
| (viii) Goosenock boneless round | 30.25 | 27.75 | 24.50 | 23.00 |
| (ix) Strip loin (bone in) | 41.25 | 37.00 | 31.00 | 24.75 |
| (x) Boneless strip | 48.25 | 43.25 | 36.00 | 28.75 |
| (xi) Trimmed full beef tenderloin | 54.00 | 54.00 | 45.00 | 45.00 |
| (xii) Trimmed sirloin tenderloin (butt tender) | 54.00 | 54.00 | 45.00 | 45.00 |
| (xiii) Trimmed tip tenderloin (short tender) | 54.00 | 54.00 | 45.00 | 45.00 |
| (xiv) Boneless sirloin (butt) | 35.25 | 33.00 | 25.75 | 20.00 |
| (xv) Top sirloin (butt) | 43.00 | 40.50 | 32.75 | 23.50 |
| (xvi) Bottom sirloin (butt) | 29.75 | 27.50 | 20.75 | 17.50 |
| (xvii) Boneless chuck [1] | 25.00 | 23.50 | 21.75 | 19.25 |
| (xviii) Boneless chuck (shoulder clod out) | 24.00 | 22.50 | 21.00 | 18.50 |
| (xix) Shoulder clod | 23.00 | 26.50 | 24.75 | 22.00 |
| *(xx) Boneless brisket (deckle off) | 25.50 | 25.50 | 23.50 | 23.50 |
| (xxi) Oven prepared rib | 29.50 | 27.50 | 25.50 | 22.00 |
| (xxii) Rib short ribs, plate short ribs | 19.00 | 19.00 | 17.25 | 17.25 |
| (xxiii) Rib, boned, rolled and tied | 36.50 | 34.50 | 31.50 | 27.25 |
| (xxiv) Spencer roll | (2) | (2) | 38.25 | 32.75 |
| (xxv) Regular roll (rib eye) | (2) | (2) | 53.75 | 49.25 |
| (xxvi) Boneless short plate | 18.75 | 18.75 | 17.50 | 17.50 |
| (xxvii) Cube steaks | 21.50 | 21.50 | 21.50 | 21.50 |
| (xxviii) Flank steak (scored) | 23.00 | 23.00 | 23.00 | 23.00 |
| (xxix) Club steaks (bone in) | 42.00 | 38.75 | 32.00 | 27.50 |
| (xxx) Boneless strip steaks | 49.75 | 44.50 | 37.00 | 29.50 |
| (xxxi) Porterhouse steaks (bone in) | 42.00 | 38.75 | 32.00 | 27.50 |
| (xxxii) T-bone steaks (bone in) | 42.00 | 38.75 | 32.00 | 27.50 |
| (xxxiii) Boneless sirloin steaks | 36.25 | 34.00 | 28.50 | 23.50 |
| (xxxiv) Top sirloin steaks | 44.25 | 41.75 | 33.75 | 24.25 |
| (xxxv) Boneless rump (butt) (corned) [3] | 22.00 | 22.00 | 18.75 | 18.75 |
| (xxxvi) Inside (top) round (corned) and outside (bottom) round (corned) [4] | 32.00 | 32.00 | 24.50 | 24.50 |

[1] On sales to Federal, state or municipal institutions only, $0.25 per hundredweight may be added for grinding commercial or utility grades of boneless chuck: *Provided*, That a written request is received by the seller from the buyer for each such order specifically showing (1) that the buyer requests the seller to perform the grinding operation, (2) the weight of ground beef so requested, and (3) the grade of boneless chuck requested to be ground. In addition an F. D. A. meat inspector must be present at the time of grinding and must issue a certificate in duplicate form stating the weight and grade of boneless chuck ground. Both seller and buyer must retain such certificate and request for inspection by the OPA.

[2] This grade not permitted to be sold and/or delivered.

[3] The cured weight of boneless rump (butt) (corned) should not exceed the green weight by more than 10 percent.

[4] The cured weight of inside (top) round (corned) and outside (bottom) round (corned) shall not exceed the green weight by more than 10 percent.

[Subparagraph (5) amended by Am. 15, 8 F.R. 7675 (for effective dates of Am. 15, see note following table in § 1364.452 (d) (2); Am. 31, 8 F.R. 14009, effective 10-16-43; Am. 36, 9 F.R. 1121 (for effective date of Am. 36, see note following § 1364.406 (a); and Am. 47, 9 F.R. 13158, effective 11-8-44; *Item amended by Am. 65, effective 1-2-46]

(6) Subject to the additions and deductions hereafter provided in Column IV, and subject further to the provisions of paragraph (g) of § 1364.405 the following table of prices shall be the applicable Zone 3 and 4 prices on sales of fabricated beef cuts (War Shipping Administration specifications) made:

| Column I<br>By— | Column II<br>To— | Column III<br>Which sales require delivery to— | Column IV<br>Additions and deductions |
|---|---|---|---|
| (i) Any person other (than a slaughterer, packer, or packer's branch house). | The War Shipping Administration or to such person as may be authorized by the War Shipping Administration to purchase and to "stockpile" fabricated beef cuts and veal carcasses (War Shipping Administration specifications) for the purpose of ultimate resale to licensed ship suppliers. | "Stockpile" | Add $0.25 per hundredweight to table price. |
| (ii) Any slaughterer, packer, or packer's branch house. | do | do | Deduct $0.25 per hundredweight from table price |
| (iii) Any person (other than a slaughterer, packer, or packer's branch house). | A licensed ship supplier | The buyer's place of business or to a commercial warehouse or storage place other than one designated by the War Shipping Administration.[1] | None.[2] |
| (iv) Any slaughterer, packer, or packer's branch house. | do | do | Deduct $0.50 per hundredweight from table price.[3] |
| (v) The War Shipping Administration or a person who has a "stockpile" of fabricated beef cuts and veal carcasses (War Shipping Administration specifications). | do | "Stockpile" loading platform. | Add $0.25 per hundredweight plus, accumulated interest, insurance charges and storage charges in excess of first month, and taxes, if any, to the table price. |
| (vi) A licensed ship supplier (slaughterer, packer or packer's branch-house only). | Ship operator | Ship side | None.[4] |
| (vii) A licensed ship supplier (other than a slaughterer, packer, or packer's branch house). | do | do | Add $1.25 per hundred weight to table price.[5] |
| (viii) A licensed ship supplier[6] on resale of imported fabricated beef cuts (War Shipping Administration specification), obtained from the "stockpile." | do | do | Add $1.50 per hundredweight to table price. |

[1] For the purposes of subdivision (iii) or (iv) a delivery to a carrier for an f. o. b. shipment at the carload rate to a licensed ship supplier located in the same price zone or a delivery to a carrier in Zone 2, 3, or 4 for an f. o. b. shipment at the carload rate to a licensed ship supplier located in Zone 1, the buyer paying the shipping charges to the carrier, shall be deemed a delivery "to the buyer's place of business" where such f. o. b. shipment is authorized in writing by the Price Administrator at Washington, D. C., pursuant to the provisions of § 1364.405 (g).

[2] If the fabricated beef cuts (War Shipping Administration specifications) are not frozen when delivered, the seller shall deduct $0.25 per cwt. from table price.

[3] If the fabricated beef cuts (War Shipping Administration specifications) are not frozen when delivered, the seller shall deduct $0.75 per cwt. from table price.

[4] If the fabricated beef cuts (War Shipping Administration specifications) were obtained from the "stockpile," the seller may add 50 cents per hundredweight to the table price. The seller may add an additional 75 cents per hundredweight making a total addition of $1.25 per hundredweight to the table price if at the time of sale the War Shipping Administration prohibits the sale of fabricated beef cuts (War Shipping Administration specifications) by licensed ship suppliers to ship operators unless such meats are procured from a War Shipping Administration "stockpile."

[5] If the fabricated beef cuts (War Shipping Administration specifications) were obtained from the "stockpile," the seller may add an additional $0.50 per cwt. making a total addition of $1.75 per cwt. to table price.

[6] A "Group II ship chandler" (defined in § 1364.452 (o) (9) (v)) may add $2.50 per cwt. to the table price, unless the meats were obtained from the "stockpile", in which case the "Group II ship chandler" may add $3.00 per cwt. to the table price.

[Footnote 4 amended by Am. 59, 10 F.R. 12743, effective 10-10-45. Footnote 6 added by Am. 55, 10 F.R. 6956, effective 6-9-45]

(All prices are on a per cwt. basis. The prices for any fraction of a cwt. shall be reduced accordingly. The prices set forth herein include costs of freezing and one month's storage, wrapping, boxing,[7]

[7] On sales of fabricated beef cuts (War Shipping Administration specifications) packed in V-3 solid fiber full telescope boxes, sizes 20 x 5 x 15, 25 x 5 x 15 and 26 x 6 x 15, an additional 20 cents per cwt. may be added to the table prices.

strapping, inspection and grading in accordance with War Shipping Administration specifications. (The additions and deductions specified in Schedule III (§ 1364.454) and Schedule II (§ 1364.453) of this regulation are not applicable.) For fabricated beef cuts (War Shipping Administration specifications) wrapped in kraft paper and cheese cloth, $0.25 per cwt. shall be deducted from table price).

| | Choice or AA [8] | Good or A [8] | Commercial or B [8] | Utility or C |
|---|---|---|---|---|
| Ground beef | $19.00 | $19.00 | $19.00 | $19.00 |
| Boneless round | 31.75 | 29.75 | 26.25 | 22.00 |
| Strip loin (bone in) | 47.25 | 42.75 | 35.75 | 29.25 |
| Sirloin butt (boneless) | 35.25 | 33.00 | 26.00 | 20.00 |
| Full trimmed beef tenderloin | 55.25 | 55.25 | 46.25 | 46.25 |
| Oven prepared rib | 30.75 | 28.75 | 26.75 | 23.25 |
| Boneless regular chuck | 26.25 | 24.75 | 23.00 | 20.50 |
| Boneless plate (fresh, frozen or cured) | 20.00 | 20.00 | 18.75 | 18.75 |
| Boneless brisket (deckle on) | 23.25 | 23.25 | 20.00 | 20.00 |
| Corned beef brisket (deckle on) | 22.75 | 22.75 | 19.50 | 19.50 |

[8] If the fabricated beef cuts (War Shipping Administration specifications) of choice, good and commercial grades, are prepared from beef carcasses, sides and/or hindquarters which have been set aside for war procurement purposes pursuant to WFO 75.2, the seller may add 35¢ per cwt. to the table of prices listed above, except that this addition shall not apply to sales of ground beef of any grade or to sales of any War Shipping Administration fabricated beef cut of utility grade.

All sales under this paragraph are made subject to the provisions of § 1364.452 (k), and for the purpose of this subparagraph (6) the term fabricated beef cut (War Shipping Administration specifications) shall be substituted for the term "wholesale cut" in § 1364.452 (k).

For the purpose of this subparagraph (6), a sale of fabricated beef cuts (War Shipping Administration specifications) by any selling establishment which satisfies the definition of "hotel supply house" as defined in § 1364.455 (b) (1) shall be deemed to be a sale by a person other than a slaughterer, packer or packer's branch house.

[Subparagraph (6) added by Am. 37, 9 F.R. 2023, effective 2-25-44; amended by Am. 40, 9 F.R. 4648, effective 5-1-44; Am. 50, 10 F.R. 861, effective 1-20-45; Am. 53, 10 F.R. 4493, effective 4-23-45; and Am. 54, effective 6-1-45. Former subparagraph (6) redesignated (10) by Am. 37]

(7) Notwithstanding the provisions of § 1364.451 (a) (4), the War Shipping Administration or any person authorized by the War Shipping Administration to make purchases under its direction and control, is authorized to purchase and sell fabricated beef cuts (War Shipping Administration Specifications).

(8) "Fabricated beef cut (War Shipping Administration Specifications)" means beef derived from steers and heifers of the grades choice, good, commercial or utility and satisfying the specifications and requirements contained in War Shipping Administration Food Control Regulation No. 2. Fabricated beef cuts (War Shipping Administration Specifications), shall be graded in accordance with § 1364.411 (a) (1) and (2) of this regulation, and no fabricated beef cut (War Shipping Administration Specifications), so graded shall be packed for sale and/or delivery to the War Shipping Administration, to a licensed ship supplier or to any person for resale as ship stores, authorized to make such purchase under the direction and control of the War Shipping Administration, or to a ship operator, except in the presence of an official United States inspector designated by the Food Distribution Administration, or other United States Government agency regularly performing grading and/or inspection service who shall certify that the cutting, boning, trimming, and other fabrication, the grade, the weight and the other specifications of the War Shipping Administration and/or Office of Price Administration, have been complied with and that the legends affixed to the package by the seller are correct. Certification by the official United States inspector shall be made by affixing a stamp or sticker to the container, which stamp or sticker shall attest the accuracy of all representations appearing upon the container.

[Subparagraphs (7) and (8) added by Am. 37, 9 F.R. 2023, effective 2-25-44; amended by Am. 40, 9 F.R. 4648, effective 5-1-44]

(9) For purposes of subparagraphs (6), (7) and (8) hereof,

(i) The term "stockpile", shall mean an inventory of fabricated beef cuts and veal carcasses (War Shipping Administration specifications) which has been accumulated at a commercial freezer or storage place by the War Shipping Administration or at a commercial freezer or storage place designated by the War Shipping Administration by a person operating under the direction and control of that agency, which inventory is available for purchase by any licensed ship supplier for resale to "ship operators". "Stockpile" shall not include an inventory of fabricated beef cuts and veal carcasses (War Shipping Administration specifications) which has been accumulated by a seller at his place of business, commercial warehouse or storage place, the disposition of which is not subject to the direction and control of the War Shipping Administration,

(ii) A "licensed ship supplier" means any person who has been licensed by the War Food Administration under the provisions of Food Distribution Regulation No. 3, as amended (issued October 8, 1943) to sell and/or deliver meats and other food products to ship operators, and

(iii) A "ship operator" means any person conducting the business of vessels who is designated as a ship operator by the War Shipping Administration.

(iv) A "Group I ship chandler" means a licensed ship supplier as defined in subdivision (ii) hereof (*a*) who does not engage in the fabrication of meats of any kind and who does not own or control in whole or substantial part any slaughtering plant or facilities and who is not owned or controlled in whole or substantial part by a person who owns or controls in whole or in substantial part a slaughtering plant or facilities; (*b*) who has been allotted a ship store's quota under War Food Order No. 74 covering the sale of each of the following products in addition to meats: butter, cheese, canned fruit and fruit juices and canned vegetables and vegetable juices; (*c*) who is currently engaged in the business of selling a complete line of foods and other products to ship operators, including but not limited to meats, poultry, butter, cheese, eggs, fluid milk, canned goods, dry groceries, fresh fruits and vegetables and fresh or frozen fish; and (*d*) whose "annual total dollar volume" of sales is $500,000.00 or more. (The term "annual total dollar volume" is explained in subdivision (vi) below.)

(v) A "Group II ship chandler" means a licensed ship supplier as defined in subdivision (ii) hereof who has met all the requirements of subdivision (iv) hereof for a "Group I ship chandler," except that his "annual total dollar volume" of sales shall be less than $500,000.00 and who has filed a statement with the appropriate regional office of the Office of Price Administration, signed by him and approved by the appropriate district food control representative of the War Shipping Administration located in the City of New York, New Orleans or San Francisco, as the case may be, setting forth that he meets each of the requirements of a "Group II ship chandler" as defined herein and setting forth in addition his annual total dollar volume of sales. The addition of $2.50 per cwt. or $3.00 per cwt., as the case may be, provided in the table of § 1364.452 (o) (6), (beef), and §1364.467 (n) (6), (veal), for a "Group II ship chandler" shall not be taken until this statement has been filed as provided herein.

(vi) (*a*) The term "annual total dollar volume" means the total dollar volume of sales made by a ship chandler during the calendar or fiscal year 1944, whichever he uses for filing his Federal income tax return. All sales, whether of food or not, as shown on the books shall be used. The ship chandler's Federal income tax return shall be used to obtain the dollar volume of sales.

(*b*) If the ship chandler was engaged in business during only a part of the fiscal or calendar year of 1944, he shall divide his total dollar volume of sales from the time he began operations up to and including June 8, 1945, by the number of weeks he was in business. This will represent the weekly average dollar volume of sales. This figure shall be multiplied by 52 and the result shall be deemed to be his "annual total dollar volume."

(*c*) If the ship chandler started business after June 8, 1945, he shall be deemed to be a "Group II ship chandler." However, after he has been in operation for 3 months, he shall determine again what class he is in by taking his total dollar volume of sales for the three-month period and multiplying it by 4. The result will be his "annual total dollar volume."

[Subparagraphs (iv), (v) and (vi) added by Am. 55, 10 F.R. 6956, effective 6-9-45]

[Subparagraph (9) added by Am. 37, 9 F.R. 2023, effective 2-25-44; amended by Am. 40, 9 F.R. 4648, effective 5-1-44; and Am. 54, 10 F.R. 6182, effective 6-1-45]

(10) The applicable zone prices for ground beef and for each grade of each of the following miscellaneous beef items, for sale by a hotel supply house to purveyors of meals, are as follows: (All prices are on a dollars per hundredweight basis, except where otherwise noted; the price for any fraction of a hundredweight shall be reduced accordingly. The addition set forth in § 1364.454 (f) is not applicable. The zone prices for sales of ground beef and miscellaneous beef items by a hotel supply house to a War Procurement Agency are specified in § 1364.452 (p) (3).)

TABLE A—FRESH OR FROZEN BEEF ITEMS

| Zone | I: Ground beef—quick frozen and packaged in fiber or wooden containers | | II: Trimmed beef tenderloins: Cutter and canner or D grade— | | | II: Utility or C grade. (Must be derived from the production of "Boneless beef for Army canned meats." May be sold to war procurement agencies only and shall be trimmed, frozen and packaged in accordance with the specifications of the quartermaster Depot of U. S. Army. Each container shall carry the following legend: "Trimmed beef tenderloins—utility or C grade—for war procurement agencies only.") For purposes of this paragraph, a licensed ship supplier or ship operator acting under the direction and control of the War Shipping Administration shall be deemed to be a war procurement agency. | III: Boneless stewing meat (may be sold to Federal, State or municipal institutions only). Frozen in bricks of 5 pounds, 50 pounds, or 100 pounds, and packed with dry ice in 50 or 100 pound containers. If not packed with dry ice, the applicable zone price shall be reduced 10 cents per hundredweight |
|---|---|---|---|---|---|---|---|
| | Bulk [1] (1) | Patties [1] (2) | Under 3 pounds (3) | 3 to 5 pounds (4) | Over 5 pounds (5) | (6) | (7) |
| 1 | 22.00 | 22.50 | 29.25 | 32.00 | 37.75 | 41.75 | 23.25 |
| 2 | 21.25 | 21.75 | 28.50 | 31.25 | 37.00 | 41.00 | 22.50 |
| 3 | 20.25 | 20.75 | 27.50 | 30.25 | 36.00 | 40.00 | 21.50 |
| 4 | 20.25 | 20.75 | 27.50 | 30.25 | 36.00 | 40.00 | 21.50 |
| 5 | 20.75 | 21.25 | 28.00 | 30.75 | 36.50 | 40.50 | 22.00 |
| 6 | 21.00 | 21.50 | 28.25 | 31.00 | 36.75 | 40.75 | 22.25 |
| 7 | 21.25 | 21.75 | 28.50 | 31.25 | 37.00 | 41.00 | 22.50 |
| 8 | 21.50 | 22.00 | 28.75 | 31.50 | 37.25 | 41.25 | 22.75 |
| 9 | 21.75 | 22.25 | 29.00 | 31.75 | 37.50 | 41.50 | 23.00 |
| 10 | 22.00 | 22.50 | 29.25 | 32.00 | 37.75 | 41.75 | 23.25 |

See footnotes end of tables.

[Box heading amended by Am. 65, effective 1-2-45]

TABLE B—CURED OR CORNED BEEF ITEMS

| Zone | I: Briskets [3] | | | | II: Short plates [3] | | | | | | | | III: Beef hams [2]—Cutter and Canner or D Grade | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Non-Kosher—Boneless (deckle-off) | | Kosher—Boneless (deckle-off) | | Non-Kosher | | | | Kosher | | | | | | | |
| | | | | | Bone-in | | Boneless | | Bone-in | | Boneless | | | | | |
| | AA and A Choice and Good Grades | B and C Commercial and Utility Grades | AA and A Choice and Good Grades | B and C Commercial and Utility Grades | AA and A Choice and Good Grades | B and C Commercial and Utility Grades | AA and A Choice and Good Grades | B and C Commercial and Utility Grades | AA and A Choice and Good Grades | B and C Commercial and Utility Grades | AA and A Choice and Good Grades | B and C Commercial and Utility Grades | Sets | Insides | Outsides | Knuckles |
| | (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) | (14) | (15) | (16) |
| 1 | 28.625 | 27.375 | 30.75 | 29.00 | 17.25 | 16.50 | 21.00 | 20.00 | 18.25 | 17.50 | 22.50 | 21.50 | 21.25 | 22.25 | 20.50 | 20.00 |
| 2 | 27.50 | 26.125 | 29.50 | 27.875 | 16.50 | 15.75 | 20.25 | 19.25 | 17.50 | 16.75 | 21.50 | 20.50 | 20.50 | 21.50 | 19.75 | 19.25 |
| 3 | 26.00 | 24.50 | 28.00 | 26.125 | 15.50 | 14.75 | 19.25 | 18.25 | 16.50 | 15.75 | 20.25 | 19.25 | 19.50 | 20.50 | 18.75 | 18.25 |
| 4 | 26.00 | 24.50 | 28.00 | 26.125 | 15.50 | 14.75 | 19.25 | 18.25 | 16.50 | 15.75 | 20.25 | 19.25 | 19.50 | 20.50 | 18.75 | 18.25 |
| 5 | 26.875 | 25.25 | 28.75 | 27.00 | 16.00 | 15.25 | 19.75 | 18.75 | 17.00 | 16.25 | 20.875 | 19.875 | 20.00 | 21.00 | 19.25 | 18.75 |
| 6 | 27.25 | 25.75 | 29.125 | 27.375 | 16.25 | 15.50 | 20.00 | 19.00 | 17.25 | 16.50 | 21.25 | 20.25 | 20.25 | 21.25 | 19.50 | 19.00 |
| 7 | 27.50 | 26.125 | 29.50 | 27.875 | 16.50 | 15.75 | 20.25 | 19.25 | 17.50 | 16.75 | 21.50 | 20.50 | 20.50 | 21.50 | 19.75 | 19.25 |
| 8 | 27.875 | 26.50 | 30.00 | 28.25 | 16.75 | 16.00 | 20.50 | 19.50 | 17.75 | 17.00 | 21.875 | 20.875 | 20.75 | 21.75 | 20.00 | 19.50 |
| 9 | 28.25 | 27.00 | [5] 30.375 | [5] 28.625 | 17.00 | 16.25 | 20.75 | 19.75 | [4] 18.00 | [4] 17.25 | [5] 22.125 | [5] 21.125 | 21.00 | 22.00 | 20.25 | 19.75 |
| 10 | 28.625 | 27.375 | 30.75 | 29.00 | 17.25 | 16.50 | 21.00 | 20.00 | 18.25 | 17.50 | 22.50 | 21.50 | 21.25 | 22.25 | 20.50 | 20.00 |

[Part I of Table B amended by Am. 65, effective 1-2-45 except that until January 23, 1946, sales of non-kosher, deckle-on fresh (fabricated) corned and cooked corned beef briskets may be made at the ceiling prices for such products in effect immediately prior to January 2, 1946]

TABLE C—COOKED OR SMOKED BEEF ITEMS [7]

| Zone | I Corned beef—Briskets (boneless) [3] | | | | II Peppered beef or Pastrami (boneless) [3] | | |
|---|---|---|---|---|---|---|---|
| | Non-Kosher, Deckle-off | | Kosher, Deckle-off | | Shoulder Clod, Chuck Roll, Plate Corner Piece (AA, A or B Choice, Good or Commercial Grades) | | Ham sets, insides, outsides, or knuckles B or Commercial Grade |
| | AA and A Choice and Good Grades (1) | B and C Commercial and Utility Grade (2) | AA and A Choice and Good Grades (3) | B and C Commercial and Utility Grades (4) | Non-Kosher (5) | Kosher (6) | (7) |
| 1 | 52.125 | 50.00 | 56.50 | 53.50 | 58.00 | 66.00 | 54.75 |
| 2 | 50.25 | 47.875 | 54.25 | 51.25 | 55.75 | 62.75 | 53.00 |
| 3 | 47.625 | 45.125 | 51.25 | 48.25 | 52.50 | 58.50 | 50.75 |
| 4 | 47.625 | 45.125 | 51.25 | 48.25 | 52.50 | 58.50 | 50.75 |
| 5 | 49.125 | 46.375 | 52.75 | 49.75 | 54.25 | 60.50 | 51.75 |
| 6 | 49.75 | 47.25 | 53.50 | 50.50 | 55.00 | 61.75 | 52.50 |
| 7 | 50.25 | 47.875 | 54.25 | 51.25 | 55.75 | 62.75 | 53.00 |
| 8 | 50.875 | 48.50 | 55.00 | 52.00 | 56.50 | 64.00 | 53.50 |
| 9 | 51.50 | 49.375 | [5] 55.75 | [5] 52.75 | 57.25 | [5] 65.00 | 54.00 |
| 10 | 52.125 | 50.00 | 56.50 | 53.50 | 58.00 | 66.00 | 54.75 |

[Part I of Table C amended by Am. 65, effective 1-2-46, except that until January 23, 1946, sales of non-kosher, deckle-on fresh (fabricated) corned and cooked corned beef briskets may be made at the ceiling prices for such products in effect immediately prior to January 2, 1946]

TABLE D—DRIED BEEF ITEMS [6]

Cutter and Canner or D Grade

I. DRIED BEEF HAMS [3]

| Zone | Sets (1) | Insides (2) | Outsides (3) | Knuckles (4) |
|---|---|---|---|---|
| 1 | 36.00 | 37.75 | 34.75 | 34.00 |
| 2 | 35.25 | 37.00 | 34.00 | 33.25 |
| 3 | 34.25 | 36.00 | 33.00 | 32.25 |
| 4 | 34.25 | 36.00 | 33.00 | 32.25 |
| 5 | 34.75 | 36.50 | 33.50 | 32.75 |
| 6 | 35.00 | 36.75 | 33.75 | 33.00 |
| 7 | 35.25 | 37.00 | 34.00 | 33.25 |
| 8 | 35.50 | 37.25 | 34.25 | 33.50 |
| 9 | 35.75 | 37.50 | 34.50 | 33.75 |
| 10 | 36.00 | 37.75 | 34.75 | 34.00 |

TABLE E—SLICED DRIED BEEF ITEMS

Cutter and Canner or D Grade

| Zone | Packed in 5-pound cartons (1) | Packed in 3-pound cartons (2) | Packed in ¼ pound cellophane or other moisture resistant package (3) |
|---|---|---|---|
| 1 | 52.75 | 53.00 | 57.25 |
| 2 | 52.00 | 52.25 | 56.50 |
| 3 | 51.00 | 51.25 | 55.50 |
| 4 | 51.00 | 51.25 | 55.50 |
| 5 | 51.50 | 51.75 | 56.00 |
| 6 | 51.75 | 52.00 | 56.25 |
| 7 | 52.00 | 52.25 | 56.50 |
| 8 | 52.25 | 52.50 | 56.75 |
| 9 | 52.50 | 52.75 | 57.00 |
| 10 | 52.75 | 53.00 | 57.25 |

[1] If ground beef (bulk) or ground beef patties are not quick frozen, the applicable zone price shall be reduced 75 cents per cwt. If ground beef (bulk) or ground beef patties are unpackaged or packaged otherwise than in fibre or wooden containers, the applicable zone price shall be reduced 25 cents per cwt.

[2] For ground beef patties quick frozen, and packaged in double corrugated cartons containing 10 or 20 pounds of product, which is wrapped in white wax paper and shipped with dry ice to assure delivery in a frozen condition $1.00 per cwt. may be added to the applicable zone price.

[3] The following packaging charges may be added to the applicable zone prices.

| | Per cwt. |
|---|---|
| For slack barrels | $0.25 |
| For tierces "pickle-on" | 1.00 |
| For 200 lb. net weight tight hardwood barrels "pickle-on" | 1.50 |
| For 100 lb. net weight tight hardwood barrels "pickle-on" | 1.75 |
| For 50 lb. net weight tight hardwood barrels "pickle-on" | 2.00 |
| For 25 lb. net weight tight hardwood barrels "pickle-on" | 2.50 |
| For one piece fibre carton | .75 |
| For wooden boxes | .50 |

[4] No hotel supply house, wholesaler or other selling establishment shall sell or deliver cooked corned beef briskets or cooked or smoked peppered beef items unless (i) such hotel supply house or other selling establishment shall have filed with the appropriate regional office of the OPA a statement showing that it was regularly engaged in the preparation, sale and delivery of such a product; (ii) that during the calendar year 1943 it sold or delivered in the form of cooked or smoked corned beef briskets and peppered beef items at least 25% of the total volume by weight or dollar volume of cured or corned beef items sold by such selling establishments during that period; and (iii) that such selling establishment has received written authorization from the appropriate regional office of the OPA approving such statement and authorizing such selling establishments to sell and deliver cooked or smoked corned beef briskets and/or peppered beef items.

[5] For kosher cured, corned, cooked or smoked beef items made from cattle slaughtered in that portion of Zone 9 north of the Potomac River, the following prices may be charged: *Provided*, That such product shall be sold to a bona fide seller of kosher meats located in that portion of Zone 9 north of the Potomac River. These prices shall not be charged or received for the sale of any of these items which do not bear the abattoir stamp or the name, location and the establishment number of the person who processed such product. Such identification may be made by a stamp, wrapper or tag affixed by wire to the product.

| | Per cwt. |
|---|---|
| Kosher corned briskets, boneless, deckle-off, Grade AA and/or A | $32.875 |
| Kosher corned briskets, boneless, deckle-off, Grade B and/or C | 31.125 |
| Kosher corned short plates, bone-in, Grade AA and/or A | 19.50 |
| Kosher corned short plates, bone-in, Grade B and/or C | 18.75 |
| Kosher corned short plates, boneless, Grade AA and/or A | 24.125 |
| Kosher corned short plates, boneless, Grade B and/or C | 23.125 |
| Kosher cooked corned beef brisket, boneless, deckle-off, Grade AA and/or A | 59.75 |
| Kosher cooked corned beef brisket, boneless, deckle-off, Grade B and/or C | 56.75 |
| Kosher cooked or smoked peppered beef (Pastrami), items Grade A and/or B | 67.50 |

[6] These items must be wrapped in parchment or other moisture resistant paper. If any of these items are sold unwrapped or wrapped in paper which is not moisture resistant, the applicable zone price shall be reduced 25 cents per cwt.

[7] For wrapping cooked or smoked beef items in waxed paper, parchment, or other moisture resistant paper, 25 cent per cwt. may be added.

[Subparagraph (10), formerly (6) amended by Am. 15, 8 F.R. 7675 (for effective dates of Am. 15, see note following table in § 1364.452 (d) (2)); Am. 28, 8 F.R. 13249, effective 10-2-43; redesignated as (10) by Am. 37, 9 F.R. 2023, effective 2-25-44; and amended by Am. 45, 9 F.R. 9617, effective 8-12-44; and Am. 47, 9 F.R. 13158, effective 11-8-44, except that the prohibition against sales of kosher corned boneless briskets (deckle on) and nonkosher corned boneless briskets (deckle off) shall become effective on December 15, 1944. The maximum prices prevailing prior to November 8, 1944 shall be applicable to such sales. (Effective date provision of Am. 47 amended by Am. 48, 9 F.R. 13933.) Subparagraph (10) amended by Am. 54, effective 6-1-45 except that the applicable zone prices for pastrami and the peppered beef items shall become effective 7-1-45]

[Paragraph (o) amended by Am. 12, 8 F.R. 1109, effective 6-1-43, and as otherwise noted]

(p) *Ground beef and miscellaneous beef items.* (1) On and after April 22, 1943, regardless of any contract, agreement or other obligation, no person shall sell or deliver any ground beef or miscellaneous beef item, and no person in the course of trade or business shall buy or receive any ground beef or miscellaneous beef item at a price higher than the maximum price permitted therefor in paragraph (p) (2) of this section.

[Subparagraph (1) amended by Am. 7, 8 F.R. 5170, effective 4-16-43]

(2) (i) Except as provided in subdivision (ii) hereof, subject to the pricing instructions contained in paragraph (a) of § 1364.451, the maximum price for ground beef or each grade of each miscellaneous beef item shall be the applicable zone price determined in accordance with the provisions of said paragraph (a) of § 1364.451 and specified in paragraph (p) (3) hereof, minus the required deductions, if any, specified in this paragraph (p) and in Schedule II (§ 1364.453), plus the permitted additions, if any, specified in this paragraph (p) and in Schedule III (§ 1364.454).

(ii) Except as provided in subparagraph (2) (iii) hereof, the maximum price for corned beef briskets and/or cooked corn beef briskets and/or cooked or smoked peppered beef items (pastrami) shall be the applicable zone price for the zone in which is located the seller's establishment, minus the required deductions, if any, specified in this paragraph (p) and in Schedule II (§ 1364.453) plus the permitted additions, if any, specified in this paragraph (p) and in Schedule III (§ 1364.454). The pricing instructions of paragraph (a) of § 1364.451 are not applicable. The maximum price established in accordance with the provisions of this subdivision (ii) shall be the seller's ceiling price, f. o. b. his selling establishment, except that the seller may make a local delivery charge if actual local delivery is made by the seller to the buyer's place of business.

(iii) The maximum price for corned beef briskets and/or cooked corned beef briskets and/or cooked or smoked peppered beef items (pastrami) by a packer's branch house, shall be the applicable zone price for the zone in which is located the packing plant in which the processing operation has taken place plus an amount computed by taking the difference between the applicable zone price for beef carcasses or beef whole-

sale cuts for the zone in which the packing plant is located and that in which is located its branch house. For purposes of this subdivision (iii), the term "processing" shall mean either curing, corning, smoking or cooking, except that the point at which the curing operation takes place shall be deemed to be the point of "processing". The weight of the corned or cooked corned beef briskets or cooked and smoked peppered beef items (pastrami) as the case may be, shall be used in determining this amount.

(iv) Nothwithstanding any provision of subdivisions (ii) or (iii) above, any seller may pre-pay the shipping charges from the point at which the product is processed to the buyer's place of business: *Provided*, That an invoice is transferred to the purchaser showing the actual transportation expense incurred for such shipment computed at the lowest common carrier rate for the method of transportation used.

[Subparagraph (ii) amended and (iii) and (iv) added by Am. 65, effective 1-2-46]

[Subparagraph (2) amended by Am. 45, 9 F.R. 8617, effective 8-12-44; Am. 54, effective 6-1-45 and as otherwise noted]

(3) (i) [Revoked]

[Subparagraph (i) revoked by Am. 65, effective 1-2-46]

(ii) Subject to the provisions of paragraph (p) (9), hereof, the applicable zone prices for ground beef and for each grade of the following beef items shall be:

[All prices are on a dollars per hundredweight basis, except where otherwise noted; the price for any fraction of a hundredweight shall be reduced accordingly. The addition set forth in §1364.424 (*f*) is not applicable]

TABLE A—FRESH OR FROZEN BEEF ITEMS

| | I | | II Trimmed beef tenderloins | | | | III | IV | V | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Ground beef—quick frozen and packaged in fiber or wooden containers | | Cutter and Canner or D grade. (May not be purchased by retailers other than those who are permitted to make specially authorized sales to eating places under section 30 of MPR No. 355) | | | Utility or C grade. (Must be derived from the production of "boneless beef for Army canned meats." May be sold to war procurement agencies only and shall be trimmed, frozen and packed in containers meeting specifications of Quartermaster Depot of U. S. Army. Each container shall carry the following legend: "Trimmed beef tenderloins—Utility or C grade for war procurement agencies only.") For purposes of this paragraph, a licensed ship supplier or ship operator acting under the direction and control of the War Shipping Administration shall be deemed to be a war procurement agency. | Boneless stewing meat. (May be sold to Federal, State or municipal institutions only.) Frozen in bricks of 5 lbs., 50 lbs., or 100 lbs. and packed with dry ice in 50- or 100-lb. containers. If not packed with dry ice, the applicable zone price shall be reduced 10 cents per cwt. | Boneless chucks (shoulder clod cut). Utility or C grade | Beef hams (green),[3] Cutter and Canner or D grade. (These items may not be sold to retailers or purveyors of meals) | | | |
| Zone | Bulk[1] (1) | Patties[1 2] (2) | Under 3 lbs. (3) | 3 to 5 lbs. (4) | Over 5 lbs. (5) | (6) | (7) | (8) | Sets (9) | Insides (10) | Outsides (11) | Knuckles (12) |
| 1 | 20.00 | 20.50 | 26.75 | 29.25 | 34.75 | 41.75 | 23.25 | 18.50 | 19.50 | 20.75 | 18.75 | 18.25 |
| 2 | 19.25 | 19.75 | 26.00 | 28.50 | 34.00 | 41.00 | 22.50 | 17.75 | 18.75 | 20.00 | 18.00 | 17.50 |
| 3 | 18.25 | 18.75 | 25.00 | 27.50 | 33.00 | 40.00 | 21.50 | 16.75 | 17.75 | 19.00 | 17.00 | 16.50 |
| 4 | 18.25 | 18.75 | 25.00 | 27.50 | 33.00 | 40.00 | 21.50 | 16.75 | 17.75 | 19.00 | 17.00 | 16.50 |
| 5 | 18.75 | 19.25 | 25.50 | 28.00 | 33.50 | 40.50 | 22.00 | 17.25 | 18.25 | 19.50 | 17.50 | 17.00 |
| 6 | 19.00 | 19.50 | 25.75 | 28.25 | 33.75 | 40.75 | 22.25 | 17.50 | 18.50 | 19.75 | 17.75 | 17.25 |
| 7 | 19.25 | 19.75 | 26.00 | 28.50 | 34.00 | 41.00 | 22.50 | 17.75 | 18.75 | 20.00 | 18.00 | 17.50 |
| 8 | 19.50 | 20.00 | 26.25 | 28.75 | 34.25 | 41.25 | 22.75 | 18.00 | 19.00 | 20.25 | 18.25 | 17.75 |
| 9 | 19.75 | 20.25 | 26.50 | 29.00 | 34.50 | 41.50 | 23.00 | 18.25 | 19.25 | 20.50 | 18.50 | 18.00 |
| 10 | 20.00 | 20.50 | 26.75 | 29.25 | 34.75 | 41.75 | 23.25 | 18.50 | 19.50 | 20.75 | 18.75 | 18.25 |

See footnotes at end of tables.

[Box headings amended by Am. 65, effective 1-2-46]

TABLE B—CURED OR CORNED BEEF ITEMS

| Zone | I Briskets [3] | | | | II Short plates [3] | | | | | | | | III Beef hams [3]—Cutter and Canner or D grade | | | | IV Shoulder clod or chuck roll [3] grades AA, A or B | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Non-kosher—boneless (deckle-on) | | Kosher—boneless (deckle-off) | | Non-kosher | | | | Kosher | | | | | | | | | |
| | | | | | Bone-in | | Boneless | | Bone-in | | Boneless | | | | | | | |
| | AA and A Choice and good grades | B and C Commercial and utility grades | AA and A Choice and good grades | B and C Commercial and utility grades | AA and A Choice and good grades | B and C Commercial and utility grades | AA and A Choice and good grades | B and C Commercial and utility grades | AA and A Choice and good grades | B and C Commercial and utility grades | AA and A Choice and good grades | B and C Commercial and utility grades | Sets | Insides | Outsides | Knuckles | Non-kosher | Kosher |
| | (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) | (14) | (15) | (16) | (17) | (18) |
| 1 | 27.625 | 26.375 | 29.75 | 28.00 | 16.25 | 15.50 | 20.00 | 19.00 | 17.25 | 16.50 | 21.50 | 20.50 | 20.25 | 21.25 | 19.50 | 19.00 | 39.50 | 43.00 |
| 2 | 26.50 | 25.125 | 28.50 | 26.875 | 15.50 | 14.75 | 19.25 | 18.25 | 16.50 | 15.75 | 20.50 | 19.50 | 19.50 | 20.50 | 18.75 | 18.25 | 38.00 | 41.50 |
| 3 | 25.00 | 23.50 | 27.00 | 25.125 | 14.50 | 13.75 | 18.25 | 17.25 | 15.50 | 14.75 | 19.25 | 18.25 | 18.50 | 19.50 | 17.75 | 17.25 | 36.00 | 39.00 |
| 4 | 25.00 | 23.50 | 27.00 | 25.125 | 14.50 | 13.75 | 18.25 | 17.25 | 15.50 | 14.75 | 19.25 | 18.25 | 18.50 | 19.50 | 17.75 | 17.25 | 36.00 | 39.00 |
| 5 | 25.875 | 24.25 | 27.75 | 26.00 | 15.00 | 14.25 | 18.75 | 17.75 | 16.00 | 15.25 | 19.875 | 18.875 | 19.00 | 20.00 | 18.25 | 17.75 | 37.00 | 40.50 |
| 6 | 26.25 | 24.75 | 28.125 | 26.375 | 15.25 | 14.50 | 19.00 | 18.00 | 16.25 | 15.50 | 20.25 | 19.25 | 19.25 | 20.25 | 18.50 | 18.00 | 37.50 | 41.00 |
| 7 | 26.50 | 25.125 | 28.50 | 26.875 | 15.50 | 14.75 | 19.25 | 18.25 | 16.50 | 15.75 | 20.50 | 19.50 | 19.50 | 20.50 | 18.75 | 18.25 | 38.00 | 41.50 |
| 8 | 26.875 | 25.50 | 29.00 | 27.25 | 15.75 | 15.00 | 19.50 | 18.50 | 16.75 | 16.00 | 20.875 | 19.875 | 19.75 | 20.75 | 19.00 | 18.50 | 38.50 | 42.00 |
| 9 | 27.25 | 26.00 | [5] 29.375 | [5] 27.625 | 16.00 | 15.25 | 19.75 | 18.75 | [5] 17.00 | [5] 16.25 | [5] 21.125 | [5] 20.125 | 20.00 | 21.00 | 19.25 | 18.75 | 39.00 | [5] 42.50 |
| 10 | 27.625 | 26.375 | 29.75 | 28.00 | 16.25 | 15.50 | 20.00 | 19.00 | 17.25 | 16.50 | 21.50 | 20.50 | 20.25 | 21.25 | 19.50 | 19.00 | 39.50 | 43.00 |

[Part I in Table B amended by Am. 65, effective 1-2-46 except that until January 23, 1946, sales of non-kosher deckle-on fresh (fabricated) corned and cooked corned beef briskets may be made at the ceiling prices for such products in effect immediately prior to January 2, 1946]

TABLE C—CURED OR CORNED BEEF ITEMS (ARMY, NAVY OR FEDERAL SURPLUS COMMODITIES CORPORATION SPECIFICATIONS) (FOR WAR PROCUREMENT AGENCIES ONLY) [6]

| Zone | I Corned beef briskets (boneless) [3] Deckle-off | | II Corned short plates [3] | | | | III Corned rump butts [3]—C or utility grade | IV Corned shoulder clod [3]—C or utility grade |
|---|---|---|---|---|---|---|---|---|
| | | | Bone-in | | Boneless | | | |
| | AA and A choice and good grades | B and C commercial and utility grades | AA and A—Choice and good grades | B and C—Commercial and utility grades | AA and A—Choice and good grades | B and C—Commercial and utility grades | | |
| | (1) | (2) | (5) | (6) | (7) | (8) | (9) | (10) |
| 1 | 27.625 | 26.375 | 16.25 | 15.50 | 20.00 | 19.00 | 21.50 | 24.00 |
| 2 | 26.50 | 25.125 | 15.50 | 14.75 | 19.25 | 18.25 | 20.75 | 23.25 |
| 3 | 25.00 | 23.50 | 14.50 | 13.75 | 18.25 | 17.25 | 19.75 | 22.25 |
| 4 | 25.00 | 23.50 | 14.50 | 13.75 | 18.25 | 17.25 | 19.75 | 22.25 |
| 5 | 25.875 | 24.25 | 15.00 | 14.25 | 18.75 | 17.75 | 20.25 | 22.75 |
| 6 | 26.25 | 24.75 | 15.25 | 14.50 | 19.00 | 18.00 | 20.50 | 23.00 |
| 7 | 26.50 | 25.125 | 15.50 | 14.75 | 19.25 | 18.25 | 20.75 | 23.25 |
| 8 | 26.875 | 25.50 | 15.75 | 15.00 | 19.50 | 18.50 | 21.00 | 23.50 |
| 9 | 27.25 | 26.00 | 16.00 | 15.25 | 19.75 | 18.75 | 21.25 | 23.75 |
| 10 | 27.625 | 26.375 | 16.25 | 15.50 | 20.00 | 19.00 | 21.50 | 24.00 |

[Part I in Table C amended by Am. 65, effective 1-2-46]

TABLE D—COOKED OR SMOKED BEEF ITEMS [4] [3]

| Zone | I Corned beef briskets (boneless) [3] | | | | II Peppered beef or Pastrami (boneless) [3] | | |
|---|---|---|---|---|---|---|---|
| | Non-Kosher, deckle-off | | Kosher, deckle-off | | Shoulder clod, chuck roll, plate corner piece, AA, A or B, choice, good or commercial grades | | Ham sets, insides, outsides, or knuckles B or commercial grade |
| | AA and A choice and good grades | B and C commercial and utility grade | AA and A choice and good grades | B and C commercial and utility grade | Non-Kosher | Kosher | |
| | (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| 1 | 51.125 | 49.00 | 55.50 | 52.50 | 57.00 | 65.00 | 53.75 |
| 2 | 49.25 | 46.875 | 53.25 | 50.25 | 54.75 | 61.75 | 52.00 |
| 3 | 46.625 | 44.125 | 50.25 | 47.25 | 51.50 | 57.50 | 49.75 |
| 4 | 46.625 | 44.125 | 50.25 | 47.25 | 51.50 | 57.50 | 49.75 |
| 5 | 48.125 | 45.375 | 51.75 | 48.75 | 53.25 | 59.50 | 50.75 |
| 6 | 48.75 | 46.25 | 52.50 | 49.50 | 54.00 | 60.75 | 51.50 |
| 7 | 49.25 | 46.875 | 53.25 | 50.25 | 54.75 | 61.75 | 52.00 |
| 8 | 49.875 | 47.50 | 54.00 | 51.00 | 55.50 | 63.00 | 52.50 |
| 9 | 50.50 | 48.375 | [5] 54.75 | [5] 51.75 | 56.25 | [5] 64.00 | 53.00 |
| 10 | 51.125 | 49.00 | 55.50 | 52.50 | 57.00 | 65.00 | 53.75 |

See footnotes at end of tables.

[Part I in Table D amended by Am. 65, effective 1-2-46, except that until January 23, 1946, sales of non-kosher, deckle-on fresh (fabricated) corned and cooked corned beef briskets

may be made at the ceiling prices for such products in effect immediately prior to January 2, 1946]

TABLE E—DRIED AND EXTRA DRIED BEEF ITEMS [1] CUTTER AND CANNER OR D GRADE

| Zone | I Dried beef hams [3] | | | | II Extra-dried beef hams [3] (these items may not be sold to retailers) | | | |
|---|---|---|---|---|---|---|---|---|
| | Sets (1) | Insides (2) | Outsides (3) | Knuckles (4) | Sets (5) | Insides (6) | Outsides (7) | Knuckles (8) |
| 1 | 34.75 | 36.50 | 33.50 | 32.75 | 37.50 | 39.50 | 36.25 | 35.50 |
| 2 | 34.00 | 35.75 | 32.75 | 32.00 | 36.75 | 38.75 | 35.50 | 34.75 |
| 3 | 33.00 | 34.75 | 31.75 | 31.00 | 35.75 | 37.75 | 34.50 | 33.75 |
| 4 | 33.00 | 34.75 | 31.75 | 31.00 | 35.75 | 37.75 | 34.50 | 33.75 |
| 5 | 33.50 | 35.25 | 32.25 | 31.50 | 36.25 | 38.25 | 35.00 | 34.25 |
| 6 | 33.75 | 35.50 | 32.50 | 31.75 | 36.50 | 38.50 | 35.25 | 34.50 |
| 7 | 34.00 | 35.75 | 32.75 | 32.00 | 36.75 | 38.75 | 35.50 | 34.75 |
| 8 | 34.25 | 36.00 | 33.00 | 32.25 | 37.00 | 39.00 | 35.75 | 35.00 |
| 9 | 34.50 | 36.25 | 33.25 | 32.50 | 37.25 | 39.25 | 36.00 | 35.25 |
| 10 | 34.75 | 36.50 | 33.50 | 32.75 | 37.50 | 39.50 | 36.25 | 35.50 |

TABLE F—SLICED DRIED BEEF ITEMS

| Zone | Packed in 5-pound cartons (1) | Packed in 3-pound cartons (2) | Packed in ¾-pound cellophane or other moisture resistant package (3) |
|---|---|---|---|
| 1 | 47.75 | 48.00 | 52.25 |
| 2 | 47.00 | 47.25 | 51.50 |
| 3 | 46.00 | 46.25 | 50.50 |
| 4 | 46.00 | 46.25 | 50.50 |
| 5 | 46.50 | 46.75 | 51.00 |
| 6 | 46.75 | 47.00 | 51.25 |
| 7 | 47.00 | 47.25 | 51.50 |
| 8 | 47.25 | 47.50 | 51.75 |
| 9 | 47.50 | 47.75 | 52.00 |
| 10 | 47.75 | 48.00 | 52.25 |

[1] If ground beef (bulk) or ground beef patties are not quick frozen, the applicable zone price shall be reduced 75 cents per cwt. If ground beef (bulk) or ground beef patties are unpackaged or packaged otherwise than in fibre or wooden containers, the applicable zone price shall be reduced 25 cents per cwt.

[2] For ground beef patties quick frozen, and packaged in double corrugated cartons containing 10 or 20 pounds of product, which is wrapped in white wax paper and shipped with dry ice to assure delivery in a frozen condition $1.00 per cwt. may be added to the applicable zone price.

[3] The following packaging charges may be added to the applicable zone prices:

| | Per cwt. |
|---|---|
| For slack barrels | $0.25 |
| For tierces "pickle-on" | 1.00 |
| For 200 lb. net weight tight hardwood barrels "pickle-on" | 1.50 |
| For 100 lb. net weight tight hardwood barrels "pickle-on" | 1.75 |
| For 50 lb. net weight tight hardwood barrels "pickle-on" | 2.00 |
| For 25 lb. net weight tight hardwood barrels "pickle-on" | 2.50 |
| For one piece fibre carton | .75 |
| For wooden boxes | .50 |

[4] No packer or packer's branch house, wholesaler or other selling establishment shall sell or deliver cooked corned beef briskets or cooked or smoked peppered beef items unless (i) such packer, packer's branch house or other selling establishment shall have filed with the appropriate regional office of the OPA a statement showing that it is or was regularly engaged in the preparation, sale and delivery of such a product; (ii) that during the calendar year 1943 it sold or delivered in the form of cooked or smoked corned beef briskets and peppered beef items at least 25% of the total volume by weight or dollar volume of cured or corned beef items sold by such selling establishments during that period; and (iii) that such selling establishment has received written authorization from the appropriate regional office of the OPA approving such statement and authorizing such selling establishments to sell and deliver cooked or smoked corned beef briskets and/or peppered beef items.

[5] For kosher cured, corned, cooked or smoked beef items made from cattle slaughtered in that portion of Zone 9 north of the Potomac River, the following prices may be charged: *Provided*, That such product shall be sold to a bona fide seller of kosher meats located in that portion of Zone 9 north of the Potomac River. These prices shall not be charged or received for the sale of any of these items which do not bear the abattoir stamp or the name, location and establishment number of the person who processed such product. Such identification may be made by a stamp, wrapper or tag affixed by wire to the product:

| | Per cwt. |
|---|---|
| Kosher corned briskets, boneless, deckle-off, grade AA and/or A | $31.875 |
| Kosher corned briskets, boneless, deckle-off, grade B and/or C | 30.125 |
| Kosher corned short plates, bone-in, grade AA and/or A | 18.50 |
| Kosher corned short plates, bone-in, grade B and/or C | 17.75 |
| Kosher corned short plates, boneless, grade AA and/or A | 23.125 |
| Kosher corned short plates, boneless, grade B and/or C | 22.125 |
| Kosher corned shoulder clod and/or chuck roll grade A and/or B | 45.00 |
| Kosher cooked corned beef brisket, boneless, deckle-off, grade AA and/or A | 53.75 |
| Kosher cooked corned beef brisket, boneless, deckle-off, grade B and/or C | 55.75 |
| Kosher cooked or smoked peppered beef (pastrami), items grade A and/or B | 60.00 |

[6] For corned beef (Army, Navy or Federal Surplus Commodities Corporation Specifications sold to War Procurement Agencies and packed for export shipment, $1.00 per hundredweight may be added to the applicable zone price for boxing, wrapping and freezing in accordance with the specifications and requirements contained in C. Q. D. No. 42B as amended and O. Q. M. G No. 94, as amended, issued by the Quartermaster Depot of the U. S. Army. In such case, the additions in footnote 3 hereof shall not be applicable.

[7] These items must be wrapped in parchment or other moisture resistant paper. If any of these items are sold unwrapped or wrapped in paper which is not moisture resistant, the applicable zone price shall be reduced 25 cents per cwt.

[8] For wrapping cooked or smoked beef items in waxed paper, parchment, or other moisture resistant paper, 25 cents per cwt may be added.

[Subparagraph (3) amended by Am. 11, 8 F.R. 6427, effective 5-14-43; Am. 15, 8 F.R. 7675; Am. 23, 8 F.R. 10671, effective 7-29-43; Am. 24, 8 F.R. 11031, effective 8-7-43; Am. 29, 8 F.R. 13249, 14305; Am. 31, 8 F.R. 14009, effective 10-16-43; Am. 43, 9 F.R. 9356, effective 8-7-44; Am. 45, 9 F.R. 9617, effective 8-12-44; Am. 47, 9 F.R. 13158, effective 11-8-44; Am. 49, 10 F.R. 47, effective 12-29-44; and Am. 52, 10 F.R. 1547, effective 2-3-45. For effective dates of Am. 15, see note following table in § 1364.452 (d) (2); subparagraph (3) amended by Am. 54, effective 6-1-45 except that the applicable zone prices for pastrami and the peppered beef items shall become effective 7-1-45]

(4) "Ground beef" (hamburger, hamburg steak, hamburger steak, chili meat) means ground, chopped, or comminuted fresh beef only derived from the skeletal portion of the dressed carcass (but not including headmeat) which contains no offal, added blood, cartilage, bone, cereal product, water or ice, or any adulterant or other foreign substance except seasoning, and which does not have a fat content in excess of 28 percent by chemical analysis. "Ground beef" shall be ground twice, the final grinding through a plate with holes not more than 3/16 of an inch in diameter, or 3/8 of an inch in the case of chili meat, or chopped in a rotary cutter or by other means giving equivalent results.

[Subparagraph (4) amended by Am. 54, effective 6-1-45]

(5) "Ground beef patties" as used herein means ground beef which has been formed into sticks, loaves, or cylinders and then sliced into pieces of uniform thickness, each of which shall not weigh more than three ounces.

(6) "Quick frozen" as used in this paragraph (p) means the freezing as rapidly as practicable in a sharp freezer or wind tunnel to a temperature not higher than minus 10° Fahrenheit, and the maintenance of the product in a thoroughly frozen condition until delivered to the buyer's place of business.

(7) "Miscellaneous beef item" means and is limited to any of the following items meeting the following minimum specifications:

(i) "Trimmed beef tenderloin" means the cutter and canner, including bologna bull tenderloin muscle with the attached side strip muscle lying inside of the full loin, cut and trimmed as herein required. The tenderloin shall be removed from the full loin by cutting along the inside of the chine bone following the conformation of this bone from the tip of the loin or at the point where the 13th rib joins the 13th thoracic vertebra to the end of the chine bone or at a point adjacent to the 5th sacral vertebra, and by a cut at the butt end of the tenderloin which shall be made along the hip bone following the natural seam (or blue seam) in the sirloin end of loin. Trimmed beef tenderloin shall be void of any head muscle and all the excess fat shall be removed from the back of the tenderloin so as to expose the gland which lies about 6 inches forward from the butt end of the tenderloin. All the fat lying beyond the exposed gland shall be tapered down to a point that in no case shall extend beyond three quarters of the length of the entire tenderloin.

(ii) "Boneless chuck (shoulder clod out)" means that part of the chuck remaining after all bones, back strap and shoulder clod (as defined in subdivision viii) hereof have been removed. Boneless chuck (shoulder clod out) shall be made only from the regular chuck (square cut). No trimming of the boneless chuck is required and the intercostal meat may be left attached.

(iii) "Boneless stewing meat" means meat prepared from fresh carcass beef of cutter or canner grade. All cuts of the beef carcass must be used except the tenderloin and kidneys which may be excluded and retained by the seller. All serous membranes shall be stripped from the flanks, skirts, and short plates. All meat shall be free from bones, cartilage and tendinous back strap. Fat shall not exceed 10 percent trimmable fat. The meat shall be cut into pieces approximately 1 inch in size, formed into 5 pound, 50 pound or 100 pound bricks, wrapped in heavy waxed paper, and packed in 50 or 100 pound fibre or corrugated containers of uniform size and appearance. The meat shall be immediately placed in a freezer and frozen solid. All meats shall be in prime con-

dition at the time of delivery at destination. Each container shall be inspected and passed by an inspector of the War Food Administration.

(iv) [Revoked]

[Subparagraph (iv) revoked by Am. 65, effective 1-2-46]

(v) "Corned (cured) boneless brisket (deckle off)" means that part of the green bone-in brisket, (wholesale cut) which has been cured after all the bones, intercostal meat and the deckle have been removed. The deckle means the layer of fat, meat and tissue lying between the rib bones, the rib (costal) cartilages, the breast (sternum) bone and the lean principal muscle of the brisket. The deckle shall be removed at the natural seam leaving the thick layer of fat attached to the deckle and exposing the lean meat surface lying directly below. This lean surface shall be free of all fat except minute flakes of fat that adhere closely to the lean after the deckle has been removed. The hard fat along the sternum edge (the area on the bone side of the brisket which is adjacent to and directly under the sternum bone) of the corned brisket shall be trimmed level with the boned surface of the brisket and to within ½ inch of the lean lying between this hard fat and the border of skin surface fat. All ragged pieces of meat from both bone and skin side of boneless (deckle off) brisket and all fat in excess of one inch on the outside skin surface, including the breast curve, shall be removed. The web muscle (full lip) shall be left attached with the thin tissue edge, trimmed to expose the narrow portion of lean meat. The cured weight of the corned boneless brisket shall not exceed the green weight (boneless) by more than 10 percent.

(vi) "Corned (cured) boneless short plate" means that part of the trimmed short plate which has been cured after the skirt (diaphragm), skirt fat and all bones have been removed. The fell shall be stripped from the flank side of the plate and all fat exceeding ½ inch shall be removed. The cured weight of corned boneless short plate shall not exceed the green weight by more than 10%.

(vii) "Corned (cured) short plate (bone in)" means a cured short plate with all the diaphragm (skirt) and diaphragm (skirt fat) and all loose trimmings removed. The cured weight shall not exceed the green weight by more than 6%.

(viii) "Corned (cured) shoulder clod" means the thick meaty portion of the regular chuck lying above the blade and rib bones. It shall be separated from the chuck by a cut starting at the knuckle joint and continuing in the same line along the ridge of the blade bone through to the chine bone, and by a second cut starting from the extreme corner of the brisket end of the 5th rib following the first natural muscle seam above the rib bones to a point about midway between the knuckle bone and the end of the 5th rib, then upward to the second natural muscle seam above the rib bones and following this natural muscle seam to the knuckle end of the clod. Pull knuckle end of clod upward, separating the natural muscle seam at the blade bone, the cut along edge of blade bone to enable clod to be pulled loose from the chuck. The cured weight shall not exceed the green weight by more than 10 percent.

(ix) "Corned (cured) beef hams (insides, outsides, knuckles)" means the cured three natural muscle pieces into which the round is separated after the rump, shank and femur bone (round bone) have been removed. The "knuckle" shall be separated by cutting through the natural muscle seam between the knuckle and outside muscle on the side, and the knuckle and the inside muscle on the other side leaving one and one half inches of the wedge shaped piece of the meat from overlapping inside muscle attached to the knuckle. The patella (or knee cap bone) may be left on the knuckle.

The "inside" and "outside" pieces shall be separated by a cut starting at the termination of the gambrel cord separating the shank end portion equally between the inside and outside, and continuing in a straight line to a point on the rump end which is just barely on the outside edge of the large muscle seam that is visible at this end. The gland which lies in the center between the inside and outside muscles shall be cut through so as to leave a portion of this gland in both muscles. All cod or udder fat and all other fat in excess of ⅛ of an inch shall be removed. The cured weight of beef hams shall not exceed the green weight by more than 10%.

(x) "Dried beef (insides, outsides, knuckles)" means cured insides, outsides or knuckles of the beef ham, which have moisture content reduced so that the resulting weight is not in excess of 65% of the green weight. For "extra dried beef (insides, outsides, knuckles)" the finished weight shall not exceed 60% of the green weight.

(xi) [Revoked]

[Subparagraph (xi) revoked by Am. 65, effective 1-2-46]

(xii) "Cooked corned (cured) boneless brisket (deckle off)" means corned boneless brisket (deckle off) as defined in item (v) of this paragraph (p) (7) which has been cooked and is ready to serve without additional cooking. The cooked weight shall not exceed 65 percent of the cured weight of the boneless brisket (deckle off).

(xiii) "Shoulder clod pastrami" means shoulder clod derived from commercial, good or choice grade regular chuck which has been cured and smoked according to standard commercial practice. The clod shall be separated from the chuck in the manner described in § 1364.452 (p) (7) (viii). All outside fat shall be removed to within ½ inch of the lean.

The upper end of the clod shall be rounded in a smooth curve with all ragged pieces trimmed off. The cured weight shall not exceed the green weight by more than 5%. The smoked and cooked weight shall not exceed 65% of the cured weight. Peppers and/or spices shall be applied in accordance with standard commercial practice.

(xiv) "Chuck roll pastrami" means that portion of lean meat derived from commercial, good or choice grade regular chuck, lying below the scapula (blade bone) and above the first five ribs adjacent to the thoracic vertebrae and rib fingers (spinal processes), but not including the meat anterior to or in front of the fourth cervical vertebra, commonly referred to as the neck. It shall not include any of the meat anterior to the first rib or the muscle (scotch roll) and fat tissue in front (anterior side) of the scapula ridge on a line measured from the top of the scapula to a point directly above the fourth and fifth cervical vertebrae. The back strap and at least two inches of the lean muscle along the back side shall be trimmed off and shall not be included in the chuck roll. All meat lying above the first to the fifth ribs, inclusive, starting at a point approximately 8 inches from the back (top) side of the chuck muscle and running parallel thereto shall be removed so that only the lean meat lying adjacent to the chine bone and spinal processes shall be used. The width of the chuck roll shall not exceed eight inches. It shall be prepared and cured according to standard commercial practice. No intercostal meat, loose or ragged pieces of meat shall be included in the chuck roll and it shall be tied with at least four loops of string. The cured weight shall not exceed the green weight by more than 5%. The cooked or smoked weight shall not exceed 65% of the cured weight. Pepper and/or spices shall be applied in accordance with standard commercial practice.

(xv) "Plate (corner piece) or Roumanian pastrami," means the corner piece (breast side) of the short plate of commercial, good or choice grade beef which has been removed from the plate by a cut along the anterior edge of the ninth rib (the fourth rib of the plate measured from the brisket side) to a point midway between the rib side and the breast side of the short plate. Thence, by a cut made parallel to the rib edge of the short plate and continuing to the brisket end. No other part of the short plate shall be used. The bones with all the intercostal meat shall be removed. The outside superficial fascia and muscular layer (panniculus carnosus) and extraneous fat shall be removed down to the inside muscular layer and trimmed to expose portions of the lean meat having only minute particles of fat attached. The outside edges shall be trimmed so that all ragged pieces are removed. The fat on the rib side shall be removed in the same manner. It shall be cured in accordance with standard commercial practice. The cured weight shall not exceed the green weight by more than 5%. The smoked or cooked weight shall not exceed 67% of the cured weight. Peppers and/or spices shall be applied in accordance with standard commercial practice.

(xvi) "Peppered beef hams (insides, outsides, knuckles)" means corned (cured) beef hams (insides, outsides and knuckles) as defined in § 1364.452 (p) (7) (ix) except that the cured weight shall not exceed the green weight by more than 5 percent and they shall be derived from rounds of commercial grade or better. The hams shall be cooked or smoked and peppered or spiced in ac-

cordance with standard commercial practice. The cooked and smoked weight shall not exceed 65% of the cured weight.

[Subparagraph (7) amended by Am. 15, 8 F.R. 7675, (for effective date see note following table in § 1364.452 (d) (2)); Am. 23, 8 F.R. 10671, effective 7-29-43; Am. 31, 8 F.R. 14009, effective 10-16-43; Am. 47, 9 F.R. 13158, effective 11-8-44; Am. 49, 10 F.R. 47, effective 12-29-44; and Am. 54, 10 F.R. 6182, effective 6-1-45]

(8) Any miscellaneous beef item subject to this paragraph (p) and meeting the specifications contained herein, and which in addition is derived from cattle, slaughtered, prepared, approved and stamped as "kosher" under rabbinical supervision and sold under rabbinical supervision shall be deemed to be a "kosher" miscellaneous beef item.

[Subparagraph (8) added by Am. 54, 10 F.R. 6182, effective 6-1-45. Former subparagraph (8) redesignated (9)]

(9) For any item subject to this paragraph (p) which does not satisfy the specifications or which is made from wholesale cuts, portions of beef or grades of beef not authorized, the zone price used for the determination of the maximum price shall be the applicable zone price of the lowest priced miscellaneous beef item.

[Subparagraph (9), formerly (8), added by Am. 15, 8 F.R. 7675; redesignated by Am. 54. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2)]

[Paragraph (p) added by Am. 6, 8 F.R. 4844, effective 4-14-43]

(q) *Maximum prices for beef wholesale cuts, fabricated beef cuts and/or ground beef and miscellaneous beef items sold to operators of lake vessels, other than passenger boats, engaged in shipping upon the Great Lakes.* The maximum price for each grade of each beef wholesale cut, fabricated beef cut and/or ground beef and miscellaneous beef item shall be the maximum price determined as provided in subparagraph (1). On and after August 2, 1944, this paragraph (q) shall apply only to sales between a "Great Lakes marine supplier," as defined in subparagraph (13) and an "operator of a lake vessel," as defined in subparagraph (14) hereof, and no sale or delivery shall be made pursuant to the provisions of this paragraph (q) unless the "Great Lakes marine supplier" has complied with the filing requirements of subparagraph (8) hereof.

(1) *Maximum prices:* (i) The maximum price for each grade of each beef wholesale cut for sale or delivery by a Great Lakes marine supplier to an operator of a lake vessel shall be the applicable zone price determined in accordance with the provisions of subparagraph (2) hereof, and specified in subparagraph (9) plus the addition permitted by subparagraph (12), if applicable, minus the required deductions, if any, specified in Schedule II (incorporated herein as § 1364.453). The additions set forth in Schedule III (§ 1364.454) may not be charged.

(ii) The maximum price for each grade of fabricated beef cut for sale or delivery by a Great Lakes marine supplier to an operator of a lake vessel shall be the applicable zone price determined in accordance with the provisions of subparagraph (2) hereof and specified in subparagraph (10) plus the addition permitted by subparagraph (12), if applicable, minus the required deductions, if any, specified in Schedule II (§ 1364.453), substituting for the purposes of this subdivision (ii) the term "fabricated beef cut" wherever the words "wholesale cut" or "wholesale cuts" are used in Schedule II (§ 1364.453). The additions set forth in Schedule III (§ 1364.454) may not be charged.

(iii) The maximum price for each grade of ground beef and miscellaneous beef items for sale or delivery by a Great Lakes marine supplier to an operator of a lake vessel shall be the applicable zone price determined in accordance with the provisions of subparagraph (2) hereof and specified in subparagraph (11) plus the addition permitted by subparagraph (12), if applicable, minus the required deductions, if any, specified in Schedule II (§ 1364.453) substituting for the purposes of this subdivision (iii) the term "ground beef and miscellaneous beef items" wherever the words "wholesale cut" or "wholesale cuts" are used in Schedule II (§ 1364.453). The additions set forth in Schedule III (§ 1364.454) may not be charged.

(2) The applicable zone price shall be the price specified in subparagraphs (9), (10) or (11) for the zone in which is located the seller's distribution point:

(i) At which the buyer takes actual physical possession of the meat; or

(ii) From which the meat consigned to the buyer (*a*) is delivered to a common carrier other than a railroad, for shipment to the buyer, who pays the shipping charges directly to the carrier, or (*b*) is delivered to a railroad for shipment at the carload rate to the buyer who pays the shipping charges directly to the carrier.

(iii) In the case of a less-than-carload shipment, other than an express shipment to a purveyor of meals, the applicable zone price shall be the price for the zone in which is located the rail unloading station nearest to the buyer's place of business.

(iv) On sales to purveyors of meals the distribution point may be, in addition to those listed, the point at which meat, consigned to the buyer, is delivered to a railway express company for shipment by express to the buyer who pays the shipping charges directly to the carrier.

(3) The applicable zone price shall be the delivered price anywhere within the zone to which such price applies. Schedule I (paragraphs (a) to (j), inclusive) incorporated in the regulation as § 1364.452, contains a statement describing the geographical limits of each price zone.

(4) Except as permitted in § 1364.417 and in paragraphs (1), (m), (n), (o), (p), (q) or (r) of Schedule I (§ 1364.452), regardless of any contract, agreement or other obligation, no "Great Lakes Marine Supplier" shall sell or deliver to an "operator of a lake vessel" any beef carcass or any part or portion of any beef carcass, and no "operator of a lake vessel" in the course of trade or business shall buy or receive from a "Great Lakes Marine Supplier" any beef carcass or any part or portion of any beef carcass unless such beef or part or portion is a beef carcass or a beef wholesale cut as defined in § 1364.455 for which applicable prices have been established.

[Subparagraph (4) amended by Am. 54, 10 F.R. 6182, effective 6-1-45]

(5) No Great Lakes marine supplier shall sell or deliver any fabricated beef cut, and no operator of a lake vessel in the course of trade or business shall buy or receive any fabricated beef cut unless such fabricated beef cut is a fabricated beef cut as defined in § 1364.455 (b) (3) for which applicable zone prices have been established.

(6) No Great Lakes marine supplier shall sell or deliver any ground, chopped or comminuted meat containing any proportion of beef or any miscellaneous beef item and no operator of a lake vessel in the course of trade or business shall buy or receive any ground, chopped or comminuted meat containing any proportion of beef or any miscellaneous beef item unless such ground, chopped or comminuted meat is ground beef and such miscellaneous beef item is a miscellaneous beef item as defined in § 1364.452 (p) for which applicable zone prices have been established.

(7) No Great Lakes marine supplier shall sell or deliver any beef wholesale cut, fabricated beef cut or ground beef and miscellaneous beef item and no operator of a lake vessel shall buy or receive in the course of trade or business any beef wholesale cut, fabricated beef cut or ground beef and miscellaneous beef item at a price higher than the maximum price permitted therefor in subparagraph (1) of § 1364.452 (q).

(8) No Great Lakes marine supplier shall make any sale or delivery of any beef wholesale cut, fabricated beef cut or ground beef and miscellaneous beef item pursuant to this paragraph (q) unless such Great Lakes marine supplier shall have filed with the appropriate Regional Office of the Office of Price Administration a statement, prior to the making of such sale or delivery, that he (i) is engaged in the business of buying beef carcasses and beef wholesale cuts for resale as beef wholesale cuts, fabricated beef cuts or ground beef and miscellaneous beef items to an operator of a lake vessel or vessels as defined in subparagraph (14), and (ii) sold or delivered to such lake vessel during the calendar year of 1943 at least 25 percent of the total volume by weight of meats or meat products sold or delivered from his selling establishment. The filing of such a statement shall not preclude investigation by the Office of Price Administration of the facts relating to the nature of the business carried on by the person filing the statement or of any action or proceedings arising from such investigation.

(9) (i) The beef wholesale cut prices applicable in Zones 3 and 4 shall be as follows:

[All prices are on a dollar per hundredweight basis. The price for any fraction of a hundredweight shall be reduced accordingly. The additions set forth in Schedule III (§ 1364.451) may not be charged]

| Beef wholesale cuts | Grades | | | |
|---|---|---|---|---|
| | Choice or AA | Good or A | Commercial or B | Utility or C |
| Steer or Heifer: | | | | |
| 1. Round | $25.00 | $23.00 | $20.00 | $17.00 |
| 2. Trimmed full loin | 33.00 | 31.00 | 25.50 | 22.00 |
| 3. Sirloin | 30.00 | 29.00 | 23,00 | 20.00 |
| 4. Short loin | 37.00 | 34.00 | 29.00 | 24.00 |
| 5. Flank | 14.00 | 14.00 | 12.50 | 12.50 |
| 6. Regular chuck | 22.00 | 21.00 | 19.00 | 17.00 |
| 7. Cross-cut chuck | 20.50 | 19.75 | 17.75 | 15.75 |
| 8. Rib | 27.00 | 25.00 | 23.00 | 20.00 |
| 9. Short plate | 15.00 | 15.00 | 14.00 | 14.00 |
| 10. Brisket | 18.00 | 18.00 | 15.00 | 15.00 |
| 11. Shank | 13.00 | 13.00 | 13,00 | 13.00 |

(ii) The beef wholesale cut prices applicable in Zones 1 and 2 and 5 to 10 shall be the prices specified in subdivision (i) of this subparagraph (9) plus the following:

| Zone: | |
|---|---|
| 1 | $1.75 |
| 2 | 1.00 |
| 5 | .50 |
| 6 | .75 |
| 7 | 1.00 |
| 8 | 1.25 |
| 9 | 1.50 |
| 10 | 1.75 |

(iii) All sales under this subparagraph (9) are made subject to the provisions of § 1364.452 (k). The applicable Zone 3 and 4 price of each cow wholesale cut of utility grade, commercial grade or good grade shall be the same as the Zone 3 and 4 price of the corresponding wholesale cut of steer or heifer of the same grade.

The applicable Zone 3 and 4 price of each stag wholesale cut of utility grade, commercial grade or good grade shall be the same as the Zone 3 and 4 price of the corresponding wholesale cut of steer or heifer of the same grade.

The applicable Zone 3 and 4 price of each bull wholesale cut of utility grade or commercial grade shall be the same as the Zone 3 and 4 price of the corresponding wholesale cut of steer or heifer of the same grade.

The applicable Zone 3 and 4 price of each beef wholesale cut which has not been graded or identified by sex mark (required by paragraph (c) of § 1364.411) when offered for sale, sold or delivered, shall be the price of the lowest priced corresponding wholesale cut.

(10) (i) The fabricated cut prices for a Great Lakes marine supplier applicable in Zones 3 and 4 shall be the prices listed in subparagraph (o) (4) of this § 1364.452.

(ii) The fabricated beef cut prices for a Great Lakes marine supplier applicable in Zones 1 and 2 and 5 to 10 shall be the prices listed in subparagraph (o) (4) of this § 1364.452 plus the following:

| Zone; | |
|---|---|
| 1 | $1.75 |
| 2 | 1.00 |
| 5 | .50 |
| 6 | .75 |
| 7 | 1.00 |
| 8 | 1.25 |
| 9 | 1.50 |
| 10 | 1.75 |

(iii) All sales under this subparagraph (10) are made subject to the provisions of § 1364.452 (k). For the purposes of this subparagraph the term "fabricated beef cut" shall be substituted for the term "wholesale cut" in § 1364.452 (k).

(11) (i) The ground beef and miscellaneous beef item prices for a Great Lakes marine supplier applicable in Zones 3 and 4 shall be the prices listed in paragraph (o) (10) of this § 1364.452.

(ii) The ground beef and miscellaneous beef item prices for a Great Lakes marine supplier applicable in Zones 1 and 2 and 5 to 10 shall be the prices listed in paragraphs (o) (10) of this § 1364.452 plus the following:

| Zone: | |
|---|---|
| 1 | $1.75 |
| 2 | 1.00 |
| 5 | .50 |
| 6 | .75 |
| 7 | 1.00 |
| 8 | 1.25 |
| 9 | 1.50 |
| 10 | 1.75 |

(iii) For any item subject to this subparagraph (11) which does not satisfy the specifications of § 1364.452 (p) or which is made from beef wholesale cuts, portions of beef or grades of beef not authorized, the zone price used for the determination of the maximum price shall be the applicable zone price of the lowest price of miscellaneous beef item.

(12) On a delivery of beef wholesale cuts, fabricated beef cuts or ground beef and miscellaneous beef items by a Great Lakes marine supplier to the operator of a lake vessel, made in the seller's motor launch, such seller may add 75 cents per hundredweight to the applicable zone price.

(13) *"Great Lakes marine supplier"* means a person operating a selling establishment from which he is engaged in the buying of beef carcasses and beef wholesale cuts for resale in the form of beef and veal wholesale cuts, fabricated beef and veal cuts, and ground beef and miscellaneous beef items to an operator or operators of a lake vessel or vessels for consumption aboard such vessel or vessels, and who during the calendar year of 1943 sold or delivered to such lake boats for consumption aboard such lake vessel or vessels at least 25 percent of the volume of meats and meat products sold or delivered from his selling establishment.

(14) *"Operator of a lake vessel"* means any person who owns or operates a lake vessel or vessels, other than a passenger boat, engaged in shipping upon the Great Lakes, and who in operating such vessel or vessels purchases or receives meats from a Great Lakes marine supplier for consumption aboard such vessel or vessels.

(15) The provisions of subparagraphs (2) and (3) of § 1364.407 (e) and the provisions of § 1364.415 shall not be applicable to sales or deliveries by a Great Lakes marine supplier of fabricated beef cuts and/or ground beef and miscellaneous beef items to an operator of a lake vessel.

[Paragraph (q) added by Am. 44, 9 F.R. 9425, effective 8-2-44]

(r) *Application for maximum selling price for specialty steak products.* Any seller who desires to manufacture and sell specialty steak products such as chip steaks, frosted steaks, sandwich steaks, French steaks, tenderredy steaks, or similar specialty meat products to purveyors of meals (defined in § 1364.455 (b) (2)) and/or to intermediate distributors for resale to purveyors of meals, and who, prior to March 31, 1942, was engaged in the production and sale of such a product may apply to the Office of Price Administration, Washington, D. C. on OPA Form No. 635-1088, (see § 1364.532, Appendix G for a copy which may be reproduced by you) for a maximum selling price setting forth in such application (1) a description of the product including (i) the wholesale cut and grade of meat used, (ii) a description of the complete processing operation, (iii) the type of wrapping and packaging and (iv) the weight of the individual packages; (2) a break-down of the costs involved in the preparation of the product including (i) ingredient costs (separately itemized), (ii) costs of packaging materials, (iii) direct labor costs, (iv) indirect labor costs, (v) administrative costs, (vi) selling costs and (vii) other costs (itemized). In every case the applicant shall indicate whether the costs are actual costs or estimated costs; (3) the volume by weight and dollar volume sold and delivered for each month during any six consecutive months of 1941 and 1942, inclusive, including (i) the weight and dollar volume sold to purveyors of meals, (ii) the weight and dollar volume sold to wholesalers, (iii) the weight and dollar volume sold to retailers and (iv) the weight and dollar volume sold to others; (4) the ceiling price requested and the method used in arriving at the ceiling price.

Notwithstanding any of the provisions of this paragraph (r), any seller who, prior to May 1, 1944, purchased for resale chip steaks or other similar specialty steak products and who still has such product on hand, may apply for authorization to sell such inventory stocks. Such application shall contain a full and complete description of the product and shall indicate the price paid therefor and the total volume on hand. The application shall also indicate the approximate time necessary to dispose of the inventory stocks.

Upon receipt of an application filed pursuant to this paragraph (r), the Price Administrator may authorize a maximum selling price for the specialty steak product subject to such conditions as he deems necessary and proper in the interest of effective price control.

The Price Administrator may at any time adjust any maximum price established under this paragraph (r) so as to bring it in line with the level of maximum prices otherwise established by this regulation.

[Paragraph (r) added by Am. 46, 9 F.R. 10874, effective 9-7-44]

(s) *Production and sale of prefabricated quick frozen and packaged retail beef cuts.* (1) Any person, other than a hotel supply house, is authorized to

engage in the production of prefabricated quick frozen and packaged retail beef cuts as defined herein, for sale and delivery to any retail store or stores and may charge and receive no higher than the maximum price therefor as determined in the manner provided in paragraph (s) (3) hereof: *Provided,* That as a condition for such authorization, (i) the seller shall produce prefabricated quick frozen and packaged retail beef cuts in accordance with the specifications and requirements contained in paragraph (s) (2) hereof, and (ii) the seller shall sell and deliver prefabricated quick frozen and packaged retail beef cuts to those retail stores only which are properly equipped with such facilities as are necessary to maintain such cuts in a solid frozen condition.

(2) Prefabricated quick frozen and packaged retail beef cuts, as used in this paragraph (s) means beef steaks, roasts and ground beef derived from beef carcasses or wholesale cuts of Choice (AA), Good (A) or Commercial (B) grades, which are described and given dollar-and-cents ceiling prices under Maximum Price Regulation No. 355; which are separately wrapped in a transparent moisture proof paper, thoroughly frozen at quick freezing temperatures and have clearly visible a tag or other marking showing the name of the cut and the net weight of the meat contained in the package. In addition, § 4002.2 (c) (5) of Office of Economic Stabilization Regulation No. 1, "Grading and Grade Labelling of Meats," requires that any person who sells and delivers prefabricated quick frozen and packaged retail beef cuts pursuant to this paragraph (s) shall have clearly visible a tag or other marking showing the grade of meat contained in the package. No package of ground beef produced pursuant to this paragraph (s) shall exceed 2 pounds in net weight.

(3) The maximum delivered price per hundredweight for each grade and type of prefabricated quick frozen and packaged retail beef cut shall be determined as follows:

(i) The seller shall first determine an amount equal to 75 percent of the retail ceiling price (Group 1 and 2 stores) for the corresponding grade and type of fresh retail cut applicable in the retail zone area (described in Maximum Price Regulation No. 355) in which the buyer's store is located. In determining this figure, the retail ceiling price shall first be converted to a per hundredweight basis and the result shall be rounded to the nearest 25 cents per hundredweight. To the figure so obtained there may be added the appropriate delivery allowance specified in subdivision (ii) if applicable. The weight for determining such maximum price shall be the net weight of the prefabricated quick frozen retail cut indicated on each package.

(ii) Except as provided in subdivision (iii), the following additions may be made by the seller for delivery of prefabricated quick frozen and packaged retail beef cuts from the seller's place of business to the buyer's retail store:

(*a*) If the seller's place of business is located within 25 miles of the buyer's retail store, the seller may add no more than 25 cents per hundredweight.

(*b*) If the seller's place of business is located more than 25 miles from the buyer's retail store but less than 200 miles, 50 cents per hundredweight may be added.

(*c*) If the seller's place of business is located more than 200 miles from the buyer's retail store, 75 cents per hundredweight may be added.

(*d*) In any case in which a delivery charge may be made under this subdivision (ii), a separate item designating the amount of such charge must be shown on the invoice.

(iii) The delivery charges specified in subdivision (ii) shall not be applicable if the seller's place of business is located in a lower price zone and the buyer's retail store is located in a higher price zone. For purposes of this subdivision (iii), the term "higher price zone" means a price zone as specified in Maximum Price Regulation No. 355 having a higher zone price, and the term "lower price zone" means a price zone as specified in Maximum Price Regulation No. 355 having a lower zone price.

(iv) The deductions in § 1364.453 and the additions in § 1364.454 of this regulation are not applicable to sales or deliveries of prefabricated quick frozen and packaged retail beef cuts.

(v) If any person engaging in the production of prefabricated quick frozen and packaged retail beef cuts pursuant to this paragraph (s) fails to comply with any of its provisions or requirements, the Price Administrator may, in addition to other penalties provided by law, revoke the authorization contained herein.

[Paragraph (s) added by Am. 61, 10 F.R. 13636, effective 11-7-45]

(t) *Frozen boneless beef for sales to the Department of Agriculture.* (1) On or after November 30, 1945, regardless of any contract, agreement or other obligation, no person shall sell or deliver frozen boneless beef to the U. S. Department of Agriculture or any agency thereof at a price higher than the maximum price permitted therefor in paragraph (t) (2) or (t) (3) hereof, whichever is appropriate.

(2) The maximum f. o. b. shipping point price for frozen boneless beef of commercial or utility grades shall be the maximum prices for those grades specified in paragraph (m) (2) of this section, applicable to sales of frozen boneless beef (Army specifications), except for the appropriate permitted additions provided in paragraph (h) of § 1364.454 hereof.

(3) The maximum f. o. b. shipping point price for frozen boneless beef of cutter and canner grade shall be the maximum prices specified for that grade in subparagraph (1) (2) of this section, applicable to sales of "boneless beef for Army canned meats," except for the appropriate permitted additions provided in paragraph (h) of § 1364.454 hereof.

(4) "Frozen boneless beef" as used in this paragraph (t) means beef, boneless and frozen, derived from steers, heifers and cows of grades commercial, utility and cutter and canner and satisfying the specifications and requirements of Important Notice G-95, issued by the U. S. Department of Agriculture.

[Paragraph (t) added by Am. 64, 10 F.R. 14703, effective 11-30-45]

§ 1364.453 *Schedule II: Amounts which must be deducted from zone prices listed in Schedule I.* As hereinafter provided, the following shall be deducted from the applicable zone prices:

(a) *For beef carcasses and beef wholesale cuts not graded by an official grader.* For the sale of any beef carcass or beef wholesale cut which does not bear the grade mark and identification of an official grader of the United States Department of Agriculture at the time of sale, the seller shall deduct 12½ cents per cwt. from the applicable zone price.

[Paragraph (a) amended by Am. 4, 8 F.R. 4037, effective 4-3-43]

(b) *Carload discount.* For all beef carcasses and/or beef wholesale cuts and/or other meat items subject to this subpart B and § 1364.453 and § 1364.454, delivered in a straight or mixed carload shipment or sold as a part of a straight or mixed carload sale, the seller shall deduct 25 cents per hundredweight from the applicable zone price.

[Paragraph (b) amended by Am. 8, 8 F.R. 5478, effective 4-23-43; Am. 10, 8 F.R. 6058, effective 5-8-43; Am. 14, 8 F.R. 7199, effective 5-24-43; Am. 15, 8 F.R. 7675; Am. 16, 8 F.R. 8911, effective 6-8-43; Am. 18, 8 F.R. 8756, effective 6-22-43; and Am. 21, 8 F.R. 9335, effective 7-16-43. Paragraph (c) consolidated with (b) by Am. 15]

(c) For beef carcasses, beef wholesale cuts, ground beef and/or miscellaneous beef items sold to a peddler truck seller by a wholesaler, the seller shall deduct $0.50 per cwt. from the applicable zone price. The amount to be deducted on sales of any fraction of a hundredweight shall be reduced accordingly.

[Paragraph (c) added by Am. 47, 9 F.R. 13153, effective 11-8-44; and amended by Am. 54, effective 6-1-45]

§ 1364.454 *Schedule III: Amounts which may be added to zone prices listed in Schedule I.* Subject to the conditions hereinafter provided, the following may be added to the applicable zone price:

(a) *For transportation and/or local delivery.* (1) For transportation from the point at which the meat was slaughtered in Price Zone 3 or 4 to a distribution point located in either of those price zones other than another slaughtering or packing plant owned or controlled by the same seller, the seller may add the actual cost of transportation computed at the lowest common carrier rate for the method of transportation used, but in no event more than 75 cents per hundredweight.

[Subparagraph (1) amended by Am. 28, 8 F.R. 13249, effective 10-2-43; and Am. 45, 9 F.R. 9317, effective 8-12-44]

(2) For transportation from the point at which the meat was slaughtered in Price Zone 1, 2, 5, 6, 7, 8, 9, or 10 to a distribution point located in the same price zone as the slaughter point, other than another slaughtering or packing

plant owned or controlled by the same seller, the seller may add the actual cost of transportation computed at the lowest common carrier rate for the method of transportation used, but in no event more than 25 cents per hundredweight.

[Subparagraph (2) amended by Am. 45, 9 F.R. 9617, effective 8-12-44]

(3) For local delivery made within a radius of 25 miles from a slaughter plant, packing house, car-route unloading point, railroad unloading station or branch house, to the place of business of a seller at retail, wholesaler (not owned or controlled by the shipper or consignor), hotel supply house (not owned or controlled by the shipper or consignor), or commercial user, or the designated delivery point of a war procurement agency, or other government agency; or

For local delivery made within a radius of 25 miles from the place of business of a wholesaler or hotel supply house, to the place of business of a seller at retail, purveyor of meals, or commercial user, or the designated delivery point of a war procurement agency, or other government agency: the seller may add 25¢ per cwt.

(4) For local delivery made from a slaughter plant, packing house, car-route unloading point, railroad unloading station or branch house, located in Price Zone 3 or 4 to the place of business of a seller at retail, wholesaler (not owned or controlled by the shipper or consignor), hotel supply house (not owned or controlled by the shipper or consignor), or commercial user, or the designated delivery point of a war procurement agency, or other government agency, located more than 25 miles from such shipping point; or

For local delivery made from the place of business of a wholesaler or hotel supply house located in Price Zone 3 or 4 to the place of business of a seller at retail, purveyor of meals, or commercial user, or the designated delivery point of a war procurement agency, or other government agency, located more than 25 miles from such shipping point: the seller may add the actual cost of local delivery computed at the lowest common carrier rate for the method of delivery used, but in no event more than 75¢ per cwt.

(5) For local delivery made from a slaughter plant, packing house, car-route unloading point, railroad unloading station, or branch house, located in Price Zone 1, 2, 5, 6, 7, 8, 9, or 10, to the place of business of a seller at retail, wholesaler (not owned or controlled by the shipper or consignor), hotel supply house (not owned or controlled by the shipper or consignor), or commercial user, or the designated delivery point of a war procurement agency, or other government agency, located more than 25 miles from such shipping point; or

For local delivery made from the place of business of a wholesaler or hotel supply house located in Price Zone 1, 2, 5, 6, 7, 8, 9, or 10, to the place of business of a seller at retail, purveyor of meals or commercial user, or the designated delivery point of a war procurement agency or other government agency, located more than 25 miles from such shipping point: the seller may add the actual cost of local delivery computed at the lowest common carrier rate for the method of delivery used, but in no event more than 50¢ per cwt.

(6) If the seller is a packer's branch house, wholesaler or hotel supply house, who has paid a charge under paragraph (a) of this section for local delivery and/or transportation, he may upon the resale of beef carcasses and/or beef wholesale cuts upon which the charge has been made, add the amount of such charge up to $.50 per cwt. on sales made from a distribution point located in Price Zones 1, 2, 5, 6, 7, 8, 9, or 10 inclusive, and up to $1.00 per cwt. in Price Zones 3 and 4.

[Subparagraph (6) added by Am. 45, 9 F.R. 9617, effective 8-12-44]

(7) Notwithstanding any of the provisions of paragraph (a) (1) to (a) (6), inclusive, of this § 1364.454, nothing therein contained shall be construed to permit a total charge for transportation and/or local delivery from the point at which the meat was slaughtered to the place of business or receiving point of a retail seller, purveyor of meals, war procurement agency, other government agency or commercial user of more than 50 cents per cwt. in Price Zone 1, 2, 5, 6, 7, 8, 9, or 10, inclusive, or $1.00 per cwt. in Price Zones 3 and 4.

The transportation and local delivery additions permitted in this paragraph (a) are on a hundredweight basis, and the charge for transportation and/or local delivery for any fraction of a hundredweight shall be reduced accordingly. The additions specified in this paragraph (a) for transportation and/or local delivery may be charged: *Provided,* That the seller shall itemize separately on an invoice to the buyer the amount charged the buyer for transportation and/or local delivery, except that if such separate statement of transportation charges is prohibited by local law, the seller shall maintain in his own record of the transaction a separate statement of any addition for transportation or local delivery which is included in the maximum price charged.

[Subparagraph (7), formerly (6) amended by Am. 2, 8 F.R. 164, effective 1-8-43; Am. 28, 8 F.R. 13249, effective 10-2-43; redesignated (7) and amended by Am. 45, 9 F.R. 9617, effective 8-12-44]

(b) *For kosher beef wholesale cuts.* The applicable zone price established for kosher beef wholesale cuts (which includes the additions permitted) shall apply only on sales of kosher beef as such to buyers of kosher meat and no seller shall sell or deliver any kosher beef wholesale cut and no buyer shall buy or receive any kosher beef wholesale cut at the price established therefor or at a price higher than established for the corresponding non-kosher wholesale cut in § 1364.452 (Schedule I), unless the buyer of such wholesale cut is a bona fide buyer of kosher meat. For the sale of any kosher beef wholesale cut to a buyer other than a bona fide buyer of kosher meat the maximum price shall be determined by use of the applicable zone price established for the corresponding non-kosher wholesale cut, and the seller shall remove all stamps and designations which identify the wholesale cut as kosher. Any beef carcass or wholesale cut which has been derived from cattle slaughtered in the manner of kosher slaughter but rejected as non-kosher shall not be sold, unless all stamps and designations which identify the carcass or wholesale cut as kosher have been removed.

(c) *For kosher wholesale cuts derived from cattle slaughtered in a limited area of Zone 9.* (1) For any grade of kosher beef triangle or kosher beef wholesale cut or cuts obtained from the kosher triangle, which cut or cuts are derived from cattle slaughtered in that portion of Zone 9 north of the Potomac River and which clearly bear the abattoir stamp at the time of sale, the seller may add $1.50 per hundredweight to the applicable Zone 9 price: *Provided,* That such wholesale cut or cuts shall be sold to a bona fide buyer of kosher meat located in the portion of Zone 9 north of the Potomac River. In the case of kosher forequarters derived from cattle slaughtered in the same area and sold under the same conditions, the seller may add $1.20 per hundredweight to the applicable Zone 9 price.

[Subparagraph (1) amended by Am. 4, 8 F.R. 4097, effective 4-3-43; and Am. 49, 10 F.R. 47, effective 12-29-44]

(2) [Revoked]

[Subparagraph 2 revoked by Am. 4, effective 4-3-43]

(3) The provisions of paragraph (b) of this section governing the sale of kosher wholesale cuts shall apply to sales made pursuant to this paragraph (c). No addition permitted by this paragraph (c) shall be added for the sale of any kosher wholesale cut which does not bear the abattoir's stamp clearly legible. No slaughterer shall charge the addition for kosher beef slaughtered in the limited areas of Price Zone 9 described in subparagraphs (1) or (2) hereof, until he shall have filed the report required in paragraph (c) of § 1364.407 of this Revised Maximum Price Regulation No. 169.

(d) *Wholesaler's selling addition.* On the sale of any beef item subject to this regulation not obtained through custom slaughtering, excluding sales made pursuant to paragraph (l), (m), (n), (o), (q), (r), (s), or (t) of § 1364.452, a person who at the time of the sale is a wholesaler may add $1.00 per hundredweight to the applicable zone price: *Provided, however,* That after November 23, 1944, no person shall charge the addition permitted by this § 1364.454 (d) unless such person first shall have filed with the appropriate district office of the Office of Price Administration a signed statement that the person is a wholesaler as defined in § 1364.455 (a) (14) and gives the address of his selling establishment.

[Above paragraph amended by Am. 61, 10 F.R. 13636, effective 11-7-45; and Am. 64, 10 F.R. 14703, effective 11-30-45]

The statement herein required must be filed on or after November 8, 1944, and the filing of such statement shall not preclude investigation by the Office

of Price Administration of the facts relating to the nature of the business carried on by the person filing the statement, or any action or proceeding arising from such investigation. The statements required by this section may be combined with statements prepared pursuant to § 1364.469 (d) of this regulation, § 1364.35 (Schedule III) of Revised Maximum Price Regulation No. 148 and § 1364.170 (a) of Revised Maximum Price Regulation No. 239, for purposes of convenience.

[Paragraph (d) amended by Am. 15, 8 F.R. 7675, effective 6-19-43; Am. 21, 8 F.R. 9995, effective 7-16-43; Am. 36, 9 F.R. 1121 (for effective date, see note following § 1364.406 (a)); and Am. 47, 9 F.R. 13158, effective 11-8-44]

(e) *Freezing and/or packaging for war procurement agencies.* (1) On domestic sales of beef carcasses and/or beef wholesale cuts to a war procurement agency, the seller may add 15 cents per cwt. for wrapping or packaging (Army specifications), and/or 35 cents per cwt. for freezing.

(2) On sales of beef carcasses and/or beef wholesale cuts to a war procurement agency packed for export shipment, the seller may add 40 cents per cwt. for wrapping or packaging in accordance with federal specifications PP-B-221A, as amended, and/or 35 cents per cwt. for freezing.

[Paragraph (e) amended by Am. 45, 9 F.R. 9617, effective 8-12-44; and Am. 52 10 F.R. 1547, effective 2-3-45]

(f) *Boxing.* On sales to a seller at retail, purveyor of meals, war procurement agency, commercial user (not wholesaler, branch house, hotel supply house, etc.), war procurement agency, or other government agency, the seller may add 15¢ per cwt. for packing in boxes.

(g) *Peddler truck selling addition.* On a peddler truck sale involving a delivery of not more than 250 pounds of meats and meat products in any one day from a peddler truck to any buyer's store door, a peddler may add to the prices specified in §1364.452 (Schedule I), any one of the following additions if applicable: (1) On a sale involving a delivery of any corned (cured) cooked, dried or smoked miscellaneous beef item (listed in paragraph (p) of § 1364.452), $2.50 per hundredweight, except that if the buyer's place of business is located in that portion of Zone 9, north of the Potomac River, and if the sale is made in that part of Zone 9, the peddler may add $3.00 per cwt.; (2) On a sale involving a delivery of any other meat item subject to this regulation, other than those specified in paragraphs (l), (m), (n), (o), (q) or (r) of § 1364.452 (Schedule I), $1.25 per hundredweight.

If the sale made pursuant to paragraphs (g) (1) or (g) (2) hereof, involves a delivery of more than 250 pounds in any one day from such peddler truck to any buyer's store door, the peddler may add to the prices specified in § 1364.452 (Schedule I), an amount not in excess of $1.00 per cwt. applicable to the total delivery of beef in the one day from such peddler truck to the buyer's store door.

These additions shall be in lieu of any local delivery and/or transportation addition permitted in § 1364.454.

[Paragraph (g) added by Am. 4, 8 F.R. 4037, effective 4-3-43; amended by Am. 45, 9 F.R. 9617, effective 8-12-44; Am. 48, 9 F.R. 13933, effective 11-20-44; and Am. 54, 10 F.R. 6182, effective 6-1-45]

(h) *Freezing and/or packaging for the United States Department of Agriculture; special delivery charges.* On domestic sales of beef to the United States Department of Agriculture or any agency thereof, the seller may add (1) 30 cents per hundredweight for wrapping beef carcasses in accordance with specifications prescribed by that agency, (2) 50 cents per hundredweight for freezing beef carcasses either in the seller's own freezer facilities or in a commercial freezer, (3) an additional 15 cents per hundredweight to the amount specified in paragraph (h) (2) hereof, if the invoice weights of carcass beef are determined by weighing the meats upon removal from the freezer, pursuant to the requirements of the Department of Agriculture, (4) an additional 20 cents per hundredweight to the amounts specified in subparagraphs (l) and (m) of § 1364.452 if the invoice weights of boneless beef are determined by weighing the meats upon removal from the freezer, pursuant to the requirements of the Department of Agriculture, (5) actual transportation expense, not to exceed the lowest common carrier rate for the method of transportation used, for delivery by the seller from the point at which the meat was slaughtered or boned to a freezer, provided that the point of slaughter or boning is located within the same price zone as the freezer and beyond a radius of 15 miles from such freezer.

[Paragraph (h) added by Am. 62, 10 F.R. 13682, effective 11-3-45; amended by Am. 64, 10 F.R. 14703, effective 11-30-45]

§ 1364.455 *Definitions applicable to beef.* (a) When used in this Revised Maximum Price Regulation No. 169 and when applicable to beef, the term:

(1) "Person" means any individual, corporation, partnership, association or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any agency of any of the foregoing: *Provided,* That no punishment provided by this Revised Maximum Price Regulation No. 169 shall apply to the United States or to any such government, political subdivision, or agency.

(2) "Carload" means:

(i) A shipment by rail of fresh or frozen wholesale meat cuts, and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing to a single delivery point, of at least the minimum weight upon which the railroad carload rate from the point of shipment to the delivery point, as evidenced by the tariffs of railroad carriers, is based: *Provided,* That where the transportation charge for shipment of a lesser weight at the railroad carload rate would be lower than the transportation charge for such a shipment at the railroad less-than-carload rate, such lesser weight shall be considered a carload;

(ii) A shipment by motor truck or trucks to a single delivery point of 15,000 pounds or more of fresh or frozen wholesale meat cuts and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing, as a single bulk sale transaction; and

(iii) Any single bulk sale transaction wherein the buyer takes delivery at the seller's place of business of 15,000 pounds or more of fresh or frozen wholesale meat cuts and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing.

(3) "Beef" means meat derived from the carcasses of bovine animals which does not qualify as veal as defined in § 1364.470 (a) (3) of this regulation.

[Subparagraph (3) amended by Am. 4, 8 F.R. 4037, effective 4-3-43]

(4) "Car route unloading point" means any point on a car route at which a stop is made for the purpose of transferring meat to the possession of the buyer or to a truck or rail carrier for local delivery to the buyer.

[Subparagraph (4) amended by Am. 47, 9 F.R. 13158, effective 11-8-44]

(5) "Distribution point" includes a packing or slaughtering plant, packer's branch house, wholesaler's or jobber's or hotel supply house's warehouse, car route unloading point, or railroad unloading station.

(6) "Local delivery" means delivery by the seller commencing at the seller's distribution point, or in the case of car routes, at the car route unloading point and continuing to the buyer's place of business or to the designated delivery point of a war procurement agency or other government agency.

[Subparagraph (6) amended by Am. 47, 9 F.R. 13158, effective 11-8-44]

(7) "Price Zone 1 to 10, inclusive" means the geographical areas described in § 1364.452.

(8) "Beef carcass" means and is limited to two sides of beef or two hindquarters and two forequarters derived in either case from the same beef animal which shall be dressed in the following manner: The head shall be removed by disjointing at the socket joint (occipito-atlas). The hide shall be entirely removed. The belly shall be opened by cutting or sawing through the aitch bone (symphysis-pelvis) down the belly in a straight line to the center of the sternum bone and continuing through the sternum bone to the neck. All the viscera (not including the kidneys and the kidney fat) shall be removed. The heart (mediastinal) fat, caul fat and the sweetbreads from the neck shall be entirely removed. The front feet shall be detached at the lower knee (carpometacarpal) joint and the hind legs shall be detached at the hock (tarsometatarsal joint). The tail shall be removed leaving not more than two tail (caudal) vertebrae remaining attached to the carcass.

In dressing cows the udders shall be entirely removed. In dressing steers, stags, and bulls the entire genito-urinary

tract shall be removed. The carcass shall be separated into two sides by splitting or sawing the chine bones as nearly as possible through the center of the spinal column and spinous processes so that the spinal cord is fully exposed. The muscular portion of the skirt (diaphragm) shall be left attached to the carcass but the non-muscular part (centrum tendineum) shall be trimmed so as to leave not more than ½ inch of it remaining adjacent to the red (muscle) meat. Bruises and grubs shall be trimmed out. The hanging tender shall be left on the carcass. The inside of the carcass shall be thoroughly cleaned by washing. The beef carcass shall not be broken in any other manner than as provided in paragraph (a) (10) of this § 1364.455.

[Subparagraph (8) amended by Am. 54, 10 F.R. 6182, effective 6-1-45; and Am. 56, 10 F.R. 8130, effective 6-30-45]

(9) "Side of beef" or "one-half carcass" means a hindquarter and forequarter separated or attached which are derived from one side of a beef animal and which have been dressed in accordance with the specifications applicable to "beef carcass" specified in paragraph (a) (8) hereof.

[Subparagraph (9) added by Am. 54, 10 F.R. 6182, effective 6-1-45; amended by Am. 56, 10 F.R. 8130, effective 6-30-45. Former subparagraphs (9) through (18) redesignated (10) through (19) by Am. 54]

(10) "Beef wholesale cut" means and is limited to any of the following cuts meeting the following minimum specifications, derived from the beef carcass, but excluding the offal and any item not included herein. (All measurements prescribed herein shall be made with a rigid straight ruler. All cuts shall be made according to the definite guides and measurements specified. Ribs are designated as 1st to 13th, inclusive, counting as the 1st rib that one which is nearest the neck end of the side.)

(i) "Hindquarter" means the posterior portion of the side remaining after the severance of the 12-rib forequarter from the side, and comprising the round, full loin including the 13th rib, flank, kidney and hanging tender all in one piece, which posterior portion shall be obtained by cutting the beef side between the 12th and 13th ribs keeping the knife firmly against the 12th rib while cutting down the length of the rib to the point at the end of the rib where the rib joins the rib (costal) cartilage, from which point passing through the cartilage and meat of the flank and short plate in the same straight line, completing the cut.

(ii) "Forequarter" means the anterior portion of the side remaining after the severance of the one rib hindquarter from the side and comprises the rib, regular chuck, brisket, short plate and foreshank, all in one piece, which anterior portion contains the first and twelfth ribs, inclusive. No heart (mediastinal) fat or neck sweetbreads and not more than ½ inch of the fibrous part (centrum tendineum) of the skirt (diaphragm) shall appear in the forequarter and otherwise it shall be dressed in accordance with the specifications applicable to "beef carcass" as set forth in paragraph (a) (8) of this section.

[Subparagraph (ii) amended by Am. 56, 10 F.R. 8130, effective 6-30-45]

(iii) "Round" means the portion of the hindquarter remaining after the severance of the untrimmed full loin, and flank from the hindquarter, which portion shall be obtained as follows: the untrimmed full loin and flank shall be severed from the hindquarter by cutting in a straight line perpendicular to the contour of the outside or skin surface of the hindquarter. The cut shall be made on a straight line formed by and starting from that point on the backbone which is the juncture of the last (5th) sacral vertebra and the first (1st) tail (caudal) vertebra, and passing through that point which just misses the end of the protuberance of the femur bone and exposes the ball of the femur bone, continuing in the same straight line beyond the second point to complete the cut. Two tail vertebrae shall be left on the round. Attached to the tail bone of the round shall be the tip or rear corner of the fifth sacral vertebra. All cod, udder and pelvic fat remaining on the round after its severance from the full loin and flank shall remain on the round.

(iv) "Trimmed full loin" means the portion of the hindquarter remaining after the severance of the round, flank, hanging tender (from the open side), kidney knob and excess loin (lumbar) and pelvic (sacral) fat from the inside of the loin, from the hindquarter, and comprising the short loin and sirloin (loin end) in one piece, the back bone of which portion shall include one and one-half (1½) thoracic vertebrae, six (6) lumbar vertebrae, and five (5) sacral vertebrae (the tip or rear corner of the fifth sacral vertebra shall have been sawed off in severing the round from the full loin and flank), and which portion shall be obtained as follows: Part of the kidney knob, all of the kidney and the fat lying closely around the kidney in open (left) and closed (right) sides shall be removed first by a cut starting at the rear end of the kidney and slanting directly to the front edge of the half of the 12th thoracic vertebra at the point of severance of the hindquarter and forequarter.

Second, the hanging tender, which means the cylindrical shaped piece of lean meat attached at one end under the kidney knob in open (left) side hindquarters shall be removed entirely from open side loins by being severed at a point opposite the juncture of the 1st and 2nd lumbar vertebrae.

Third, after the severance of the round from the hindquarter, the flank shall be severed from the full loin by a cut starting at the heavy end of the full loin at the ventral point of severance of the round from the hindquarter and continuing in a straight line to a fixed point on the inside of the 13th rib determined by measuring off ten inches in a straight line from the center of the protruding edge of the 13th thoracic vertebra, but in making the cut no more than one (1) inch of cod or udder fat shall be left on the flank side of the face of the loin.

NOTE: The 10-inch measurement shall be made from the center of the protruding edge of the 13th thoracic vertebra and not from the hollow of the chine bone where the 13th rib joins the 13th thoracic vertebra.

Fourth, the excess loin (lumbar) and pelvic (sacral) fat shall be trimmed from the inside of the full loin by placing the full loin upon a flat surface, with no other support to change its position, meat side down, and removing all fat which extends above a flat plane parallel with the flat surface supporting the full loin and on a level with the full length of the protruding edge of the lumbar section of the chine bone. Then all fat shall be removed which extends above a flat plane using the following two lines as guides for each edge of the plane: an imaginary line parallel with the full length of the protruding edge of the lumbar section of the chine bone which line extends 1 inch directly above such protruding edge; a line on the inside of the loin two inches from the flank edge and running parallel with such edge for the full length of the loin. All fat obstructing the measurement of the second line shall first be removed. In addition to the foregoing all rough fat in the pelvic cavity of the heavy end of the loin (sirloin) shall be trimmed smooth and trimming by a knife shall be apparent. No fat remaining in the pelvic cavity shall exceed one inch in depth.

(v) "Flank" means the portion of the hindquarter remaining after the severance of the round and untrimmed full loin from the hindquarter, which shall be obtained after the removal of the round by separation from the untrimmed full loin, starting the cut at the point at the lower end of the loin end (sirloin) which was the ventral point of separation of the full loin and round, leaving no more than one inch of cod or udder fat attached to the flank side of the face of the full loin, and continuing in a straight line to a fixed point on the inside of the 13th rib determined by measuring off ten inches in a straight line along the 13th rib from the center of the protruding edge of the 13th thoracic vertebra.

NOTE: The 10-in. measurement shall be made from the center of the protruding edge of the 13th thoracic vertebra and not from the hollow of the chine bone where the 13th rib joins the 13th thoracic vertebra.

(vi) "Flank steak" means the flat, oval-shaped lean muscle of meat imbedded in the cod or udder end of the flank which shall be obtained by loosening the narrow end of the steak piece at the cod or udder end of the flank, cutting through the membrane along both sides of the steak, then pulling and cutting the steak loose and severing it from the thick membrane which lies directly under and to which it is attached. None of the thick membrane shall be left on the steak. All fat shall be trimmed from the steak, but the thin membrane on the top surface of the steak shall not be removed.

(vii) "Short loin" means that portion of the trimmed full loin remaining after

the severance of the sirloin (loin end) from the trimmed full loin, which portion shall be obtained by a cut perpendicular to the contour of the outside or skin surface of the trimmed full loin begun at a point which is the juncture on the chine bone of the 5th and 6th lumbar vertebrae and continuing in a straight line perpendicular to the contour of the outside or skin surface of the trimmed full loin to and through a point flush against the end of the hip (pin) bone, but leaving no part of the hip (pin) bone in the short loin. The backbone of the short loin shall include five (5) lumbar vertebrae, one and one-half (1½) thoracic vertebrae and part of the 13th rib.

(viii) "Sirloin" (loin end) means the thick portion of the trimmed full loin remaining after the severance of the short loin from the trimmed full loin. The backbone of the sirloin shall include one (1) lumbar vertebra, five (5) sacral vertebrae (the tip or rear corner of the fifth (5th) sacral vertebra shall have been sawed off in separating the round from the trimmed full loin and flank), and the entire hip bone (ilium).

(ix) "Cross cut chuck" (kosher or traefer) means the portion of the forequarter remaining after the severance of the rib and short plate from the forequarter, and comprising the regular chuck, brisket and foreshank all in one piece, which portion shall be obtained by cutting through the forequarter in a straight line between the 5th and 6th ribs, keeping the knife firmly against the 5th rib while cutting to the point where the 5th rib joins the rib (costal) cartilage, at which point the cut shall continue in the same straight line through the cartilage, the breast bone (sternum) and the meat of the brisket and short plate to complete the severance. The cross cut chuck shall contain five (5) ribs (1st to 5th, inclusive).

(x) "Regular chuck" means the portion of the cross cut chuck remaining after the severance of the foreshank and brisket from the cross cut chuck, and containing most of the blade bone (scapula), part of the (humerus) arm bone, parts of the five ribs (1st to 5th, inclusive), that section of the back bone attached to the ribs, and the neck bone (cervical vertebrae from 1 to 7, inclusive), which portion shall be obtained by a cut through the cross cut chuck made in a straight line perpendicular to the contour of the outside or skin surface of the cross cut chuck (thereby separating the brisket and foreshank from the cross cut chuck) starting at a fixed point on the inside of the 5th rib determined by measuring off ten (10) inches along the 5th rib in a straight line from the center of the protruding edge of the 5th thoracic vertebra, continuing in the same straight line to the tip of the forward end of the breast bone (forward end of 1st segment of sternum), and passing through the (humerus) arm bone in the same straight line to complete the cut.

NOTE: The 10-inch measurement shall be made from the center of the protruding edge of the 5th thoracic vertebra and not from the hollow of the chine bone where the 5th rib joins the 5th thoracic vertebra.

(xi) "Foreshank" means the portion of the cross cut chuck remaining after the severance of the regular chuck and brisket from the cross cut chuck, which portion shall be obtained (after separation of the regular chuck) by separation from the brisket by a cut following the natural seam and leaving the entire lip, or web muscle on the brisket.

(xii) "Brisket" means the portion of the cross cut chuck remaining after the severance of the regular chuck and foreshank from the cross cut chuck, which portion contains parts of four ribs (2nd to 5th, inclusive), part of the breast bone and the rib (costal) cartilages which connect the ends of the rib bones with the breast bone. All heart (mediastinal) fat, but no other fat shall be removed from the brisket.

(xiii) "Rib" means the partion of the forequarter remaining after the severance of the cross cut chuck and short plate from the forequarter, and containing parts of seven ribs (6th to 12th, inclusive), that section of the back bone attached to the ribs, posterior tip and cartilage of the blade bone (scapula), part of the blade bone (scapula) which portion shall be obtained (by separation from the short plate) by a straight cut across the ribs starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside protruding edge of the 12th thoracic vertebra and continuing to and through a fixed point determined by measuring off 10 inches on the inside of the 6th rib along the 6th rib from the center of the inside protruding edge of the 6th thoracic vertebra.

NOTE: The 10-inch measurements shall be made from the centers of the protruding edges of the 6th and 12th thoracic vertebrae, and not from the hollow of the chine.

(xiv) "Short plate" means the portion of the forequarter remaining after the severance of the cross cut chuck and the rib from the forequarter, and containing parts of seven ribs (6th to 12th, inclusive), the rib (costal) cartilages attached to them, and part of the breastbone.

(xv) "Back" means the portion of the forequarter remaining after the severance of the short plate, brisket and foreshank from the forequarter, and containing the rib and regular chuck all in one piece, which portion shall be obtained by one cut made in a straight line starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside protruding edge of the 12th thoracic vertebra, and continuing to a point measured off 10 inches on the inside of the 5th rib along the 5th rib from the center of the inside protruding edge of the 5th thoracic vertebra; and a second cut made in a straight line starting from the termination point of the first cut and continuing through a fixed point at the tip of the forward end of the breast bone, including the cartilage in young cattle or the ossified bone in the older cattle (forward end of the 1st segment of sternum), through the (humerus) arm bone in the same straight line to complete the cut.

NOTE: Measurements shall be made from the center of the protruding edge of the 12th and 5th thoracic vertebrae, and not from the hollow of the chine.

[Subparagraph (xv) amended by Am. 15, 8 F.R. 7675. For effective dates of Am. 15, see note following table in § 1364.452 (d) (2)]

(xvi) "Triangle" (kosher or traefer) means the portion of the forequarter remaining after the severance of the rib from the forequarter, and containing the short plate, brisket, foreshank and regular chuck all in one piece, which portion shall be obtained by removing the rib from the forequarter by a straight cut across the ribs starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside of the protruding edge of the 12th thoracic vertebra and continuing to a fixed point determined by measuring off 10 inches on the inside of the 6th rib along the 6th rib from the center of the inside protruding edge of the 6th thoracic vertebra, and severing the rib from the forequarter by a second cut made in a straight line between the 5th and 6th ribs keeping the knife firmly against the 5th rib to the point where the second cut meets the end of the first cut.

NOTE: Measurements shall be from the center of the protruding edge of the 12th and 6th thoracic vertebra, and not from the hollow of the chine.

(xvii) "Arm chuck" means the portion of the cross cut chuck remaining after the severance of the brisket from the cross cut chuck and containing the regular chuck and foreshank all in one piece.

(11) "Kosher beef wholesale cut" means any beef wholesale cut derived from cattle or calves slaughtered, approved and stamped as kosher under rabbinical supervision, and sold under rabbinical supervision.

(12) "Buyer of kosher meat" means a person who maintains a selling establishment at or through which he regularly and generally sells kosher meat as such, or a person who is a purveyor of kosher meals.

(13) "War Procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, the Marine Corps, the Coast Guard, the War Shipping Administration, the Department of Agriculture, the Veterans Administration, or any agency of the foregoing.

[Subparagraph (13) amended by Am. 64, 10 F.R. 14703, effective 11-30-45]

[Original subparagraphs (13) and (15) revoked and original (14), (16), (17) and (18) redesignated as (13), (14), (15) and (16) respectively by Am. 12, 8 F.R. 7109, effective 6-1-43. Original (13) and (14) amended by Am. 4, 8 F.R. 4097, effective 4-3-43]

(14) "Wholesaler" means a person (other than a hotel supply house, peddler truck seller or one who makes sales at retail) who buys beef for resale in the form of beef carcasses, beef wholesale cuts and ground beef and miscellaneous beef items; who does not

own or control, in whole or in substantial part, any slaughtering plant or facilities, and who is not owned or controlled, in whole or in substantial part, by another person who owns, in whole or in substantial part, any slaughtering plant or facilities and who maintains and operates a separate selling establishment equipped with reasonable and adequate cooling and storage facilities in such a manner that the total monthly poundage of meats and meat by-products sold out of stock carried in his separate selling establishment constitutes not less than 90 percent of the total monthly poundage of all meats and meat by-products resold by him.

[Subparagraph (14), formerly (13), amended by Am. 47, 9 F.R. 13158, effective 11-8-44; Am. 54, 10 F.R. 6182, effective 6-1-45 and Am. 64, 10 F.R. 14703, effective 11-30-45]

(15) "Sales at retail" mean sales to individuals for consumption by themselves or their families off the seller's premises and/or sales to retailers or purveyors of meals to the extent permitted under the provisions of Maximum Price Regulation No. 355 or Maximum Price Regulation No. 394.

[Subparagraph (15), formerly (14), amended by Am. 54, 10 F.R. 6182, effective 6-1-45]

(16) "Peddler truck sale" means a sale of beef from a truck by a person who purchases beef at or below the maximum price from a seller with whom he has no other financial affiliations or relationships, who takes delivery at the seller's place of business, and who does not sell or deal in meat in any manner other than sales out of stock carried in a truck owned and driven by him.

[Subparagraph (16), formerly (15) amended by Am. 47, 9 F.R. 13158, effective 11-8-44; and Am. 64, 10 F.R. 14703, effective 11-30-45]

(17) "Club cattle or calves" means any cattle or calves which have been bred, raised and fed, or fed only, by a member of a 4-H or F. F. A. club under the supervision of the Extension Service of the United States, or by an individual participating in a vocational agricultural project under the supervision of a vocational agricultural teacher in any recognized Vocational Agricultural Department, and which have been certified in writing to conform to the provisions hereof by the supervisor, club agent, agricultural county agent or vocational agricultural project teacher under whose supervision such cattle or calves were bred, raised or fed.

[Subparagraph (17), formerly (16), originally (18), amended by Am. 6, 8 F.R. 4844, effective 4-14-43]

(18) "Slaughtering plant" means any place equipped and used for the commercial killing of calves, cattle, lambs, sheep or hogs or which, if currently unused for that purpose, can be reconverted to such use without material alteration or delay.

(19) "Slaughtering facilities" means any equipment designed and used for the commercial killing of calves, cattle, lambs, sheep, or hogs, or which, if currently unused for that purpose, can be reconverted to such use without material alteration or delay.

[Subparagraphs (18) and (19), formerly (17) and (18), added by Am. 47, 9 F.R. 13158, effective 11-8-44]

(b) When used in this Revised Maximum Price Regulation No. 169 and when applicable to sales of fabricated beef cuts to purveyors of meals the term:

(1) "Hotel supply house" means any establishment

(i) Which sold or delivered to purveyors of meals during the period of September 15, 1942, to December 15, 1942, not less than 70 percent of the total volume by weight of all meats, variety meats and edible by-products and/or sausage and similar products thereof, sold or delivered by it, excluding sales to war procurement agencies, and

(ii) Which does not own or control or is not owned or controlled by a packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment to which it is physically attached, and

(iii) Which on and after June 1, 1945, engages in the sale or delivery of meats and meat products to the following purchasers exclusively:

(*a*) Purveyors of meals, and/or

(*b*) Ultimate consumers pursuant to § 1364.416, and/or

(*c*) War procurement agencies of the following items only: frozen boneless beef (Army specifications), ground beef and miscellaneous beef items, boneless and miscellaneous veal cuts and fabricated beef cuts (War Shipping Administration specifications) and lamb, mutton and veal carcasses (War Shipping Administration specifications), and

(*d*) Other hotel supply houses or wholesalers of beef, veal, lamb and mutton wholesale cuts for a period of not more than 90 days beginning September 22, 1945.

"Own or control" within the meaning of this definition means to own or control directly or indirectly a partnership equity or in excess of 10 percent of any class of outstanding stock or to have made loans or advances in excess of 5 percent of the other person's monthly sales.

[Subparagraph (1) amended by Am. 24, 8 F.R. 11081, effective 8-7-43; Am. 36, 9 F.R. 1121 (for effective date of Am. 36, see note following paragraph (a), § 1364.406); Am. 45, 9 F.R. 9617, effective 8-12-44; Am. 46, 9 F.R. 10874, effective 9-7-44; Am. 47, 9 F.R. 13158, effective 11-8-44; Am. 54, 10 F.R. 6182, effective 6-1-45; and Am. 59, 10 F.R. 12742, effective 10-10-45]

(2) "Purveyor of meals" means:

(i) Any restaurant, hotel, cafe, cafeteria or establishment which purchases meats and where meals, food portions or refreshments are served for a consideration.

(ii) Any hospital, asylum, orphanage, prison or other similar institution, which is operated by any federal, state, or local government or agency thereof.

(iii) "Contract school" (means and includes any person who is feeding, pursuant to a written contract with an agency of the United States, personnel of the armed services of the United States, fed under the command of a commissioned or noncommissioned officer or other authorized representative of the armed services of the United States).

[Former subparagraph (ii) amended by Am. 20, 8 F.R. 10362, effective 7-28-43; former (ii) and (iii) revoked and former (iv) and (v) redesignated (ii) and (iii) by Am. 40, 9 F.R. 4648, effective 5-1-44. Former (v) added by Am. 24, 8 F.R. 11081, effective 8-7-43]

(iv) Any vessel plying rivers, lakes, coast line or ocean-going vessels serving meals or refreshments for a consideration other than "an operator of a lake vessel" as defined in § 1364.452 (q) (14) and ocean-going vessels operating under the supervision, direction or control of the War Shipping Administration.

[Subparagraph (iv) added by Am. 54, 10 F.R. 6182, effective 6-1-45]

(3) "Fabricated beef cut" means and is limited to mean any of the following cuts made for a purveyor of meals, meeting the following minimum specifications, and derived from specified beef wholesale cuts as provided for in paragraphs 8 and 9 of § 1364.455, excluding any item not included herein. All cuts shall be made according to the specifications provided herein.

(i) *Round (rump and shank off).* Round (rump and shank off), means that part of a round remaining after the shank and rough rump have been removed.

The shank shall be removed by a cut starting at the bottom end of the gambrel cord, following the natural muscle seam to the stifle (knee) joint, passing through the bones of the joint severing the shank from the round. The rough rump shall be removed by a straight cut starting at a point on the outside or skin surface of the round, so as to meet the top part of the aitch bone, then following the curvature of the aitch bone to the protuberance of the femur bone (round bone) leaving no part of the aitch bone in the round. The rump shall then be separated from the round by sawing through the ball of the femur bone (round bone). All cod or udder fat shall be removed from the round, rump and shank off.

(ii) *Boneless rump (butt).* The boneless rump means that part of the rough rump remaining after all of the bones (including the tail bones) have been removed.

Ragged pieces of meat and fat in excess of one inch on the top or outside skin surface shall be removed.

(iii) *Hind shank.* Hind shank means the hind shank of the beef with lean meat attached. It shall be removed from the round as described in (3) (i).

(iv) *Boneless round.* Boneless round means that part of the round remaining after all bones (including tail bones) and shank have been removed. The shank shall be removed as described in (3) (i). The ragged pieces of meat, all cod or udder fat, and other fat in excess of one inch shall be removed.

(v) *Inside (top round), outside (bottom round) and knuckle (face).* Inside (top round), outside (bottom round) and knuckle (face) means the three natural muscle pieces into which the round is separated after the rough rump, shank, and femur bone (round bone) have been removed. The shank and rough rump shall be removed as described in (3) (i). The knuckle shall be separated by cutting through the natural muscle seams between the knuckle and outside muscles on the one side, and the knuckle and the inside muscles on the other side leav-

ing one and one-half inches of the wedge-shaped pieces of meat from the overlapping inside muscle attached to the knuckle. The patella (knee cap bone) and all cartilage or connecting tissue shall be removed.

The inside and outside pieces shall be separated by a cut starting at the termination of the gambrel cord separating the shank end portion equally between the inside and outside, and continuing the cut in a straight line to a point on the rump end which is just barely on the outside edge of the large muscle seam that is visible at this end.

The gland which lies in the center between the inside and outside muscles shall be cut through so as to leave a portion of this gland in both muscles.

The cod or udder fat and all other fat in excess of one inch shall be removed.

(vi) *Gooseneck boneless round.* Gooseneck boneless round means the outside muscle and boneless rump attached. It shall be made by separating the outside muscle with boneless rump attached, from the knuckle and inside muscles by the method as described in (3) (v). All fat in excess of one inch on the top of outside skin surface of the rump shall be removed.

(vii) *Strip loin (bone in).* The strip loin means that part of the full loin, after the full tenderloin, sirloin, protruding edge of the chine bone, and the flank edge of the short loin have been removed, or that part remaining of a short loin after the short tenderloin, protruding edge of chine bone and the flank edge of the short loin have been removed. The strip loin shall be cut from the stripped full loin in a straight line perpendicular to the outside or skin surface of the loin from a point which is the juncture of the 5th and 6th lumbar vertebrae and continuing in the same straight line through a point flush against the end of the hip (pin) bone, but leaving no part of the hip (pin) bone in the strip loin.

The protruding edge of the chine bone shall be removed by sawing through the lower extremity of the spinal cord groove when the loin is lying with the flesh side down. The flank edge of the strip loin shall be cut off in a straight line from the sawed end of the 13th rib, which is 10 inches from the center of the protruding edge of the 13th thoracic vertebrae and continuing in a straight line the full length of the strip loin parallel to the chine bone and perpendicular to the outside skin surface of the strip loin. Rough fat on the inside of the strip loin shall be trimmed smooth and all fat in excess of one inch on the outside skin surface shall be removed.

(viii) *Boneless strip.* Boneless strip means that part of a strip loin remaining after all bones have been removed. All fat in excess of one inch on the outside skin surface shall be removed.

(ix) *Trimmed full beef tenderloin.* Full beef tenderloin means the tenderloin muscle with the attached side strip muscle lying inside of the full loin. The tenderloin shall be removed from the full loin by cutting along the inside of the chine bone following the conformation of this bone from the tip of the loin or at the point where the 13th rib joins the 13th thoracic vertebra to the end of the chine bone or at a point adjacent to the 5th sacral vertebra and by a cut at the butt end of the tenderloin which shall be made along the hip bone following the natural seam (or blue seam) in the sirloin end of the loin. Full beef tenderloin shall be devoid of any head muscle and all the excess fat shall be removed from the back of the tenderloin so as to expose the gland which lies about 6 inches forward from the butt end of the tenderloin. All the fat lying beyond the exposed gland shall be tapered down to a point that in no case shall extend beyond three-quarters of the length of the entire tenderloin.

(x) *Trimmed sirloin tenderloin (butt tenderloin).* Trimmed sirloin tenderloin means that portion of the tenderloin muscle removed from the sirloin. It shall be devoid of any head muscle and all excess fat shall be removed from the back of the sirloin tenderloin so as to expose the gland as described in (3) (ix).

(xi) *Trimmed tip tenderloin (short tenderloin).* Trimmed tip tenderloin means that portion of the tenderloin muscle removed from a short loin. The fat on the back of the tenderloin shall be tapered down as described in (3) (ix) and at no point shall exceed ½ inch. All fat from the lower half shall be entirely removed.

(xii) *Boneless sirloin (butt).* Boneless sirloin means that part of a sirloin after all the bone and the sirloin tenderloin have been removed. All flank meat and the fat from the flank side of the boneless sirloin shall be removed. All fat in excess of one inch on the outside skin surface shall be removed.

(xiii) *Top sirloin (butt).* Top sirloin means that part of the boneless sirloin, which is the top lean muscle that covered the hip bone (illum) from the chine bone side of the sirloin to the natural muscle seam (or blue seam) which separates the bottom lean muscle from the top lean muscle.

The top sirloin shall be separated from the bottom sirloin by cutting through the natural muscle seam (or blue tissue) and continuing through the meat with the knife held at a 45 degree angle to the cutting surface of the block. All fat in excess of one inch on the outside skin surface shall be removed.

(xiv) *Bottom sirloin (butt).* Bottom sirloin means that part of the boneless sirloin remaining after the removal of the top sirloin. All flank meat and the fat from the flank side of the bottom sirloin shall be removed. All fat in excess of one inch on the outside skin surface shall be removed.

(xv) *Boneless chuck.* Boneless chuck means that part of the chuck remaining after all bones and the back strap have been removed. Boneless chuck shall be made only from regular chucks (square cut).

No trimming of boneless chuck is required and the intercostal meat may be left attached.

(xvi) *Boneless chuck (shoulder clod out).* Boneless chuck, shoulder clod out, shall be the same as the boneless chuck described in (xv) except that the shoulder clod shall be removed.

(xvii) *Shoulder clod.* Shoulder clod means the thick meaty portion of the regular chuck lying above the blade and rib bones.

It shall be separated from the chuck by a first cut starting at the knuckle joint and continuing in the same line along the ridge of the blade bone through to the chine bone, and by a second cut starting from the extreme corner of the brisket end of the 5th rib following the first natural muscle seam above the rib bones to a point about midway between the knuckle bone and the end of the 5th rib, then upward to the second natural muscle seam above the rib bones and following this natural muscle seam to the knuckle end of the clod. Pull knuckle end of clod upward, separating in the natural muscle seam at the blade bone, then cut along edge of blade bone to enable clod to be pulled loose from the chuck.

(xviii) *Boneless brisket (deckle off).* Boneless brisket (deckle off) means that part of the green brisket remaining after all the bones, intercostal meat and deckle have been removed. The deckle means the layer of fat, meat and tissue lying between the rib bones, the rib (costal) cartilages, the breast (sternum) bone and the lean principal muscle of the brisket. The deckle shall be removed at the natural seam leaving the thick layer of fat attached to the deckle and exposing the lean meat surface lying directly below. This lean surface shall be free of all fat except minute flakes of fat that adhere closely to the lean after the deckle has been removed. The hard fat along the sternum edge (the area on the bone side of the brisket which is adjacent to and directly under the sternum bone) of the boneless brisket shall be trimmed level with the boned surface of the brisket and to within ½ inch of the lean lying between this hard fat and the border of skin surface fat. All ragged pieces of meat from both bone and skin side of the boneless (deckle off) brisket and all fat in excess of one inch on the outside skin surface, including the breast curve, shall be removed. The web muscle (full lip) shall be left attached with the thin tissue edge, trimmed to expose the narrow portion of lean meat.

[Subparagraph (xviii) amended by Am. 65, effective 1-2-46]

[Former subparagraph (xix) deleted and (xx) thru (xxxiii) redesignated (xix) thru (xxxii) by Am. 47, 9 F.R. 13158, effective 11-8-44]

(xix) *Oven-prepared rib.* Oven-prepared rib means that part of the regular seven-bone rib remaining after the chine bone and short ribs have been removed.

The chine bone, or bodies of the thoracic vertebrae, shall be entirely removed by cutting to the point at which they join the feather bones, exposing the lean meat, but leaving the feather bones attached to the rib cut. The short ribs shall be removed by cutting in a straight

line perpendicular to the outside skin surface of the rib from a point measured 8 inches along the 12th rib from the protruding edge of the 12th thoracic vertebrae to a point measured eight inches along the 6th rib from the protruding edge of the 6th thoracic vertebrae (chine bone). All the blade bone, including the cartilage shall be removed.

(xx) *Rib short ribs, plate short ribs.* Rib short ribs means that portion of the rib cut off in fabricating oven-prepared ribs, as described in (3) (xix) and shall include the rib sections of seven ribs.

Plate short ribs means strip pieces cut from the short plate up to and not beyond the point where the ribs join the costal cartilages, (rib cartilages).

(xxi) *Rib, boned, rolled and tied.* Rib, boned, rolled and tied means that part of the regular 7-rib cut remaining after all bones, including the blade bone and cartilage, have been removed. The intercostal meat shall be removed.

Rib, boned, rolled and tied shall be rolled into a cylindrical shape and tied with at least five loops of string. Ragged pieces on the ends shall be trimmed off.

(xxii) *Spencer roll.* Spencer roll means that part of the regular 7-rib cut remaining after the short ribs, all bones, and the blade bone with the meat attached have been removed.

The short ribs shall be cut off as described in (3) (xix), the intercostal meat shall not be included and no further trimming is required.

Spencer rolls shall be made only from B (commercial) and C (utility) grades of beef.

(xxiii) *Regular roll (rib eye).* Regular roll (rib eye) means the rib eye muscles only with no fat or bones included. No further trimming is required. Regular rolls (rib eye) shall be made only from B (commercial) and C (utility) grades of beef.

(xxiv) *Boneless short plate.* Boneless short plate means that part of the short plate remaining after the skirt and all bones have been removed. The fell shall be stripped from the flank side of the plate. All fat exceeding ½ inch shall be removed.

(xxv) *Cube steak.* Cube steaks means any lean muscle meat cut into steaks not less than 4 inches in width and tenderized by numerous cuts penetrating the steak. Cube steaks can be made either by hand or by machine.

(xxvi) *Flank steak (scored).* Flank steak shall be scored or cut diagonally in about ¾ inch cross cuts on both sides of the steak.

(xxvii) *Club steaks (bone in).* Club steaks means steaks cut from that portion of a short loin or strip loin extending from a point opposite the juncture of the first and second lumbar vertebrae to the forward (anterior) end of the short or strip loin.

The cutting of steaks and the trimming of the flank shall be made as described in (3) (xxix).

No further trimming of the flank or removal of chine bone shall be required on club steaks made from strip loins.

The chine bone on club steaks made from short loins shall be removed by chopping or sawing through the inner extremity of the spinal cord groove.

Only complete club steaks shall be made and all fat in excess of one inch on outside skin surface shall be removed.

(xxviii) *Boneless strip steak.* Boneless strip steaks means steaks cut from boneless strip loins trimmed as described in (3) (viii). Only complete steaks shall be made.

(xxix) *Porterhouse steaks (bone in).* Porterhouse steak means steak cut from that portion of a short loin extending from a point opposite the center of the fourth lumbar vertebra to the end of the short loin at the point of severance from the sirloin.

The flank shall be removed at a point measured four inches downward from the lower end of the eye muscle. All fat in excess of one inch on the inside or outside skin surface shall be removed.

(xxx) *T-bone steaks (bone in).* T-bone steak means steak cut from that portion of a short loin extending from a point opposite the center of the fourth lumbar vertebrae to a point opposite the juncture of the first and second lumbar vertebrae. T-bone steaks shall be trimmed as described in (3) (xxix).

(xxxi) *Boneless sirloin steaks.* Boneless sirloin steaks means steaks cut from a boneless sirloin and trimmed as described in (3) (xiii). Only complete steaks shall be made.

(xxxii) *Top sirloin steaks.* Top sirloin steaks means steaks cut from the top sirloin and trimmed as described in (3) (iv). Only complete steaks shall be made.

(4) Fabricated meat cuts as used in this regulation means and is limited to those fabricated beef cuts and fabricated veal cuts which are described and for which maximum prices are established in this regulation and those hotel supply cuts which are described and for which maximum prices are established in Revised Maximum Price Regulation No. 239, "Lamb and Mutton Carcasses and Wholesale Cuts at Wholesale and Retail".

(5) "Three month quota period" means and is limited to the following quarterly periods: June 1 to August 31, inclusive, September 1 to November 30, inclusive, December 1, to February 28 or 29, inclusive and/or March 1 to May 31, inclusive.

(6) Variety meats and edible by-products include and are limited to those items only which are defined and for which maximum selling prices are established in Maximum Price Regulation No. 398, "Variety Meats and Edible By-Products at Wholesale" and/or Maximum Price Regulation No. 355, "Retail Ceiling Prices for Beef, Veal, Lamb and Mutton Cuts and all Variety Meats and Edible By-Products".

[Paragraph (b) added by Am. 12, 8 F.R. 7109, effective 6-1-43. Former (b) redesignated (c). Subparagraphs (4), (5), and (6) added by Am. 36, 9 F.R. 1121 (for effective date of Am. 36 see note following § 1364.406 (a)]

(c) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used therein.

SUBPART C—PROVISIONS AFFECTING VEAL

§ 1364.466 *Maximum prices for veal carcasses and wholesale cuts.* Subject to the pricing instructions contained in paragraph (a), the maximum price of each grade of each veal carcass or veal wholesale cut shall be the maximum price determined as provided in paragraph (b).

(a) *Pricing instructions.* (1) Whenever used in this Revised Maximum Price Regulation No. 169, the term "lower price zone" means a price zone having a lower zone price, and the term "higher price zone" means a price zone having a higher zone price; the words "lower" and "higher" used in the respective terms shall not be construed to refer to the numerical designation of any zone.

(2) Except for the additions permitted in Schedule VI hereof, incorporated herein as § 1364.469, the zone price shall be the delivered price anywhere within the zone to which such price applies. Schedule IV (paragraphs (a) to (j), inclusive) hereof, incorporated herein as § 1364.467, contains a statement describing the geographical limits of each price zone and the zone prices established therefor.

(3) The applicable zone price shall be the price specified in Schedule IV § 1364.467, for the zone in which is located the seller's distribution point:

(i) At which the buyer takes actual physical possession of the meat; or

(ii) From which local delivery to the buyer's place of business begins; or

(iii) From which the meat, consigned to the buyer, (a) is delivered to a common carrier, other than a railroad, for shipment to the buyer, who pays the shipping charges directly to the carrier, or (b) is delivered to a railroad for shipment at the carload rate to the buyer who pays the shipping charges directly to the carrier.

(iv) In the case of a less than carload rail shipment, other than an express shipment to a purveyor of meals, the applicable zone price shall be the price for the zone in which is located the rail unloading station nearest to the buyer's place of business.

(v) On sales to purveyors of meals the distribution point may be, in addition to those listed, the point at which meat consigned to the buyer is delivered to a railway express agency for shipment by express to the buyer who pays the shipping charges directly to the carrier.

(4) Except as permitted in paragraph (l), (m) or (n), of Schedule IV § 1364.467, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any veal or any part or portion of any veal carcass and no person in the course of trade or business shall buy or receive any veal or any part or portion of any veal carcass unless such veal or part or portion is a veal carcass or a veal wholesale cut, as defined in § 1364.470 for which applicable prices have been established.

(b) *Maximum price.* The maximum price for each grade of each veal carcass or veal wholesale cut shall be the applicable zone price determined in accordance with the provisions of paragraph (a) of this § 1364.466 and specified in Schedule IV incorporated herein as

§ 1364.467, minus the required deductions, if any, specified in Schedule V incorporated herein as § 1364.468, plus the permitted additions, if any, specified in Schedule VI incorporated herein as § 1364.469.

§ 1364.467 *Schedule IV: Veal price zones and applicable zone prices*—(a) *Zone 1.* (1) Zone 1 includes the area designated as Zone 1 in § 1364.452 (a) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 1.* Subject to the provisions of paragraph (k) of this section, the Zone 1 price for each grade of veal carcass and veal wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $2.50 per cwt.

(b) *Zone 2.* (1) Zone 2 includes the area designated as Zone 2 in § 1364.452 (b) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 2.* Subject to the provisions of paragraph (k) of this section, the Zone 2 price for each grade of veal carcass and veal wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.50 per cwt.

(c) *Zone 3.* (1) Zone 3 includes the area designated as Zone 3 in § 1364.452 (c) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 3.* Subject to the provisions of paragraph (k) of this section, the Zone 3 price for each grade of veal carcass and veal wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $.75 per cwt.

(d) *Zone 4.* (1) Zone 4 includes the area designated as Zone 4 in § 1364.452 (d) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 4.* Subject to the provisions of paragraph (k) of this section, the applicable zone prices for Zone 4 are as follows:

| | Choice or AA | Good or A | Commercial or B | Utility or C | Cull or D |
|---|---|---|---|---|---|
| (i) Carcass—hide on—57 pounds to 170 pounds | $19.75 | $18.75 | $17.00 | $15.25 | $13.00 |
| (ii) Carcass—hide on—over 170 pounds to 315 pounds | 19.25 | 18.25 | 16.50 | 14.75 | 12.75 |
| (iii) Carcass—hide on—under 57 pounds | 18.75 | 17.75 | 16.00 | 14.25 | 12.00 |
| (iv) Carcass or side—hide off—50 to 275 pounds | 20.00 | 19.00 | 17.00 | 15.00 | 12.50 |
| (v) Carcass or side—hide off—under 50 pounds | 19.00 | 18.00 | 16.00 | 14.00 | 11.50 |
| (vi) Foresaddle or forequarter [1] | 17.75 | 17.25 | 15.75 | 14.25 | 11.00 |
| (vii) Kosher foresaddle or forequarter [2] | 18.50 | 18.00 | 16.50 | 15.00 | 11.75 |
| (viii) Hindsaddle or hindquarter [1] | 22.50 | 21.00 | 18.50 | 16.00 | 14.25 |
| (ix) Loin, double or single [1] | 21.75 | 20.25 | 17.75 | 15.25 | 13.75 |
| (x) Legs or leg [1] | 23.00 | 21.50 | 19.00 | 16.50 | 14.50 |

[1] To be sold only from veal carcasses weighing 50 to 275 pounds, hide off.
[2] These prices are further subject to the provisions of paragraph (b) of Schedule VI (§ 1364.469).

NOTE: All prices are on dollars per hundredweight basis; the price for any fraction of a hundredweight shall be reduced accordingly. Weight limitations apply to entire carcass and not to sides.

[Table amended by Am. 12, 8 F.R. 7109, effective 6-1-43; Am. 15, 8 F.R. 7675; and Am. 45, 9 F.R. 9617, effective 8-12-44. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2)]

The applicable zone price of each veal carcass or veal wholesale cut which has not been graded or identified by sex mark (required by paragraph (c) of § 1364.411) when offered for sale, sold or delivered shall be the price of the lowest-priced carcass or corresponding wholesale cut.

The applicable zone price of each kosher veal foresaddle or forequarter which has not been graded or identified by sex mark (required by paragraph (c) of § 1364.411) when offered for sale, sold or delivered shall be the price of the lowest-priced kosher wholesale cut.

[Above 2 paragraphs amended by Am. 25, 8 F.R. 11298, effective 7-16-43]

(e) *Zone 5.* (1) Zone 5 includes the area designated as Zone 5 in § 1364.452 (e) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 5.* Subject to the provisions of paragraph (k) of this section, the Zone 5 price for each grade of veal carcass and veal wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus 50 cents per cwt.

(f) *Zone 6.* (1) Zone 6 includes the area designated as Zone 6 in § 1364.452 (f) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 6.* Subject to the provisions of paragraph (k) of this section, the Zone 6 price for each grade of veal carcass and veal wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus 75 cents per cwt.

(g) *Zone 7.* (1) Zone 7 includes the area designated as Zone 7 in § 1364.452 (g) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 7.* Subject to the provisions of paragraph (k) of this section, the Zone 7 price for each grade of veal carcass and wholesale cut shall be the price specified therefor in paragraph (d) hereof (applicable Zone 4 price) plus $1.00 per cwt.

(h) *Zone 8.* (1) Zone 8 includes the area designated as Zone 8 in § 1364.452 (h) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 8.* Subject to the provisions of paragraph (k) of this section, the Zone 8 price for each grade of veal carcass and veal wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.25 per cwt.

(i) *Zone 9.* (1) Zone 9 includes the area designated as Zone 9 in § 1364.452 (i) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 9.* Subject to the provisions of paragraph (k) of this section, the Zone 9 price for each grade of veal carcass and veal wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.50 per cwt.

(j) *Zone 10.* (1) Zone 10 includes the area designated as Zone 10 in § 1364.452 (j) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 10.* Subject to the provisions of paragraph (k) of this section, the Zone 10 price for each grade of veal carcass and veal wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.75 per cwt.

(k) *Applicable zone price of miscuts.* For any veal wholesale cut which has been miscut or for any piece or portion of veal which has been cut in a manner not authorized by this Revised Maximum Price Regulation No. 169, the zone price used for the determination of the maximum price shall be the applicable zone price of the lowest-priced wholesale cut.

(l) *Frozen boneless veal (Federal Surplus Commodities Corporation Specifications).* (1) On or after April 3, 1943, regardless of any contract, agreement, or other obligation, no person shall sell or deliver frozen boneless veal (F. S. C. C. Specifications) to any purchasing agency of a war procurement agency at a price higher than the maximum price permitted therefor in paragraph (l) (2) of this section.

(2) The maximum f. o. b. boning plant price for frozen boneless veal (F. S. C. C. Specifications), including cost of boxing and freezing, in each of the following price zones shall be:

| Price zone: | *Zone price per cwt.* |
|---|---|
| 1 | $23.00 |
| 2 | 22.00 |
| 3 | 21.25 |
| 4 | 20.50 |
| 5 | 21.00 |
| 6 | 21.25 |
| 7 | 21.50 |
| 8 | 21.75 |
| 9 | 22.00 |
| 10 | 22.25 |

[Subparagraph (2) amended by Am. 15, 8 F.R. 7675. For effective date of Am. 15, see note following table in § 1364.452 (d) (2)]

(3) Frozen boneless veal (F. S. C. C. Specifications) as used in this paragraph (1) means veal derived from veal carcasses of utility or cull grade, and satisfying the specifications and requirements of Item 69-a of Schedule F S C-10 (as amended) of the Food Distribution Administration, issued December 2, 1942.

[Subparagraph (3) amended by Am. 46, 9 F.R. 10874, effective 9-7-44]

(m) *Boneless and miscellaneous veal cuts.* (1) On or after April 3, 1943, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any boneless or miscellaneous veal cut and no person shall buy or re-

ceive any boneless or miscellaneous veal cut at a price higher than the maximum price permitted therefor in paragraph (m) (2) of this section.

(2) Subject to the pricing instructions contained in paragraph (a) of § 1364.466, the maximum price for boneless and miscellaneous veal cuts shall be the applicable zone price determined in accordance with the provisions of said paragraph (a) of § 1364.466 and specified in paragraph (m) (3) hereof, minus the required deductions, if any, specified in Schedule V (§ 1364.468) applicable to veal carcasses and wholesale cuts, plus the permitted additions, if any, specified in Schedule VI (§ 1364.469).

[Subparagraph (2) added and former (2) redesignated (3) and amended by Am. 45, 9 F.R. 9617, effective 8-12-44]

(3) The applicable zone price for each boneless or miscellaneous veal cut, in each price zone shall be:

| Item | Zones | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| (i) Boneless veal leg or round | $24.75 | $23.75 | $23.00 | $22.25 | $22.75 | $23.00 | $23.25 | $23.50 | $23.75 | $24.00 |
| (ii) Boneless veal sirloin strip | 24.50 | 23.50 | 22.75 | 22.00 | 22.50 | 22.75 | 23.00 | 23.25 | 23.50 | 23.75 |
| (iii) Veal tenderloin | 24.50 | 23.50 | 22.75 | 22.00 | 22.50 | 22.75 | 23.00 | 23.25 | 23.50 | 23.75 |
| (iv) Boneless veal regular rib roll | 24.25 | 23.25 | 22.50 | 21.75 | 22.25 | 22.50 | 22.75 | 23.00 | 23.25 | 23.50 |
| (v) Boneless veal shoulder clod | 23.75 | 22.75 | 22.00 | 21.25 | 21.75 | 22.00 | 22.25 | 22.50 | 22.75 | 23.00 |
| (vi) Boned, rolled and tied veal roll | 22.75 | 21.75 | 21.00 | 20.25 | 20.75 | 21.00 | 21.25 | 21.50 | 21.75 | 22.00 |
| (vii) Boneless veal trimmings | 21.00 | 20.00 | 19.25 | 18.50 | 19.00 | 19.25 | 19.50 | 19.75 | 20.00 | 20.25 |
| (viii) Boneless kosher veal forequarter Note 1 | 22.50 | 21.50 | 20.75 | 20.00 | 20.50 | 20.75 | 21.00 | 21.25 | 21.50 | 21.75 |
| (ix) Veal neckbones | 7.00 | 6.00 | 5.25 | 4.50 | 5.00 | 5.25 | 5.50 | 5.75 | 6.00 | 6.25 |

All prices are on dollars per hundredweight basis; the price for any fraction of a hundredweight shall be reduced accordingly.

All prices are fresh or frozen, unless purchased by a war procurement agency in which case freezing charge may be added if product is frozen.

NOTE 1: The prices established for the sale of boneless kosher veal forequarter shall apply only on sales to a bona fide buyer of kosher meat. For the sale of any boneless kosher veal forequarter to a buyer other than a buyer of kosher meat, the maximum price shall be determined by use of the applicable zone price established for boneless veal trimmings. Any veal carcass or wholesale cut which has been derived from calves slaughtered in the manner of kosher slaughter but rejected as non-kosher shall not be sold, unless all stamps and designations which identify the carcass or wholesale cut as kosher have been removed.

[Table amended by Am. 15, 8 F.R. 7675; and Am. 45, 9 F.R. 9617, effective 8-12-44. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2)]

(n) *Applicable zone prices for fabricated veal cuts sold to purveyors of meals; applicable zone prices for fabricated veal carcasses (War Shipping Administration Specifications).* (1) (i) Subject to the pricing instructions contained in paragraph (a) of § 1364.466, the maximum price for each grade of each fabricated veal cut shall be the applicable zone price determined in accordance with the provisions of paragraph (a) of § 1364.466 substituting for the purposes of this subdivision (i) the term "fabricated veal cut" whenever the words "wholesale cut" or "wholesale cuts" are used in said paragraph (a) of § 1364.466, plus the permitted additions, if any, specified in Schedule VI (§ 1364.469), excluding therefrom the additions permitted under paragraph (e), (f), (g) and (h) thereof, minus the required deductions, if any, specified in Schedule V (§ 1364.463), substituting for the purposes of this subdivision (i) the term "fabricated veal cut" wherever the words "wholesale cut" or "wholesale cuts" are used in Schedules V and VI. No person shall sell or deliver any fabricated veal cut and no person in the course of trade or business shall buy or receive any fabricated veal cut unless such fabricated veal cut is a fabricated veal cut as defined in § 1364.470 (b) (3) for which applicable prices have been established for sales to purveyors of meals. No person shall sell or deliver any fabricated veal cut and no person in the course of trade or business shall buy or receive any fabricated veal cut at a price higher than the maximum price permitted therefor by this regulation.

[Last sentence added by Am. 65, effective 1-2-46]

(ii) The maximum price for each grade of each fabricated veal carcass (War Shipping Administration specifications) shall be the applicable zone price specified in subparagraph (n) (3) and (n) (6) of this section for the zone in which is located the point of delivery as required in Column III of subparagraph (n) (6), or in the case of an f. o. b. shipment of such meats made pursuant to § 1364.405 (g), which shipment originates in Zone 2, 3, or 4 and is consigned at the carload rate to a licensed ship supplier located in Zone 1 who pays the shipping charges directly to the carrier, the maximum price shall be the applicable zone price for the zone in which is located the point of origin of such shipment. No person shall sell or deliver any fabricated veal carcass (War Shipping Administration Specifications) which does not meet War Shipping Administration Specifications, to the War Shipping Administration, to a licensed ship supplier for resale as ship stores, or to any ship operator for ship stores. No person shall sell or deliver any fabricated veal carcass (War Shipping Administration specifications) and no person in the course of trade or business shall buy or receive any fabricated veal carcass (War Shipping Administration specifications) at a price higher than the maximum price permitted therefor by this regulation.

[Last sentence added by Am. 65, effective 1-2-46]

[Subparagraph (1) amended by Am. 36, 9 F.R. 1121 (for effective date of Am. 36, see note following § 1364.406 (a); Am. 37, 9 F.R. 2023, effective 2-25-44; Am. 40, 9 F.R. 4648, effective 5-1-44; and Am. 50, 10 F.R. 861, effective 1-20-45]

(2) The fabricated veal cut zone areas and the fabricated veal carcass (War Shipping Administration Specifications) zone areas 1 to 10 are identical to the beef zone areas set forth in Schedule I (§ 1364.452).

[Subparagraph (2) amended by Am. 40, 9 F.R. 4648, effective 5-1-44]

(3) The applicable zone prices in zones 1 to 3 and 5 to 10 for fabricated veal cuts or fabricated veal carcasses (War Shipping Administration Specifications) shall be the prices specified in subparagraphs (4), (5), (6), or (7) hereof (the applicable zone 4 prices) plus the following:

| | |
|---|---|
| Zone 1 | $2.50 |
| Zone 2 | 1.50 |
| Zone 3 | .75 |
| Zone 5 | .50 |
| Zone 6 | .75 |
| Zone 7 | 1.00 |
| Zone 8 | 1.25 |
| Zone 9 | 1.50 |
| Zone 10 | 1.75 |

[Subparagraph (3) amended by Am. 37, 9 F.R. 2023, effective 2-25-44]

(4) The fabricated veal cut prices applicable in Zone 4 for sales by a hotel supply house to purveyors of meals subject to the provisions in paragraph (k) of § 1364.467, substituting for the purposes of this paragraph (n) the term "fabricated veal cut" for the term "wholesale cut" contained therein, are as follows:

[All prices are on a dollars per hundredweight basis. The price for any fraction of a hundredweight shall be reduced accordingly. The prices set forth herein include the cost of packaging, boxing or freezing. The additions set forth in § 1364.469 (e), (f), (g) and (h) may not be charged.]

| Fabricated veal cuts | Grade | | | |
|---|---|---|---|---|
| | Choice or AA | Good or A | Commercial or B | Utility or C |
| (i) Veal loin, flank off, kidney and suet out | $32.25 | $29.50 | $24.75 | $20.25 |
| (ii) Veal loin steaks—T-bone, porterhouse, and club | 33.75 | 30.75 | 26.00 | 21.00 |
| (iii) Veal leg—boned, rolled, and tied | 36.00 | 33.75 | 29.75 | 25.50 |
| (iv) Veal leg—oven prepared | 33.00 | 31.00 | 27.25 | 23.50 |
| (v) Veal hotel rack—chine removed, blade bone out | 31.50 | 30.50 | 28.00 | 25.50 |
| (vi) Veal rack or rib chops | 30.25 | 29.50 | 27.00 | 24.50 |
| (vii) Veal shoulder—boned, rolled, and tied | 30.75 | 30.00 | 27.50 | 24.75 |
| (viii) Boneless veal shank meat | 26.50 | 25.50 | 23.25 | 20.50 |
| (ix) Veal breast—regular stew, bone in | 14.75 | 14.25 | 13.00 | 11.50 |
| (x) Veal breast with pocket | 14.75 | 14.25 | 13.00 | 11.50 |
| (xi) Boneless veal shoulder stew | 30.75 | 30.00 | 27.25 | 24.75 |

[Table amended by Am. 15, 8 F.R. 7675 and Am. 36, 9 F.R. 1121. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2). For effective dates of Am. 36 see note following § 1364.406 (a).]

(5) The fabricated veal cut prices applicable in Zone 4 for sales by packing or slaughtering plants, packing branch house, wholesaler's or other type of distributive establishment to purveyors of meals subject to the provisions in paragraph (k) of § 1364.467, substituting for the purposes of this paragraph (n) the term "fabricated veal cut", for the term "wholesale cut" contained therein, are as follows:

[All prices are on a dollars per hundredweight basis. The price for any fraction of a hundredweight shall be reduced accordingly. The prices set forth herein include the cost of packaging, boxing or freezing. The additions set forth in § 1364.469 (e), (f), (g) and (h) may not be charged.]

| Fabricated veal cuts | Grade | | | |
|---|---|---|---|---|
| | Choice or AA | Good or A | Commercial or B | Utility or C |
| (i) Veal loin—flank off, kidney and suet out | $29.75 | $27.25 | $22.75 | $18.50 |
| (ii) Veal loin steaks—T-bone, porterhouse, and club | 30.50 | 27.75 | 23.25 | 18.75 |
| (iii) Veal leg—boned, rolled, and tied | 33.50 | 31.25 | 27.50 | 23.75 |
| (iv) Veal leg—oven prepared | 30.75 | 28.75 | 23.25 | 22.00 |
| (v) Veal hotel rack—chine removed, blade bone out | 29.50 | 28.50 | 23.25 | 23.75 |
| (vi) Veal rack or rib chops | 28.25 | 27.25 | 23.00 | 22.75 |
| (vii) Veal shoulder—boned, rolled, and tied | 28.50 | 27.75 | 23.50 | 23.00 |
| (viii) Boneless veal shank meat | 24.75 | 23.75 | 21.75 | 19.25 |
| (ix) Veal breast—regular stew, bone in | 14.00 | 13.50 | 12.25 | 11.00 |
| (x) Veal breast with pocket | 14.00 | 13.50 | 12.25 | 11.00 |
| (xi) Boneless veal shoulder stew | 28.50 | 27.75 | 23.25 | 23.00 |

[Table amended by Am. 15, 8 F.R. 7675 and Am. 36, 9 F.R. 1121 (for effective date of Am. 36, see note following § 1364.406 (a))]

(6) Subject to the additions and deductions hereafter provided in Column IV, and subject further to the provisions of paragraph (g) of § 1364.405, the following table of prices shall be the applicable Zone 3 and 4 prices on sales of fabricated veal carcasses (War Shipping Administration specifications) made:

| Column I<br>By— | Column II<br>To— | Column III<br>Which sales require delivery to— | Column IV<br>Additions and deductions |
|---|---|---|---|
| (i) Any person (other than a slaughterer, packer or packer's branch house). | The War Shipping Administration or to such person as may be authorized by the War Shipping Administration to purchase and to "stockpile" fabricated veal carcasses (War Shipping Administration specifications) for the purpose of ultimate resale to licensed ship suppliers. | "Stockpile" | Add $0.25 per hundredweight to table price. |
| (ii) Any slaughterer, packer or packer's branch house. | do | do | Deduct $0.25 per hundredweight from table price. |
| (iii) Any person (other than a slaughterer, packer or packer's branch house). | A licensed ship supplier | The buyer's place of business or to a commercial warehouse or storage place other than one designated by the War Shipping Administration.[1] | None.[2] |
| (iv) Any slaughterer, packer or packer's branch house. | do | do | Deduct $0.50 per hundredweight from table price.[3] |
| (v) The War Shipping Administrator or by a person who has a "stockpile" of fabricated veal carcasses (War Shipping Administration specifications). | do | "Stockpile" loading platform. | Add $0.25 per hundredweight plus accumulated interest insurance charges and storage charges in excess of 1st month and taxes, if any, to the table price. |
| (vi) A licensed ship supplier (slaughterer, packer or packer's branch house only). | Ship operator | Ship side | None.[4] |
| (vii) A licensed ship supplier[5] (other than a slaughterer, packer or packer's branch house). | Ship operator | Ship side | Add $1.25 per hundredweight to table price.[6] |

[1] For the purposes of subdivision (iii) or (iv), a delivery to a carrier for an f. o. b. shipment at the carload rate to a licensed ship supplier located in the same price zone or a delivery to a carrier in Zone 2, 3 or 4 for an f. o. b. shipment at the carload rate to a licensed ship supplier located in Zone 1, the buyer paying the shipping charges to the carrier shall be deemed a delivery "to the buyer's place of business" where such f. o. b. shipment is authorized in writing by the Price Administrator at Washington, D. C., pursuant to the provisions of § 1364.405 (g).

[2] If the fabricated veal carcasses (War Shipping Administration specifications) are not frozen when delivered, the seller shall deduct $0.25 per hundredweight from the table price.

[3] If the fabricated veal carcasses (War Shipping Administration specifications) are not frozen when delivered, the seller shall deduct $0.75 per hundredweight from the table price.

[4] If the fabricated veal carcasses (War Shipping Administration specifications) were obtained from the "stockpile," the seller may add 50 cents per hundredweight to the table price. The seller may add an additional 75 cents per hundredweight making a total addition of $1.25 per hundredweight to the table price if at the time of sale, the War Shipping Administration prohibits the sale of fabricated veal carcasses (War Shipping Administration specifications) by licensed ship suppliers to ship operators unless such meats are procured from a War Shipping Administration "stockpile."

[5] If the fabricated veal carcasses (War Shipping Administration specifications) were obtained from the "stockpile", the seller may add an additional $0.50 per hundredweight making a total addition of $1.75 per hundredweight to the table price.

[6] A "Group II ship chandler" (defined in § 1364.467 (n) (9) (v)) may add $2.50 per cwt. to the table price, unless the meats were obtained from the "Stockpile," in which case the "Group II ship chandler" may add $3.00 per cwt. to the table price.

[Footnote 4 amended by Am. 59, 10 F.R. 12742, effective 10-10-45. Footnote 6 added by Am. 65, 10 F.R. 6956, effective 6-9-45.]

(All prices are on dollars per hundredweight basis. The price for any fraction of a hundredweight shall be reduced accordingly. The prices set forth herein include costs of freezing and one month's storage, wrapping, boxing, strapping, inspection and grading in accordance with War Shipping Administration specifications. The additions and deductions specified in Schedule III (§ 1364.469) and Schedule II (§ 1364.468) of this regulation are not applicable. For fabricated veal carcasses (War Shipping Administration specifications) wrapped in kraft paper and cheese cloth, $0.25 per hundredweight shall be deducted from table price.)

| | Choice or AA | Good or A | Commercial or B | Utility or C |
|---|---|---|---|---|
| Veal carcass | $23.75 | $22.75 | $20.50 | $18.5 |

All sales under this subparagraph (6) are made subject to the provisions of § 1364.467 (k), and for the purposes of this subparagraph (6), the term "fabricated veal carcass (War Shipping Administration specifications)" shall be substituted for the term "wholesale cut" in § 1364.467 (k).

For purposes of this subparagraph (6), a sale of fabricated veal carcasses (War Shipping Administration specifications) by any selling establishment which satisfies the definition of "hotel supply house" as defined in § 1364.470 (b) (1) shall be deemed to be a sale by a person other than a slaughterer, packer, or packer's branch house.

[Subparagraph (6) added by Am. 37, 9 F.R. 2023, effective 2-25-44; amended by Am. 40, 9 F.R. 4648, effective 5-1-44; Am. 50, 10 F.R. 891, effective 1-20-45; and Am. 54, effective 6-1-45]

(7) Notwithstanding the provisions of § 1364.466 (a) (4), the War Shipping Administration or any person authorized by the War Shipping Administration to make purchases under its direction and control, is authorized to purchase and sell fabricated veal carcasses (War Shipping Administration Specifications).

(8) "Fabricated veal carcass (War Shipping Administration Specifications)," means veal derived from calves of grades choice, good, commercial or utility and satisfying the specifications and requirements contained in War Shipping Administration Food Control Regulation No. 2. "Fabricated veal carcass (War Shipping Administration Specifications)," shall be graded in accordance with § 1364.411 (a) (1) and (2) of this regulation and no such fabricated veal carcass so graded shall be packed for sale and/or delivery to the War Shipping Administration or to any person authorized to make such purchase under the direction and control of an official United States inspector designated by the Food Distribution Administration, or other United States Government agency regularly performing grading and/or inspection service, who shall certify that the cutting, dressing, trimming and other fabrication, the grade, the weight and the other specifications of the War Shipping Administration and/or the Office of Price Administration have been com-

plied with and that the legends affixed to the package by the seller are correct. Certification by the official United States inspector shall be made by affixing a stamp or sticker to the container, which stamp or sticker shall attest the accuracy of all representations appearing upon the container.

[Subparagraphs (7) and (8) added by Am. 37, 9 F.R. 2023, effective 2-25-44; amended by Am. 40, 9 F.R. 4648, effective 5-1-44]

(9) For purposes of subparagraphs (6), (7) and (8) hereof,

(i) The term "stockpile" shall mean an inventory of fabricated beef cuts and veal carcasses (War Shipping Administration specifications) which has been accumulated at a commercial freezer or storage place by the War Shipping Administration or at a commercial freezer or storage place designated by the War Shipping Administration by a person operating under the direction and control of that agency, which inventory is available for purchase by any licensed ship supplier for resale to "ship operators." "Stockpile" shall not include an inventory of fabricated beef cuts and veal carcasses (War Shipping Administration specifications) which has been accumulated by a seller at his place of business, commercial warehouse or storage place, the disposition of which is not subject to the direction and control of the War Shipping Administration,

(ii) A "licensed ship supplier" means any person who has been licensed by the War Food Administration under the provisions of Food Distribution Regulation No. 3, as amended (issued October 8, 1943), to sell and/or deliver meats and other food products to ship operators and

(iii) A "ship operator" means any person conducting the business of vessels who is designated as a ship operator by the War Shipping Administration.

(iv) A "Group I ship chandler" means a licensed ship supplier as defined in subdivision (ii) hereof (*a*) who does not engage in the fabrication of meats of any kind and who does not own or control in whole or substantial part any slaughtering plant or facilities and who is not owned or controlled in whole or substantial part by a person who owns or controls in whole or in substantial part a slaughtering plant or facilities; (*b*) who has been allotted a ship store's quota under War Food Order No. 74 covering the sale of each of the following products in addition to meats: butter, cheese, canned fruit and fruit juices, and canned vegetables and vegetable juices; (*c*) who is currently engaged in the business of selling a complete line of foods and other products to ship operators, including but not limited to meats, poultry, butter, cheese, eggs, fluid milk, canned goods, dry groceries, fresh fruits and vegetables and fresh or frozen fish; and (*d*) whose "annual total dollar volume" of sales is $500,000.00 or more. (The term "annual total dollar volume" is explained in subdivision (vi) below.)

(v) A "Group II ship chandler" means a licensed ship supplier as defined in subdivision (ii) hereof who has met all the requirements of subdivision (iv) hereof for a "Group I ship chandler", except that his "annual total dollar volume" of sales shall be less than $500,000.00 and who has filed a statement with the appropriate regional office of the Office of Price Administration, signed by him and approved by the appropriate district food control representative of the War Shipping Administration located in the City of New York, New Orleans or San Francisco, as the case may be, setting forth that he meets each of the requirements of a "Group II ship chandler" as defined herein and setting forth in addition his annual total dollar volume of sales. The addition of $2.50 per cwt, or $3.00 per cwt., as the case may be, provided in the table of § 1364.452 (o) (6), (beef), and § 1364.467 (n) (6), (veal), for a "Group II ship chandler" shall not be taken until this statement has been filed as provided herein.

(vi) (*a*) The term "annual total dollar volume" means the total dollar volume of sales made by a ship chandler during the calendar or fiscal year 1944, whichever he uses for filing his Federal income tax return. All sales, whether of food or not, as shown on the books shall be used. The ship chandler's Federal income tax return shall be used to obtain the dollar volume of sales.

(*b*) If the ship chandler was engaged in business during only a part of the fiscal or calendar year of 1944, he shall divide his total dollar volume of sales from the time he began operations up to and including June 8, 1945, by the number of weeks he was in business. This will represent the weekly average dollar volume of sales. This figure shall be multiplied by 52 and the result shall be deemed to be his "annual total dollar volume".

(*c*) If the ship chandler started business after June 8, 1945, he shall be deemed to be a "Group II ship chandler". However, after he has been in operation for 3 months, he shall determine again what class he is in by taking his total dollar volume of sales for the three month period and multiplying it by 4. The result will be his "annual total dollar volume".

[Subdivisions (iv), (v) and (vi) added by Am. 55, 10 F.R. 6956, effective 6-9-45]

[Subparagraph (9) added by Am. 37, 9 F.R. 2023, effective 2-25-44; amended by Am. 40, 9 F.R. 4648, effective 5-1-44; and Am. 54, 10 F.R. 6182, effective 6-1-45]

[Paragraph (n) amended by Am. 12, 8 F.R. 7109, effective 6-1-43, and as otherwise noted. Heading amended by Am. 40, 9 F.R. 4648, effective 5-1-44]

(o) *Maximum prices for veal wholesale cuts and fabricated veal cuts sold to operators of lake vessels, other than passenger boats, engaged in shipping upon the Great Lakes.* The maximum price for each grade of each veal wholesale cut and fabricated veal cut shall be the maximum price determined as provided in paragraph (o) (1). On and after August 2, 1944, this paragraph (o) shall apply only to sales between a "Great Lakes Marine Supplier" as defined in paragraph (o) (11), and an "operator of a lake vessel", as defined in paragraph (o) (12) hereof, and no sale or delivery shall be made pursuant to the provisions of this paragraph (o) unless the "Great Lakes marine supplier" has complied with the filing requirements of paragraph (o) (7) hereof.

[Above portion of paragraph (o) amended by Am. 54, 10 F.R. 6182, effective 6-1-45]

(1) *Maximum prices.* (i) The maximum price for each grade of each veal wholesale cut for sale or delivery by a Great Lakes marine supplier to an operator of a lake vessel shall be the applicable zone price determined in accordance with the provisions of subparagraph (2) hereof and specified in subparagraph (8) plus the addition permitted by subparagraph (10), if applicable, minus the required deductions, if any, specified in Schedule V (incorporated herein as § 1364.468. The additions set forth in Schedule VI (§ 1364.469) may not be charged.

(ii) The maximum price for each grade of fabricated veal cuts for sale or delivery by a Great Lakes marine supplier to an operator of a lake vessel shall be the applicable zone price determined in accordance with the provisions of subparagraph (2) hereof and specified in subparagraph (9) plus the addition permitted by subparagraph (10), if applicable, minus the required deductions, if any, specified in Schedule V (§ 1364.468), substituting for the purposes of this subdivision (ii) the term "fabricated beef cut" wherever the words "wholesale cut" or "wholesale cuts" are used in Schedule V (§ 1364.468). The additions set forth in Schedule VI (§ 1364.469) may not be charged.

(2) The applicable zone price shall be the price specified in subparagraph (8) or (9) for the zone in which is located the seller's distribution point:

(i) At which the buyer takes actual physical possession of the meat; or

(ii) From which the meat consigned to the buyer (*a*) is delivered to a common carrier other than a railroad, for shipment to the buyer, who pays the shipping charges directly to the carrier, or (*b*) is delivered to a railroad for shipment at the carload rate to the buyer who pays the shipping charges directly to the carrier.

(iii) In the case of a less-than-carload shipment, other than an express shipment to a purveyor of meals, the applicable zone price shall be the price for the zone in which is located the rail unloading station nearest to the buyer's place of business.

(iv) On sales to purveyors of meals, the distribution point may be, in addition to those listed, the point at which meat, consigned to the buyer is delivered to a railway express company for shipment by express to the buyer who pays the shipping charges directly to the carrier.

(3) The applicable zone price shall be the delivered price anywhere within the zone to which such price applies. Schedule IV (paragraphs (a) to (j), inclusive) hereof, incorporated in the regulation as § 1364.467, contains a statement describing the geographical limits of each price zone.

(4) Except as permitted in § 1364.417 and in paragraphs (l), (m), (n) or (o), of Schedule IV (§ 1364.467), regardless

of any contract, agreement or other obligation, no "Great Lakes Marine Supplier" shall sell or deliver to an "operator of a lake vessel", any veal carcass or any part or portion of a veal carcass, and no "operator of a lake vessel" in the course of trade or business shall buy or receive from a "Great Lakes Marine Supplier" any veal carcass or any part or portion of any veal carcass unless such veal carcass or part or portion is a veal carcass or veal wholesale cut as defined in § 1364.470 for which applicable prices have been established.

[Subparagraph (4) amended by Am. 54, 10 F.R. 6182, effective 6-1-45]

(5) No Great Lakes marine supplier shall sell or deliver any fabricated veal cut and no operator of a lake vessel in the course of trade or business shall buy or receive any fabricated veal cut unless such fabricated veal cut is a fabricated veal cut as defined in § 1364.470 (b) (3) for which applicable zone prices have been established.

(6) (i) On and after August 2, 1944, no Great Lakes marine supplier shall sell or deliver any veal wholesale cut or fabricated veal cut and no operator of a lake vessel in the course of trade or business shall buy or receive any veal wholesale cut or fabricated veal cut pursuant to the provisions of this paragraph (o) unless such seller is a "Great Lakes marine supplier" as defined in subparagraph (12), who has complied with the filing requirements of subparagraph (7) and the buyer thereof is an "operator of a lake vessel" as defined in subparagraph (13) hereof.

(ii) No Great Lakes marine supplier shall sell or deliver any veal wholesale cut or fabricated veal cut and no operator of a lake vessel shall buy or receive in the course of trade or business any veal wholesale cut or fabricated veal cut at a price higher than the maximum price permitted therefor in subparagraph (1) of this § 1367.467 (o).

(7) No Great Lakes marine supplier shall make any sale or delivery of any veal wholesale cut or fabricated veal cut pursuant to this paragraph (o) unless such Great Lakes marine supplier shall have filed with the appropriate Regional Office of the Office of Price Administration a statement, prior to the making of such sale or delivery, that the person (i) is engaged in the business of buying veal carcasses and veal wholesale cuts for resale as veal wholesale cuts or fabricated veal cuts to an operator of a lake vessel or vessels as defined in subparagraph (12), and (ii) sold or delivered to such lake vessels during the calendar year of 1943 at least 25 percent of the total volume of weight of meats or meat products sold or delivered from his selling establishment. The filing of such a statement shall not preclude investigation by the Office of Price Administration of the facts relating to the nature of the business carried on by the person filing the statement or of any action or proceedings arising from such investigation.

(8) (i) The veal wholesale cut prices applicable in Zone 4 shall be as follows:

[All prices are on a dollar per hundredweight basis. The price for any fraction of a hundredweight shall be reduced accordingly. The additions set forth in Schedule VI (§ 1364.400) may not be charged]

| Veal wholesale cuts | Grades | | | |
|---|---|---|---|---|
| | Choice or AA | Good or A | Commercial or B | Utility or C |
| 1. Foresaddle or forequarter | $21.00 | $20.00 | $18.00 | $17.00 |
| 2. Hindsaddle or hindquarter | 23.00 | 21.00 | 22.00 | 19.00 |
| 3. Loin, double or single | 24.50 | 23.00 | 20.00 | 17.25 |
| 4. Legs or leg | 23.00 | 24.25 | 21.50 | 18.75 |

(ii) The veal wholesale cut prices applicable in Zone 1 to 3 and 5 to 10 shall be the prices specified in subdivision (i) of this subparagraph (8) plus the following:

| Zone: | |
|---|---|
| 1 | $2.50 |
| 2 | 1.50 |
| 3 | .75 |
| 5 | .50 |
| 6 | .75 |
| 7 | 1.00 |
| 8 | 1.25 |
| 9 | 1.50 |
| 10 | 1.75 |

(iii) All sales under this subparagraph (8) are made subject to the provisions of § 1364.467 (k).

The applicable Zone 4 price of each veal wholesale cut which has not been graded or identified by sex mark (required by paragraph (c) of § 1364.411) when offered for sale, sold or delivered, shall be the price of the lowest priced corresponding wholesale cut.

(9) (i) The fabricated cut prices for a Great Lakes marine supplier applicable in Zone 4 shall be the prices listed in subparagraph (n) (4) of this § 1364.467.

(ii) The fabricated veal cut prices for a Great Lakes marine supplier applicable in Zones 1 to 3 and 5 to 10 shall be the prices listed in subparagraph (n) (4) of this § 1364.467 plus the following:

| Zone: | |
|---|---|
| 1 | $2.50 |
| 2 | 1.50 |
| 3 | .75 |
| 5 | .50 |
| 6 | .75 |
| 7 | 1.00 |
| 8 | 1.25 |
| 9 | 1.50 |
| 10 | 1.75 |

(iii) All sales under this subparagraph (9) are made subject to the provisions of § 1364.467 (k). For the purposes of this subparagraph the term "fabricated veal cut" shall be substituted for the term "wholesale cut" in § 1364.467 (k).

(10) On a delivery of veal wholesale cuts or fabricated veal cuts by a Great Lakes marine supplier to the operator of a lake vessel made in the seller's motor launch, such seller may add 75 cents per hundredweight to the applicable zone price.

(11) "Great Lakes marine supplier" means a person operating a selling establishment from which he is engaged in the buying of veal carcasses and veal wholesale cuts for resale in the form of veal wholesale cuts or fabricated veal cuts to an operator or operators of a lake vessel or vessels for consumption aboard such vessel or vessels, and who during the calendar year of 1943 sold or delivered to such lake boats for consumption aboard such lake vessel or vessels at least 25 percent of the volume of meats and meat products sold or delivered from his selling establishment.

(12) "Operator of a lake vessel" means any person who owns or operates a lake vessel or vessels, other than a passenger boat, engaged in shipping upon the Great Lakes, and who purchases or receives meats from a Great Lakes marine supplier for consumption aboard his vessel.

(13) The provisions of subparagraphs (2) and (3) of § 1364.407 (d) and the provisions of § 1364.415 shall not be applicable to sales or deliveries by a Great Lakes marine supplier of fabricated veal cuts to an operator of a lake vessel.

[Paragraph (o) added by Am. 44, 9 F.R. 9425, effective 8-2-44]

(p) *Frozen fabricated veal (Army specifications).* (1) On and after November 13, 1945, regardless of any contract, agreement or other obligation, no person shall sell or deliver frozen fabricated veal (Army specifications) to any purchasing agency of a war procurement agency at a price higher than the maximum price permitted therefor in paragraph (p) (2) of this section. The sale or delivery of frozen fabricated veal (Army specifications) to a purchaser other than a purchasing agency of a war procurement agency is prohibited.

(2) The maximum f. o. b. boning plant price for frozen fabricated veal (Army specifications) in each of the following price zones shall be:

[Zone prices per hundredweight in carload or less-than-carload quantities, frozen, packaged and boxed in accordance with the requirements and specifications contained in CQD No. 371A "Veal, Fabricated, Frozen", superseding CQD No. 371, issued by the Chicago Quartermaster Depot of the United States Army. The price for any fraction of a hundredweight shall be reduced accordingly. Additions and deductions of Schedules VI and V, respectively, are not applicable.] [1]

[1] All veal carcasses designed for Army use shall be inspected and passed by a representative of the Army Veterinary Corps and the cutting, boning, trimming, packaging, boxing and any other necessary preparation for freezing involved in the production of frozen fabricated veal (Army specifications) shall be supervised by him at the time of such preparation in accordance with Army regulations. No veal shall be packed as frozen fabricated veal (Army specifications) except in the presence of the official inspector designated by the United States Army Veterinary Corps or other United States Government agency. Each box or shipping container shall have clearly printed or legibly stenciled on it the net weight, grade and type of cut (i. e. roasts, chops or stew) contained in the box as provided in specifications CQD 371A and the official stamp of the representative of the Veterinary Corps shall attest to the accuracy of the legend appearing thereon.

*Ceiling prices by zones*

| Zone | Choice or AA | Good or A | Commercial or B |
|---|---|---|---|
| 1 | $37.95 | $35.90 | $31.85 |
| 2 | 36.35 | 34.30 | 30.25 |
| 3 | 35.20 | 33.15 | 29.10 |
| 4 | 34.00 | 31.95 | 27.90 |
| 5 | 34.80 | 32.75 | 28.70 |
| 6 | 35.20 | 33.15 | 29.10 |
| 7 | 35.60 | 33.55 | 29.50 |
| 8 | 36.00 | 33.95 | 29.90 |
| 9 | 36.35 | 34.30 | 30.25 |
| 10 | 36.75 | 34.70 | 30.65 |

(3) "Frozen fabricated veal (Army specifications)" as used in this paragraph (p) means fabricated veal cuts derived from veal carcasses of grades choice, good, and commercial, and satisfying the requirements and specifications contained in CQD No. 371A "Veal, Fabricated, Frozen" issued by the Chicago Quartermaster Depot of the United States Army. Any frozen fabricated veal which has been rejected by a purchasing agency of a war procurement agency may not be sold or delivered unless the Administrator at Washington, D. C., by order, authorizes its sale or delivery to a designated purchaser or purchasers, upon receipt of an application from the seller showing the grade, type and amount of meats rejected, the date and reasons for the rejection and the name and address of the proposed purchaser or purchasers. In addition, such application shall be accompanied by a certification of the Meat Inspection Division of the Department of Agriculture that the meat is fit for human consumption.

[Paragraph (p) added by Am. 56, 10 F.R. 8130, effective 6-30-45; amended by Am. 63, 10 F.R. 14144, effective 11-13-45, except that until December 3, 1945, sales of frozen fabricated veal meeting specifications CQD 371 may be made to a war procurement agency at the ceiling prices in effect prior to November 13, 1945]

§ 1364.468 *Schedule V: Amounts which must be deducted from zone prices listed in Schedule IV.* As hereinafter provided, the following shall be deducted from the applicable zone prices:

(a) *For veal carcasses and veal wholesale cuts not graded by an official grader.* For the sale of any veal carcass or veal wholesale cut which does not bear the grade mark and identification of an official grader of the United States Department of Agriculture at the time of sale, the seller shall deduct 12½ cents per cwt. from the applicable zone price.

(b) *Carload discount.* For all veal carcasses and/or veal wholesale cuts and/or other meat items subject to this subpart C and §§ 1364.468 and 1364.469, delivered in a straight or mixed carload shipment or sold as part of a straight or mixed carload sale, the seller shall deduct 25 cents per hundredweight from the applicable zone price.

[Paragraph (b) amended by Am. 15, 8 F.R. 7675; Am. 19, 8 F.R. 9066, effective 6-30-43; and Am. 21, 8 F.R. 9995, effective 7-16-43. Former (c) consolidated with (b) by Am. 15. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2)]

(c) For veal carcasses, veal wholesale cuts and/or boneless and miscellaneous veal sold to a peddler truck seller by a wholesaler, the seller shall deduct $0.50 per cwt. from the applicable zone price. The amount to be deducted on sales of any fraction of a hundredweight shall be reduced accordingly.

[Paragraph (c) added by Am. 47, 9 F.R. 13158, effective 11-8-44; and amended by Am. 54, 10 F.R. 6182, effective 6-1-45]

§ 1364.469 *Schedule VI: Amounts which may be added to zone prices listed in Schedule IV.* Subject to the conditions hereinafter provided, the following may be added to the applicable zone price:

(a) *For transportation and/or local delivery.*

(1) For transportation from the point at which the calf or calves were slaughtered in Price Zone 4 to a distribution point located in this price zone other than another slaughtering or packing plant owned or controlled by the same seller, the seller may add the actual cost of transportation computed at the lowest common carrier rate for the method of transportation used, but in no event more than 75 cents per hundredweight.

[Subparagraph (1) amended by Amdt. 28, 8 F.R. 13249, effective 10-2-43; and Am. 45, 9 F.R. 9617, effective 8-12-44]

(2) For transportation from the point at which the calf or calves were slaughtered in Price Zone 1, 2, 3, 5, 6, 7, 8, 9, or 10 to a distribution point located in the same price zone as the slaughter point other than another slaughtering or packing plant owned or controlled by the same seller, the seller may add the actual cost of transportation computed at the lowest common carrier rate for the method of transportation used, but in no event more than 25 cents per hundredweight.

[Subparagraph (2) amended by Am. 45, 9 F.R. 9617, effective 8-12-44]

(3) For local delivery made within a radius of 25 miles from a slaughter plant, packing house, car-route unloading point, railroad unloading station or branch house, to the place of business of a seller at retail, wholesaler (not owned or controlled by the shipper or consignor), hotel supply house (not owned or controlled by the shipper or consignor), or commercial user, or the designated delivery point of a war procurement agency, or other government agency; or

For local delivery made within a radius of 25 miles from the place of business of a wholesaler or hotel supply house, to the place of business of a seller at retail, purveyor of meals, or commercial user, or the designated delivery point of a war procurement agency, or other government agency: the seller may add 25 cents per cwt.

(4) For local delivery made from a slaughter plant, packing house, car-route unloading point, railroad unloading station or branch house, located in Price Zone 4 to the place of business of a seller at retail, wholesaler (not owned or controlled by the shipper or consignor), hotel supply house (not owned or controlled by the shipper or consignor), or commercial user, or the designated delivery point of a war procurement agency, or other government agency, located more than 25 miles from such shipping point; or

For local delivery made from the place of business of a wholesaler or hotel supply house located in Price Zone 4 to the place of business of a seller at retail, purveyor of meals, or commercial user, or the designated delivery point of a war procurement agency, or other government agency, located more than 25 miles from such shipping point; the seller may add the actual cost of local delivery computed at the lowest common carrier rate for the method of delivery used, but in no event more than 75 cents per cwt.

(5) For local delivery made from a slaughter plant, packing house, car route unloading point, railroad unloading station, or branch house, located in Price Zone 1, 2, 3, 5, 6, 7, 8, 9, or 10, to the place of business of a seller at retail, wholesaler (not owned or controlled by the shipper or consignor), hotel supply house (not owned or controlled by the shipper or consignor), or commercial user, or the designated delivery point of a war procurement agency, or other government agency, located more than 25 miles from such shipping point; or

For local delivery made from the place of business of a wholesaler or hotel supply house located in Price Zone 1, 2, 3, 5, 6, 7, 8, 9, or 10, to the place of business of a seller at retail, purveyor of meals or commercial user, or the designated delivery point of a war procurement agency or other government agency, located more than 25 miles from such shipping point: the seller may add the actual cost of local delivery computed at the lowest common carrier rate for the method of delivery used, but in no event more than 50 cents per cwt.

(6) If the seller is a packer's branch house, wholesaler or hotel supply house who has paid a charge under paragraph (a) of this section for local delivery and/or transportation, he may upon the resale of the veal carcasses and/or veal wholesale cuts upon which the charge has been made add the amount of such charge up to 50 cents per hundredweight on sales made from a distribution point located in Price Zone 1, 2, 3, 5, 6, 7, 8, 9, or 10, inclusive, and up to $1.00 per hundredweight in Price Zone 4.

[Subparagraph (6) added by Am. 45, 9 F.R. 9617, effective 8-12-44]

(7) Notwithstanding any of the provisions of paragraphs (a) (1) to (6), inclusive of this § 1364.469, nothing therein contained shall be construed to permit a total charge for transportation and/or local delivery from the point at which the meat was slaughtered to the place of business or receiving point of a retail seller, purveyor of meals, war procurement agency, other government agency or commercial user of more than 50 cents per hundredweight in Price Zone 1, 2, 3, 5, 6, 7, 8, 9, or 10, or $1.00 per hundredweight in Price Zone 4. The transportation and local delivery additions permitted in this paragraph (a) are on a hundredweight basis, and the charge for transportation and/or local delivery for any fraction of a hundredweight shall be reduced accordingly. The additions specified in this paragraph (a) for transportation and/or local delivery may be charged: *Provided,* That the seller shall itemize separately on an

invoice to the buyer the amount charged the buyer for transportation and/or local delivery, except that if such separate statement of transportation charges is prohibited by local law, the seller shall maintain in his own record of the transaction a separate statement of any additions for transportation or local delivery which is included in the maximum price charged.

[Subparagraph (7) formerly (6), amended by Am. 28, 8 F.R. 13249, effective 10-2-43; redesignated (7) and amended by Am. 45, 9 F.R. 9617, effective 8-12-44]

(b) *For kosher veal foresaddle or forequarter.* The applicable zone price established for kosher veal foresaddle or forequarter (which includes the additions permitted) shall apply only on sales of kosher veal as such to buyers of kosher meat and no seller shall sell or deliver any kosher veal foresaddle or forequarter and no buyer shall buy or receive any kosher veal foresaddle or forequarter at the price established therefor or at a price higher than that established for the corresponding non-kosher foresaddle or forequarter in § 1364.467 (Schedule IV) unless the buyer of such wholesale cut is a bona fide buyer of kosher meat. For the sale of any kosher veal foresaddle or forequarter to a buyer other than a bona fide buyer of kosher meat the maximum price shall be determined by use of the applicable zone price established for the corresponding non-kosher foresaddle or forequarter, and the seller shall remove all stamps and designations which identify the wholesale cut as kosher. Any veal carcass or veal wholesale cut which has been derived from calves slaughtered in the manner of kosher slaughter but rejected as non-kosher shall not be sold, unless all stamps and designations which identify the carcass or wholesale cut as kosher have been removed.

(c) *For kosher foresaddles or forequarters derived from calves slaughtered in a limited area of Zone 9.* (1) For any grade of kosher veal foresaddle or forequarter, except the cull grade, which cuts are derived from calves slaughtered in that portion of Zone 9 north of the Potomac River and which clearly bear the abattoir stamp at the time of sale, the seller may add $1.50 per cwt. to the applicable Zone 9 price: *Provided,* That such foresaddle or forequarter shall be sold to a bona fide buyer of kosher meat located in that portion of Zone 9 north of the Potomac River.

(2) The provisions of paragraph (b) of this section governing the sale of kosher foresaddle or forequarter shall apply to sales made pursuant to this paragraph (c). No addition permitted by this paragraph (c) shall be added for the sale of any kosher foresaddle or forequarter which does not bear the abattoir stamp clearly legible. No slaughterer shall charge the addition for kosher veal foresaddle or forequarter from calves slaughtered in the limited area of Price Zone 9 described in subparagraph (1) hereof until he shall have filed the report required in paragraph (c) of § 1364.407 of this Revised Maximum Price Regulation No. 169.

(d) *"Wholesaler's selling addition."* On the sale of any veal item subject to this regulation not obtained through custom slaughtering, and excluding sales made pursuant to paragraphs (l) or (n) (5) of § 1364.467, a person who at the time of the sale is a wholesaler may add $1.00 per hundredweight to the applicable zone price: *Provided, however,* That after November 23, 1944, no person shall charge the addition permitted by this § 1364.469 (d) unless such person first shall have filed with the appropriate district office of the Office of Price Administration a signed statement that the person is a wholesaler as defined in § 1364.470 (a) (13) and gives the address of his selling establishment.

[Above paragraph amended by Am. 64, 10 F.R. 14703, effective 11-30-45]

The statement herein required must be filed on or after November 8, 1944, and the filing of such statement shall not preclude investigation by the Office of Price Administration of the facts relating to the nature of the business carried on by the person filing the statement, or any action or proceeding arising from such investigation. The statements required by this section may be combined with statements prepared pursuant to § 1364.454 (d) of this regulation, § 1364.35 (Schedule III) of Revised Maximum Price Regulation No. 148 and § 1364.170 (a) of Revised Maximum Price Regulation No. 239 for purposes of convenience.

[Paragraph (d) amended by Am. 15, 8 F.R. 7675; Am. 21, 8 F.R. 9995, effective 7-16-43; Am. 36, 9 F.R. 1121 (for effective date of Am. 36 see note following § 1364.406 (a)); and Am. 47, 9 F.R. 13168, effective 11-8-44. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2); and as otherwise noted]

(e) *Packaging and wrapping for war procurement agencies.* On sales of veal carcasses or veal cuts to a war procurement agency, the seller may add to the applicable zone price:

(1) For wrapping veal carcasses or veal cuts for domestic shipment, U. S. Army or Navy specifications, 25 cents per cwt.

(2) For wrapping veal carcasses or veal cuts for overseas shipment, U. S. Army or Navy specifications, 75 cents per cwt.

(3) For wrapping veal carcasses or veal cuts, Federal Surplus Commodities Corporation Specifications, 50 cents per cwt.

(f) *Boxing or barreling.* On sales to a seller at retail, purveyor of meals, commercial user (not wholesaler, branch house, hotel supply house, etc.), or government agency, other than a war procurement agency, the seller may add 25 cents per cwt. for packing in closed or sealed boxes or barrels, delivered to the buyer's place of business.

(g) *Wrapping for civilian sales.* (1) For wrapping veal carcasses or wholesale cuts in one stockinette or Kraft paper bag, there may be added 12½ cents per cwt.

(2) For wrapping veal carcasses or wholesale cuts in two stockinettes or one stockinette and one Kraft paper bag or for other special wrapping or dressing involving a cost in excess of 12½ cents per cwt., there may be added 25 cents per cwt.

(h) *Freezing and storage.* On sales of veal carcasses and cuts to a war procurement agency, the seller may add the cost of freezing and storage: *Provided,* That the cost shall not exceed 35 cents per cwt.

(i) *Peddler-truck selling addition.* On a peddler truck sale involving delivery of not more than 250 pounds of meats and meat products in any one day from a peddler truck to any buyer's store door, a peddler may add to the prices specified in § 1364.467 (Schedule IV) other than those specified in paragraph (l), (n) or (o) the sum of $1.25 per cwt. If such sale involves a delivery of more than 250 pounds in any one day from such peddler truck to any buyer's store door, the peddler may add to the prices specified in § 1364.467 (Schedule IV), an amount not in excess of $1.00 per hundredweight applicable to the total delivery of veal in the one day from such peddler truck to the buyer's store door. These additions shall be in lieu of any local delivery and/or transportation addition permitted in this § 1364.469.

[Paragraph (i) amended by Am. 45, 9 F.R. 9617, effective 8-12-44; and Am. 54, 10 F.R. 6182, effective 6-1-45]

(j) *Freezing and/or packaging for the United States Department of Agriculture.* On domestic sales of veal carcasses to the United States Department of Agriculture, or any agency thereof, the seller may add (1) 50 cents per hundredweight for wrapping in accordance with specifications prescribed by that agency, (2) 50 cents per hundredweight for freezing either in the seller's own freezer facilities or in a commercial freezer, (3) an additional 15 cents per hundredweight to the amount specified in paragraph (j) (2) hereof if the invoice weights are determined by weighing the meats upon removal from the freezer, pursuant to the requirements of the Department of Agriculture, and (4) actual transportation expense, not to exceed the lowest common carrier rate for the method of transportation used, for delivery by the seller from the point at which the meat was slaughtered to a freezer, provided that the point of slaughter is located within the same price zone and beyond a radius of 15 miles from such freezer.

[Paragraph (j) added by Am. 62, 10 F.R. 13632, effective 11-3-45; amended by Am. 64, 10 F.R. 14703, effective 11-30-45]

§ 1364.470 *Definitions applicable to veal.* (a) When used in this Revised Maximum Price Regulation No. 169 and when applicable to veal, the term:

(1) "Person" means any individual, corporation, partnership, association or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any agency of any of the foregoing: *Provided,* That no punishment provided by this Revised Maximum Price Regulation No. 169 shall apply to the United States or to any such government, political subdivision, or agency.

(2) "Carload" means:

(i) A shipment by rail of fresh or frozen wholesale meat cuts, and/or cured meat cuts, meat or processed products

and/or carcasses, or any combination of the foregoing to a single delivery point, of at least the minimum weight upon which the railroad carload rate from the point of shipment to the delivery point, as evidenced by the tariffs of railroad carriers, is based: *Provided*, That, where the transportation charge for shipment of a lesser weight at the railroad carload rate would be lower than the transportation charge for such a shipment at the railroad less-than-carload rate, such lesser weight shall be considered a carload:

(ii) A shipment by motor truck or trucks to a single delivery point of 15,000 pounds or more of fresh or frozen wholesale meat cuts and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing, as a single bulk transaction; and

(iii) Any single bulk transaction wherein the buyer takes delivery at the seller's place of business of 15,000 pounds or more of fresh or frozen wholesale meat cuts and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing.

(3) "Veal" means meat derived from the carcasses of immature bovine animals, including calf carcasses as well as veal carcasses, which have predominantly veal characteristics as determined by United States Department of Agriculture standards,[12] and particularly by the color and texture of the flesh and by the color and consistency of the fat and bones. Such carcasses shall not exceed 275 pounds, skin off, chilled, or 315 pounds, skin on, chilled.

(4) "Car route unloading point" means any point on a car route at which a stop is made for the purpose of transferring meat to the possession of the buyer or to a truck or rail carrier for local delivery to the buyer.

[Subparagraph (4) amended by Am. 47, 9 F.R. 13158, effective 11-8-44]

(5) "Distribution point" includes a packing or slaughtering plant, packer's branch house, wholesaler's or jobber's or hotel supply house's warehouse, or a car route unloading point, or railroad unloading station.

(6) "Local delivery" means delivery by the seller commencing at the seller's distribution point, or in the case of car routes, at the car route unloading point and continuing to the buyer's place of business or to the designated delivery point of a war procurement agency or other government agency.

[Subparagraph (6) amended by Am. 47, 9 F.R. 13158, effective 11-8-44]

(7) "Price Zones 1 to 10, inclusive" means the geographical areas described in § 1364.452.

(8) "Veal carcass" means and is limited to the dressed carcass "skin on" or "skin off", or side or sides of veal which shall be dressed with the kidney knob or knobs in, pluck out, and without caul fat dressing. The tail or caudal vertebrae of veal carcasses, skin off, shall not exceed two in number. The veal carcass shall not be broken in any manner other than provided for in paragraph (a) (9) or (a) (10) of this § 1364.470.

[Subparagraph (8) amended by Am. 54, 10 F.R. 6182, effective 6-1-45]

(9) "Veal wholesale cut" means and is limited to any of the following cuts meeting the following minimum specifications, derived from the veal carcass, but excluding the offal and any item not included herein. Ribs are designated as first to thirteenth, inclusive, counting as the first rib that one which is nearest the neck end of the side.

(i) "Hindsaddle or hindquarter" means the portion of the carcass or side, respectively, remaining after the severance of the 12-rib foresaddle or forequarter and comprising the legs or leg, and loin, double or single, including the 13th rib, flank and kidney, all in one piece, which portion shall be obtained by cutting the veal carcass or side between the 12th and 13th ribs, keeping the knife firmly against the 12th rib and following the curvature of the rib to the point where the 12th rib turns, from which point the cut shall be continued by following a line through the cartilage and meat of the flank in the same straight line at right angles to the chine bone, completing the cut. Tail or caudal vertebrae to be left on the hindsaddle or hindquarter are not to exceed 2 in number.

(ii) "Foresaddle or forequarter" means the anterior portion of the carcass or side, respectively, remaining after the severance of the one-rib hindsaddle or hindquarter, which anterior portion shall be obtained by cutting the veal carcass or side between the 12th and 13th ribs keeping the knife firmly against the 12th rib and following the curvature of the rib to the point where the 12th rib turns, from which point the cut shall be continued by following a line through the cartilage and meat of the flank in the same straight line at right angles to the chine bone, completing the cut.

(iii) "Legs or leg" means the portion of the hindsaddle or hindquarter remaining after the severance of the loin from the hindsaddle or hindquarter, which portion shall be obtained by cutting squarely in a line at a right angle to the chine bone, starting at the juncture of the 5th and 6th lumbar vertebra and continuing in the same straight line through a point flush against the anterior end or pin bone end of the pelvis, leaving all the hipbone in the leg. The cut shall be made in a straight line perpendicular to the contour of the outside or skin surface of the hindsaddle. The pair of legs may be split through the center to make 2 single legs. The tail or caudal vertebrae remaining on the legs or leg are not to exceed 2 in number.

(iv) "Loin, double or single", means that portion of the hindsaddle or hindquarter remaining after severance of the legs, which portion shall be obtained by cutting in a straight line at a right angle to the chine bone, starting at the juncture of the 5th and 6th lumbar vertebrae, and continuing through a point flush against the anterior end or pin bone end of the pelvis, leaving all the hipbone in the leg. The cut shall be made in a straight line perpendicular to the contour of the outside or skin surface of the hindsaddle or hindquarter. The double loin is split through the center of the chine bone to make 2 single loins. The loin includes the 13th rib and is untrimmed, that is, it includes the flank, kidney, and fat.

(v) "Kosher veal foresaddle or forequarter" means a veal foresaddle or forequarter derived from calves slaughtered, approved and stamped as kosher under rabbinical supervision, and sold under rabbinical supervision.

(10) "Boneless and miscellaneous veal cuts" means and is limited to any of the following cuts meeting the following minimum specifications, derived from veal carcasses of utility or cull grades:

[Above paragraph amended by Am. 46, 9 F.R. 10874, effective 9-7-44]

(i) "Boneless veal leg or round" means the single veal leg separated from the loin as described in paragraph (a) (9) (iii) of this section from which all bone, the gambrel cord (Achilles tendon) and the shank meat have been removed. The shank muscles and shank bone shall be completely removed by a cut following the natural seam starting on the inner side of the gambrel cord and extending the cut through the stifle joint and by severing the gambrel cord where it joins the muscle. The cod fat or udder fat and the flank are left intact.

(ii) "Veal tenderloin" means the muscle lying in the body cavity of the veal carcass between the kidney fat and chine bone, extending from the butt end of the loin to approximately the 13th rib. The tenderloin shall be entirely boneless and the surplus fat shall be smoothed and tapered down from the butt end to the point where the fat is firmly attached and in no case shall the fat extend beyond the center of the length of the tenderloin. All strings and ragged edges are to be removed.

(iii) "Boneless veal sirloin strip" means the eye or top muscle of the single veal loin, extending from the pin bone end of the pelvis to and over the 13th rib, entirely boneless and with the flank removed by a cut parallel to the side of the eye and one-half inch from the eye muscle.

(iv) "Boneless veal regular (rib) roll" means the rib eye muscle that extends over the top of the veal rib bones from the 3rd to the 12th rib, inclusive. The small wedge-shaped muscle that lies along the plate edge and the covering over the rib eye muscle shall all be removed.

(v) "Boneless veal shoulder clod" means the thick meaty muscle which lies over the blade bone of the veal shoulder and which extends from the chine bone edge to the elbow joint of the shoulder. The chine bone end of the clod shall not be more than four inches wide and the cut along the rib side of the clod shall be straight and at a right angle to the four inch chine bone end.

(vi) "Boned, rolled and tied veal roll" means the complete forequarter of the veal carcass from which all bone, cartilage and gristle have been removed. The heavy sinews from the navel section of the plate and from the chuck and rib also shall be excluded. The rib eye muscle and the shoulder clod muscle shall be included. It is rolled into a cylindrical

[12] Circular No. 103, Market Classes and Grades of Dressed Veal and Calf Carcasses, United States Department of Agriculture, issued as revised, February, 1937.

shape and tied with circular loops one and one-half inches apart, each loop being individually tied. The ends of the roll shall be squared or trimmed of loose or irregular portions. It is permissible in the case of heavy veal to divide the boneless meat from each veal forequarter into two or more rolls.

(vii) "Boneless kosher forequarter veal" means the boneless meat from the entire kosher veal forequarter, but excluding sinews, cords and neckstraps.

(viii) "Boneless veal trimmings" means boneless veal meat from any part of the veal carcass, but excluding the pluck kidneys, sinews, cords and neckstraps.

(ix) "Veal neckbones" means the neck (cervical) vertebrae with some meat left between the projections on the vertebrae, but generally reasonably well trimmed in accordance with practical operations.

(11) "Buyer of kosher meat" means a person who maintains a selling establishment at or through which he regularly and generally sells kosher meat as such, or a person who is a purveyor of kosher meals.

(12) "War Procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, the Marine Corps, the Coast Guard, the War Shipping Administration, the Department of Agriculture, the Veterans Administration, or any agency of the foregoing.

[Subparagraph (12) amended by Am. 64, 10 F.R. 14703, effective 6-30-45]

[Former subparagraphs (13) and (15) revoked and former (14), (16) and (17) redesignated (13), (14) and (15), respectively, by Am. 12, 8 F.R. 7109, effective 6-1-43]

(13) "Wholesaler" means a person (other than a hotel supply house, peddler truck seller or one who makes sales at retail), who buys veal for resale in the form of veal carcasses, veal wholesale cuts and boneless and miscellaneous veal cuts; who does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and who is not owned or controlled, in whole or in substantial part, by another person who owns, in whole or substantial part, any slaughtering plant or facilities and who maintains and operates a separate selling establishment equipped with reasonable and adequate cooling and storage facilities in such a manner that the total monthly poundage of meats and meat by-products sold out of stock carried in his separate selling establishment constitutes not less than 90 percent of the total monthly poundage of all meats and meat by-products resold by him.

[Subparagraph (13) amended by Am. 47, 9 F.R. 13158, effective 11-8-44; Am. 54, 10 F.R. 6182, effective 6-1-45 and Am. 64, 10 F.R. 14703, effective 11-30-45]

(14) "Sales at retail" means sales to individuals for consumption by themselves or their families off the seller's premises and/or sales to retailers or purveyors of meals to the extent permitted under the provisions of MPR 355.

[Subparagraph (14) amended by Am. 54, 10 F.R. 6182, effective 6-1-45]

(15) "Peddler truck sale" means a sale of veal from a truck by a person who purchases veal at or below the maximum price from a seller with whom he has no other financial affiliations or relationships, who takes delivery at the seller's place of business, and who does not sell or deal in meat in any manner other than sales out of stock carried in a truck owned and driven by him.

[Subparagraph (15) amended by Am. 47 and Am. 64]

(16) "Club cattle or calves" means any cattle or calves which have been bred, raised and fed, or fed only, by a member of a 4-H or F. F. A. club under the supervision of the Extension Service of the United States, or by an individual participating in a vocational agricultural project under the supervision of a vocational agricultural teacher in any recognized Vocational Agricultural Department, and which have been certified in writing to conform to the provisions hereof by the supervisor, club agent, agricultural county agent or vocational agricultural project teacher under whose supervision such cattle or calves were bred, raised or fed.

(17) "Slaughtering plant" means any place equipped and used for the commercial killing of calves, cattle, lambs, sheep or hogs, or which, if currently unused for that purpose, can be reconverted to such use without material alteration or delay.

(18) "Slaughtering facilities" means any equipment designed and used for the commercial killing of calves, cattle, lambs, sheep or hogs, or which, if currently unused for that purpose, can be reconverted to such use without material alteration or delay.

[Subparagraphs (16), (17) and (18) added by Am. 47]

(b) When used in this Revised Maximum Price Regulation No. 169 and when applicable to sales of fabricated veal cuts to purveyors of meals, the term:

(1) "Hotel supply house" means any establishment

(i) Which sold or delivered to purveyors of meals during the period of September 15, 1942, to December 15, 1942, not less than 70 percent of the total volume by weight of all meats, variety meats and edible by-products and/or sausage and similar products thereof, sold or delivered by it, excluding sales to war procurement agencies, and

(ii) Which does not own or control or is not owned or controlled by a packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment to which it is physically attached, and

(iii) Which on and after June 1, 1945, engages in the sale or delivery of meats and meat products to the following purchasers exclusively:

(*a*) Purveyors of meals, and/or

(*b*) Ultimate consumers pursuant to Section 1364.416 and/or

(*c*) War procurement agencies of the following items only: frozen boneless beef (Army specifications), ground beef and miscellaneous beef items, boneless and miscellaneous veal cuts and fabricated beef cuts (War Shipping Administration specifications) and lamb, mutton and veal carcasses (War Shipping Administration specifications) and

(*d*) Other hotel supply houses or wholesalers of beef, veal, lamb and mutton wholesale cuts for a period of not more than 90 days beginning September 22, 1945.

"Own or control" within the meaning of this definition means to own or control directly or indirectly a partnership equity or in excess of 10 percent of any class of outstanding stock or to have made loans or advances in excess of 5 percent of the other person's monthly sales.

[Subparagraph (1) amended by Am. 24 8 F.R. 11031, effective 8-7-43; Am. 36, 9 F.R. 1121 for effective date of Am. 36 see note following 1364.408 (a); Am. 45, 9 F.R. 9617, effective 8-12-44; Am. 46, 9 F.R. 10374, effective 9-7-44; Am. 47, 9 F.R. 13158, effective 11-8-44; Am. 54, 10 F.R. 6182, effective 6-1-45; and Am. 59, 10 F.R. 12742, effective 10-10-45]

(2) "Purveyor of meals" means (i) any restaurant, hotel, cafe, cafeteria or establishment which purchases meats and where meals, food portions or refreshments are served for a consideration.

(ii) Any hospital, asylum, orphanage, prison or other similar institution, which is operated by any federal, state or local government or agency thereof.

(iii) "Contract school" (means and includes any person who is feeding, pursuant to a written contract with an agency of the United States, personnel of the armed services of the United States, fed under the command of a commissioned or noncommissioned officer or other authorized representative of the armed services of the United States).

[Former subparagraph (ii) amended by Am. 24, 8 F.R. 11031, effective 8-7-43; (ii) and (iii) revoked and former (iv) and (v) redesignated (ii) and (iii) by Am. 40, 9 F.R. 4649, effective 5-1-44. Former (v) added by Am. 24]

(iv) Any vessel plying rivers, lakes, coast line or ocean going vessels serving meals or refreshments for a consideration other than "an operator of a lake vessel" as defined in § 1364.452 (q) (14) and ocean going vessels operating under the supervision, direction or control of the War Shipping Administration.

[Subparagraph (iv) added by Am. 54, 10 F.R. 6182, effective 6-1-45]

(3) "Fabricated veal cut" means and is limited to mean any of the following cuts made for a purveyor of meals, meeting the following minimum specifications, and derived from specified veal wholesale cuts as provided for in paragraphs (8) and (9) of § 1364.470, excluding any item not included herein. All cuts shall be made according to the specifications provided herein.

(i) "Veal leg, oven prepared," means the single veal leg with all bones except the leg bone (femur) removed. Leg bone means the bone between the stifle joint and the rump bone.

(ii) "Veal leg, boned, rolled and tied," means the single veal leg separated from the loin, from which all bone and the gambrel cord (Achilles tendon) have been removed. The shank muscle is either cut off and placed lengthwise in

the pocket left by the aitch and leg bones or folded back and the meat is then rolled into a cylindrical shape and tied with cotton twine. The loops shall be individually tied and spaced not more than 2½ inches apart throughout the length of the roll.

(iii) "Veal loin, flank off, kidney and suet out," means the loin with the flank kidney and suet removed. The flank shall be removed by cutting in a straight line parallel with the chine bone and measuring not over six inches from the inside protruding edge of the chine bone on either end. The kidneys and surrounding fat shall be removed and the fat on the inside of the loin shall be trimmed smooth, and evidence of trimming by a knife shall be apparent.

(iv) "Veal loin steaks" (T-bone, porterhouse and club steaks) mean steaks cut from the veal loin. The kidneys, kidney fat and the 13th rib shall be removed and the fat on the inside of the loin shall be trimmed smooth and evidence of trimming by a knife shall be apparent. The flank shall be removed by cutting in a straight line parallel with the chine bone and not over six inches from the inside protruding edge of the chine bone. The steaks are made by cuts perpendicular to the outer or skin surface and at right angles to the chine bone. The steaks may be of any desired size, provided that the loin is cut into at least four whole individual steaks, and shall include T-bone, porterhouse and club steaks.

(v) "Veal hotel rack, chine removed, blade bone out", means the single veal hotel rack from which the chine bone and shoulder blade have been removed. The single "veal hotel rack" means the single rib section from the 6th to the 12th ribs, inclusive, severed from the forequarter by a cut starting at a point of the 12th rib not more than six inches from the inside protruding edge of the chine bone, cutting in a straight line to a point on the 6th rib which is not more than four and one-half inches from the inside protruding edge of the chine bone, and then cutting between the 5th and 6th ribs, following the curvature of the ribs close to the 5th rib. The veal hotel rack, chine removed, blade bone cut, shall be made by removing the chine bone (backbone), including the feather bones by cutting along the line where the ribs join the backbone and by removing the shoulder blade bone, including the shoulder blade cartilage.

(vi) "Veal rack or rib chops" means chops cut from the single veal hotel rack which has been severed from the forequarter and from which the inside protruding edge of the backbone shall be removed by sawing lengthwise of the rack through the inner extremity of the spinal cord groove. The rack shall be cut between the ribs into sections which may be of any desired size, but not less than four chops.

(vii) "Veal shoulder, boned, rolled and tied," means the 5-rib shoulder, cut as described in this paragraph, which has been boned, rolled and tied in a cylindrical shape. The 5-rib shoulder is made from the veal forequarter after the hotel rack has been removed, as described in subdivision (v) of this section by cutting in a straight line starting at a point on the 5th rib not more than 4½ inches from the protruding edge of the chine bone on the inside, and cutting through a point at the end of the breast bone, including the cartilage (forward end of the first segment of the sternum). This cut will separate the shoulder from the brisket, breast and shank. When the shoulder has been separated from the brisket and breast, the only bone to show on the side of the shoulder other than the ribs is the arm bone. All bones are removed from the 5-rib shoulder and the meat is rolled into a cylindrical shape and tied with cotton twine to make the veal shoulder, boned, rolled and tied. The loops shall be individually tied and spaced not more than 2½ inches apart throughout the length of the roll. Ragged portions shall be trimmed from the roll.

(viii) "Boneless veal shoulder stew" means the 5-rib shoulder severed from the forequarter as described in subdivision (vii) of this section from which all bone has been removed and which has been cut into small cubes of meat, none of which shall be larger than two inches in size or contain more than one-fourth inch of fat.

(ix) "Boneless veal shank meat" means boneless meat from the shank of the veal forequarter. The shank is obtained by separation from the brisket by a cut following the natural seam and leaving the entire lip or web muscle on the brisket.

(x) "Veal breast with pocket" means the veal breast and brisket remaining after removal of the hotel rack and 5-rib shoulder from the veal forequarter, as described in subdivision (v) and (vii) of this section with the shank removed as described in subdivision (ix) of this section and with a slit or pocket made between the outer or meaty portion and the inner bony or intercostal portion, starting at the 12th rib end and extending to not more than one inch from both side edges and the brisket end of the cut.

(xi) "Veal breast, regular stew, bone in," means small cubes of meat, none of which is larger than two cubic inches in size, derived from the breast, including the brisket from which the shank has been removed.

(4) Fabricated meat cuts as used in this regulation means and is limited to those fabricated beef cuts and fabricated veal cuts which are described and for which maximum prices are established in this regulation and those hotel supply cuts which are described and for which maximum prices are established in Revised Maximum Price Regulation No. 239, "Lamb and Mutton Carcasses and Wholesale Cuts at Wholesale and Retail".

(5) "Three months quota period" means and is limited to the following quarterly periods: June 1 to August 31, inclusive, September 1 to November 30, inclusive, December 1, to February 28 or 29, inclusive and/or March 1 to May 31, inclusive.

(6) Variety meats and edible by-products include and are limited to those items only which are defined and for which maximum selling prices are established in Maximum Price Regulation No. 398, "Variety Meat and Edible By-Products at Wholesale" and/or Maximum Price Regulation No. 355, "Retail Ceiling Prices for Beef, Veal, Lamb and Mutton Cuts and All Variety Meats and Edible By-Products".

[Paragraph (b) added by Am. 12, 8 F.R. 7109, effective 6-1-43. Former (b) redesignated (c). Subparagraphs (4), (5), and (6) added by Am. 36, 9 F.R. 1121 (for effective date of Am. 36, see note following § 1364.406 (a))]

(c) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

[Title of Subpart C amended and §§ 1364.466 to 1364.470, inclusive, added by Am. 4, 8 F.R. 4097, effective 4-3-43]

SUBPART D [REVOKED]

[Former Subpart D amended by Am. 2, 8 F.R. 164, effective 1-8-43; Am. 4, 8 F.R. 4097, effective 4-3-43; Am. 6, 8 F.R. 4844, effective 4-14-43; Am. 15, 8 F.R. 7675; Am. 47, 9 F.R. 13158, effective 11-8-44. Revoked by Am. 54, effective 7-1-45]

SUBPART D—APPENDICES

[Originally Subpart D, redesignated as Subpart E by Am. 4; redesignated as Subpart D by Am. 54, effective 7-1-45]

§ 1364.526 *Appendix A: Formula for meat marking fluid.* The following formula has been approved by the United States Department of Agriculture, Bureau of Animal Industry, Meat Inspection Laboratory, to be used for marking meats under the provisions of meat inspection law:

| | | |
|---|---|---|
| Water | gallons | 45 |
| Pure grain alcohol, 95 percent | gallons | 38 |
| Granulated cane sugar | pounds | 100 |
| Methyl violet | pounds | 10 |

The methyl violet is dissolved in the alcohol and a portion of the water; the sugar is dissolved in the remaining portion of the water and added to the methyl violet solution. Thorough stirring facilitates solution of the methyl violet.

It is not necessary that the above-mentioned formula be adhered to in every detail, but the proportions indicated should not be subjected to any considerable variation; otherwise the marking qualities of the fluid may be impaired. Instead of the pure grain alcohol specified in the formula there may be employed pure grain alcohol, denatured according to formula 33 of the United States Bureau of Internal Revenue. When such denatured alcohol is used, it should be employed in the proportion indicated above. No additional methyl violet should be added. Instead of granulated cane sugar, pure granulated glucose may be used in the same proportion, or heavy corn sirup, if of suitable purity, may be used, provided due allowance is made for the water introduced in that way. All the ingredients used in preparing the marking fluid must be free from poisonous and harmful substances.

§ 1364.527 *Appendix B: Rules and regulations of the Secretary of Agriculture governing the grading and certification of meats for class, quality (grade), and condition.*

REGULATION 1 DEFINITIONS

Section 1. Words in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

Section 2. For the purpose of these regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean—

Paragraph 1. *Secretary.* Secretary or Acting Secretary of Agriculture of the United States.

Paragraph 2. *Bureau.*[13] Agricultural Marketing Administration of the United States Department of Agriculture.

Paragraph 3. *Official grader.* Employee of the Department of Agriculture or other person authorized by the Secretary to investigate and certify to shippers and other interested parties the class, quality, grade, and condition of products under the act.

Paragraph 4. *Office of grading.* The office of an official grader of products covered by these regulations.

Paragraph 5. *Grading certificate.* Certificate of the class, quality (grade), and condition of products issued by an official grader under the act.

Paragraph 6. *Interested party.* Anyone having a financial interest in the products involved, including the shipper, the receiver, or the carrier, or any authorized person in behalf of such party.

Paragraph 7. *Regulations.* Rules and regulations of the Secretary under the act.

Paragraph 8. *Class.* Class is a subdivision of a given commercial product based on essential physical characteristics that differentiate between major groups of the same kind or species, for instance, the classes in beef are: steer, heifer, cow, stag, and bull.

Paragraph 9. *Quality.* Quality in a product is a combination of its inherent properties which determines its relative degree of excellence.

Paragraph 10. *Condition.* Condition of a commercial product denotes those characteristics affecting its merchantability—with special reference to state of preservation, cleanliness, soundness, wholesomeness, and fitness for human food.

Paragraph 11. *Grade.* Grade is the last important commercial subdivision of a product based on certain definite value and preference-determining factors, such as conformation, finish, and quality in meats.

Paragraph 12. *Products.* Includes carcasses and wholesale cuts.

REGULATION 4. GRADING SERVICE

Section 1. *Kind of service.* Examination, identification, and certification of products shall be made according to class, quality (grade), and condition.

Section 2. *Who may obtain service.* Application for grading may be made by any financially interested person or his authorized agent, including Federal, State, county, and municipal governments, and common carriers.

Section 3. *How to make application.* Application for grading shall be filed in the office of grading or with an official grader. It may be made in writing, orally, or by telegraph or telephone. If made orally, the official grader may require that it be confirmed in writing or by telegraph, stating the facts required by Section 4 of this regulation.

Section 4. *Form of application.* Each application for grading shall include the following information: (a) the date of application; (b) the description and location of the product to be graded; (c) the name and post office address of the applicant and of the person, if other than the applicant, making the application in his behalf; (d) the interest of the applicant (except an official of the Federal Government or a State) therein; (e) the name, post office address, and interest of all other known parties, except carriers, interested in the products involved; (f) the shipping point and destination of the product; (g) type of service desired; and (h) such other information as may be necessary for proper identification of the product or as may be required by the Chief of Bureau.

Section 5. *When application deemed filed.* An application for grading shall be deemed filed when delivered to the proper office of grading. Record showing date and time of filing shall be made in such office.

Section 6. *When application may be rejected.* Any application may be rejected by the official grader in charge of the office of grading in which it is filed for noncompliance with the act or any applicable regulation thereunder, failure to make product available for examination, abusive language or act of violence, or interference with grader while performing grading, and such official grader shall immediately notify the applicant of the reasons for such rejection.

Section 7. *Authority of agent.* Proof of the authority of any person applying for service in behalf of another may be required in the discretion of the official grader.

Section 8. *Accessibility of product.* The applicant shall cause the products for which service is requested to be made accessible for grading and to be so placed as to disclose class, quality, and condition.

Section 9. *Basis of service.* Examination, identification, and certification for class, grade, and condition shall be based upon the official or tentative standards of the Department of Agriculture as contained in this Revised Maximum Price Regulation No. 169.

Section 10. *Order of grading.* Service shall be rendered in the order in which applications are received, except that precedence may be given to applications made by another branch of the Federal Government, a State, or a municipality, and appeal grading.

Section 11. *Financial interest of official grader.* No official grader shall grade any products in which he is directly or indirectly financially interested.

Section 12. *Investigation on motion of graders.* A grader may of his own motion and without the use of any force, when authorized by the Chief of the Bureau, investigate the class, quality (grade), and condition of any products at such points as are provided under regulation 3, and may issue and transmit to the shipper of such products and other parties interested therein certificates or copies thereof showing the results of such investigations.

Section 13. *Certificate form of.* Certificates shall include the following information: (1) the number of the certificate; (2) name of designated market and place of grading; (3) date and time of grading; (4) names and addresses of applicant, party in possession, and shipper and buyer, if known; (5) exact number of carcasses, sides, quarters, cuts, and packages of products by classes and grades examined, if graded; (6) if previously examined, reference to previous certificate by numbers; (7) if rejected or not graded, reason for rejecting or not grading; (8) for purposes of identification, the weight of each class, grade and lot; (9) the amount of fees and expenses; (10) name of official grader or graders; (11) additional facts necessary to fully describe condition, class, and grade, or as may be required by the Chief of Bureau.

Section 14. *Certificates, issuance.* The official grader shall sign and issue certificates covering lots of products personally graded by him unless through special arrangements approved by the Chief of Bureau this be not required, in which case complete records of the grading shall be furnished the Bureau; but in no case shall any grader sign a certificate covering any product not graded by him. Graders shall stamp, brand, tag, label, seal, or otherwise identify or supervise the stamping, branding, tagging, labeling, sealing, or otherwise identifying of each unit of product or package or container thereof with its class and quality (grade) as far as practicable, or the applicant may issue, when authorized by the Chief of the Bureau, certificates of quality of such forms as are approved by the Chief of the Bureau, the certificates of quality issued by the applicant to be used only by the applicant in such manner and for such purpose as is approved by the Chief of the Bureau.

Section 15. *Disposition of certificates.* The original certificate, and not to exceed two copies if requested, upon issuance shall be immediately delivered or mailed to the applicant or a person designated by him. One copy shall be filed in the office of the official grader and one copy forwarded to the Chief of Bureau. Copies will be furnished to other financially interested parties as outlined in regulation 7, section 1, paragraph 6.

Section 16. *Advance information.* Upon request of an applicant, all or any part of the contents of the certificate may be telegraphed, telephoned, or radioed to him, or to any person designated by him, at his expense.

REGULATION 5 APPEAL GRADING

Section 1. *When appeal may be taken.* An application for appeal grading may be made whenever any financially interested party is dissatisfied with the determination stated in the original certificate.

Section 2. *How to obtain.* Appeal grading may be obtained by the applicant or other person financially interested in the product by filing a request for such appeal grading (a) with the official in charge of the meat grading service at nearest designated market, or (b) with the grader who did the original grading, or (c) with the Chief of the Bureau. The application for appeal shall state the reasons therefor, and may be accompanied by a copy of any previous grading certificate or report, or any other information which the applicant shall have received regarding the product at the time of the original grading. Such application may be made in writing or orally, by telegraph, telephone, or otherwise. If made orally, the person receiving the application may require that it be confirmed in writing.

Section 3. *Record of filing time.* A record showing the date and time of filing such application shall be immediately made by the receiver thereof.

Section 4. *When appeal may be refused.* If it shall appear that the reasons stated in an application for appeal grading are frivolous or unsubstantial, or that the quality or condition of the products has undergone a material change since the original grading, or that the products cannot be made accessible for thorough grading, or that the identity has been lost, or that these regulations have not been complied with, the application may be denied.

Section 5. *When appeal may be withdrawn.* An application for appeal grading may be withdrawn by the applicant at any time before the appeal grading has been performed upon payment of any expenses incurred in connection therewith.

Section 6. *When second grading is not an appeal.* Gradings requested to determine factors of quality or condition which may have undergone material change since the original grading shall not be considered appeal gradings within the meaning of this regulation. Second grading, requested for the purposes of securing an up-to-date certificate and not involving any question as to the correctness of the original certificate covering the lot in question, shall not be considered appeal grading within the meaning of this regulation.

[13] "Agricultural Marketing Administration" is substituted whenever the terms "Bureau" or "Bureau of Agricultural Economics of the United States Department of Agriculture" are used in this § 1364.527. This is in accordance with the order issued by the Secretary of Agriculture.

Section 7. *Order in which made.* Appeal gradings shall be performed as far as practicable at time requested by applicant and in the order in which applications are received. They shall take precedence over all other pending applications.

Section 8. *Who shall pass upon appeals.* Appeal grading shall be passed upon by official graders designated therefor by the Chief of Bureau, and such grading shall be conducted jointly by two official graders when practicable. No appeal grader shall pass upon an application involving the correctness of a certificate issued by him.

Section 9. *Appeal findings.* Immediately after an appeal grading has been made a certificate designated as "appeal grading certificate" shall be signed and issued referring specifically to the original certificate and stating the quality and condition of the product as shown by the appeal grading. In all other respects the provisions of regulation 4 shall apply to such appeal grading certificates except that if the applicant for appeal grading be not the original applicant, a copy of the appeal grading certificate shall be mailed to the original applicant.

Section 10. *Superseded certificates.* When a grading certificate shall have been superseded under these regulations by an appeal grading certificate such grading certificate shall become null and void and shall not thereafter represent the class, quality, or condition of the product described therein. If the original and all copies of the superseded certificate are not delivered to the person with whom the application for appeal grading is filed, the officer or officers issuing the appeal grading certificate shall forward notice of such issuance and of the cancelation of the original certificate to such persons as he considers necessary to prevent fraudulent use of the canceled certificate.

REGULATION 7 FEES AND EXPENSES

Section 1. Amount of, rates, etc. * * *

Paragraph 1. *Basis for charges.* Fees and charges for grading services shall be based on the actual time required to render the services, including the time required for travel of the official grader in connection therewith, at the rate of $2.20 per hour for each official grader assigned unless otherwise provided by special agreement approved by the Chief of the Bureau: *Provided,* That no grading services shall be rendered for less than a minimum charge of $1.10; *Provided further,* That the Chief of the Bureau may, in lieu of the fixed charge of $2.20 per hour, fix other reasonable charges for the grading and certification of products at rates, which, in his judgment, will cover the costs of the services.

Paragraph 2. *Charges by graders employed or licensed by Department of Agriculture.* Charges for services by employees of the Department and by graders licensed by the Secretary shall be at rates established herein.

Paragraph 3. *Charges under cooperative agreement.* Charges for grading under cooperative agreements shall be those provided for by such agreements.

Paragraph 4. *For appeal grading.* Fees and charges for appeal grading shall be double those for original grading; except that appeal grading for Federal Government agencies shall be at actual cost; provided that when on appeal grading it is found that there was error in determination based upon the original grading equal to or exceeding 10 percent of the total weight of the products, no charge will be made unless special agreement with applicant is made in advance.

Paragraph 5. *For copies of grading certificates.* For not to exceed three copies of a certificate to any person financially interested in a product involved the fee shall be $1.

Section 2. *How fee shall be paid.* Fees and other charges shall be paid by the applicant in accordance with directions on the fee bill furnished him, and in advance if required by the official grader.

Section 3. *Disposition of fees.*

Paragraph 1. *By graders exclusively employed by the Department.* Fees for grading done by graders exclusively employed by the Department shall be remitted to the Bureau for deposit into the Treasury as Miscellaneous Receipts.

Paragraph 2. *By graders under cooperative agreements.* Fees for grading done by graders acting under cooperative agreements with a State or municipal organization, or other cooperating party, shall be disposed of in accordance with the terms of such agreements. Such portion of fees collected under cooperative agreements as may be due the United States shall be remitted to the Bureau for deposit into the Treasury.

§ 1364.528 *Appendix C: Specifications for grades of carcass beef*—(a) *Choice.* Choice grade beef carcasses and wholesale cuts shall be relatively blocky and compact and thickly fleshed throughout. Loins and ribs shall be thick and full. The rounds shall be plump. The chucks shall be short and thick, and the neck and shanks short. The fat covering shall be fairly smooth and uniform and shall extend over the entire exterior surface of the carcass. The interior fat shall be abundant in the pelvic cavity and over the kidney. The protrusion of fat between the chine bones shall be fairly liberal and the "overflow" of fat over the inside of the ribs shall be distinctly in evidence and fairly evenly distributed. The intermingling of fat with the lean in evidence between the ribs, called feathering, shall be extensive. Both the interior and the exterior fat shall be firm, brittle, and somewhat waxy, but may be slightly wavy or rough. The fat is usually white or creamy white but a slight yellowish tinge will not exclude beef from this grade, provided the character of the fat meets the requirements for the grade in other respects. The cut surface of the lean muscle shall be firm and possess a smooth velvety appearance. It shall be well marbled and the marbling shall be relatively extensive, especially in the heavier carcasses. The color shall be uniform and bright and may range from a pale red to a deep blood red. The bones are usually soft and red, terminating in soft pearly white cartilages but some ossification of the cartilages and hardening in the bone as indicated by a tinge of whiteness will not disqualify beef produced from mature cattle from this grade.

Only beef produced from beef-type steers and heifers that show a relatively high degree of perfection in breeding and feeding will qualify for the choice grade. Beef produced from cows is not eligible for this grade.

(b) *Good.* Good grade beef carcasses and wholesale cuts shall be moderately blocky and compact and shall be moderately thick-fleshed throughout. A tendency for the loins and ribs to be slightly flat and for the rounds to be slightly flat and to taper toward the shank is permitted. Chucks and neck may be only moderately short and thick and shanks may be only moderately short. The fat covering shall extend well over the exterior surface but may show a moderate degree of waste or patchiness, particularly in heavy mature beef. The interior fat shall be fairly plentiful in the pelvic cavity and around the kidney. There is usually a slight protrusion of fat between the chine bones. The "overflow" of fat over the inside of the ribs may be apparent to a slight extent. A limited amount of intermingling of fat with the lean between the ribs, called feathering, shall be in evidence. Both the interior and the exterior fat are usually fairly firm and brittle. The quantity of fat required of beef within this grade will vary within relatively wide limits dependent upon the age and class of cattle from which it is produced. That produced from lightweight steers and heifers which were slaughtered when relatively young may have a relatively thin exterior fat covering and only a moderate quantity of interior fat, whereas that produced from heavier, older cattle may possess a relatively thick exterior fat covering and fairly heavy interior fat deposits in the pelvic cavity, over the kidney, and on the inside of the forequarters. The fat is usually creamy white but it may possess a distinctly yellowish tinge. The cut surface of the lean muscle may be only moderately firm and smooth and velvety in appearance. Beef within this grade will show a relatively wide range of marbling. That produced from young cattle may show only a limited degree of marbling which is apparent only in the thicker cuts whereas that produced from the older, more mature cattle shall show rather extensive marbling throughout. The color is usually uniform and bright but may be slightly two-toned or slightly shady. It usually ranges from a light red to a slightly dark red. The bone will range from soft and red in lightweight beef produced from young cattle to a relatively hard bone that is tinged with white in the beef produced from older, more mature cattle. It is, however, necessary that the chine bones show cartilages, termed "buttons", in order to qualify for this grade.

Beef produced from steers, heifers, and relatively young well-finished beef-type cows may qualify for the Good grade.

(c) *Commercial.* Commercial grade beef carcasses and wholesale cuts may be somewhat rangy, angular, and irregular in conformation and the fleshing may be slightly thin throughout. Loins and ribs tend to be flat and somewhat thinly fleshed. The rounds are relatively long, flat, and tapering. Chucks are usually slightly flat and thinly fleshed. The neck is somewhat long and thin and the shanks somewhat long and tapering. The quantity of fat required of beef within this grade will vary within wide limits dependent upon the age and class of cattle from which it is produced. That produced from relatively young lightweight steers and heifers that were slaughtered when relatively young may have a thin exterior fat covering that does not extend over the round or chucks and a relatively small quantity of interior fat. In such beef there will be practically no protrusion of fat between the chine bones and there will be no "overflow" of fat on the inside of the ribs and no feathering between the ribs. Beef produced from heavier, older cattle, and particularly from mature animals, will

possess a moderately thick exterior fat covering that may be uneven and wasty, and fairly heavy interior fat deposits in the pelvic cavity, over the kidney, and on the inside of the forequarters. The fat may be slightly yellow, somewhat soft, and slightly oily. The cut surface of the lean muscle may be somewhat soft and watery in beef produced from younger cattle, but in that produced from older cattle it is usually firm but is also usually coarse. Beef within this grade produced from yearling cattle will have little if any marbling whereas that produced from mature cattle, and particularly cows, will show a moderate degree of marbling through the thicker cuts. The color may be two-toned or shady and usually ranges from a light red to a dark red. The character of the bone will vary from fairly soft and red in the beef produced from the young cattle to white and hard in that produced from mature cattle.

Beef produced from steers, heifers, and cows may qualify for the commercial grade.

(d) *Utility.* Utility grade beef carcasses and wholesale cuts may be decidedly rangy, angular, and irregular in conformation. The fleshing is usually thin. The loins and ribs are flat and thinly fleshed. The rounds are long, flat, and tapering. The chucks are flat and thinly fleshed. The neck and shanks are long and tapering. The hip and shoulder joints are prominent. The degree of fat covering varies from very thin in beef produced from young steers and heifers to a slightly thick covering that may be somewhat uneven in beef produced from cattle that are more or less advanced in age. The quantity of interior fat varies from very little in beef that is produced from young and immature steers and heifers to a moderate quantity in that produced from mature cattle. The fat is usually soft and varies in color from a grayish white to decidedly yellow. The cut surface of the lean muscle is usually soft and watery in the beef produced from younger cattle but in that produced from more mature cattle it is usually fairly firm but coarse. The beef in this grade will show practically no marbling except in that produced from aged cattle which may show a little marbling in the thicker cuts. The color may be two-toned or shady and usually ranges from a light red to a very dark red. The bone is usually hard and white.

The utility grade of beef may be produced from steers, heifers, or cows.

(e) *Cutter and canner.* Cutter grade beef carcasses and wholesale cuts may be very rangy, angular, and irregular in conformation and very thinly fleshed throughout. The loins and ribs are very flat, thin, and shallow. The rounds are very long, flat, and tapering. The chucks are very flat, thin, and shallow. The neck and shanks are very long and tapering, the hip and shoulder joints are very prominent. The degree of exterior fat covering may vary from a very thin covering that is confined almost entirely to the ribs and loins in the beef produced from younger cattle to a thin, more extensive covering in the beef produced from mature cattle. The interior fat is confined largely to the pelvic cavity and the kidney and may vary from a very small quantity, if any, in these parts in beef produced from younger cattle to a limited quantity in that produced from mature cattle. The color of both the interior and the exterior fat may vary from grayish white to a deep yellow. The cut surface of the lean muscle shows no marbling, is coarse, and is usually soft and watery. The color may be two-toned or shady and usually ranges from a slightly dark red to a very dark red. The bone is usually hard and white.

The cutter grade of beef may be produced from steers, heifers, and cows. That produced from cows constitutes a relatively large percentage of the beef eligible for this grade.

Canner grade beef carcasses and wholesale cuts shall be extremely rangy, angular, and irregular in conformation and extremely thinly fleshed throughout. All cuts are extremely thinly fleshed. Loins and ribs are extremely thin, flat, and shallow. The rounds are very long, flat and tapering, and the chucks are extremely thin, flat, and shallow. The neck and shanks are extremely long and the hips and shoulder joints are extremely tapering. Beef of this grade is practically devoid of both interior and exterior fat. The outside surface usually has a very dark appearance. The cut surface of the lean muscle is usually coarse and is soft and watery in appearance. It shows no marbling. The color may be two-toned or shady and usually ranges from a moderately dark red to an extremely dark red or brownish black. The bones are nearly always hard and white.

A very large percentage of the beef of the canner grade is produced from mature cows that are somewhat advanced in age.

§ 1364.529 *Appendix D: Specifications for grades of veal carcasses*—(a) *Choice.* A choice grade veal carcass is markedly superior in conformation, finish and quality.

In general shape or outline it is blocky and compact. It is broad and deep in proportion to its length. All parts are thickly fleshed, each part having its proper proportionate thickness. Because of the thickness of fleshing the carcass presents a plump, full, well-rounded appearance. The different parts are developed and balanced in such a way as to result in a high proportion of back, loin, and round combined.

The shanks are short and thick. Rounds are thick and bulging. Loin and back are full and plump. Shoulders and breasts are broad and thick. The neck is short and thick.

There is a thin covering of fat over the rump, loin, back and top of the shoulders, and over the inner walls of the chest and abdomen. There are moderately large deposits of fat in the breast, flanks, and crotch, and around the kidneys. All exterior fat is smooth. The color of fat is a creamy white tinged with pink.

The flesh ranges from light gray to pinkish brown in color. It is firm, fine-grained and, in a cut surface, is velvety to sight and touch. All bones are small in proportion to the size and weight of the carcass and are soft and red.

(b) *Good.* A good grade veal carcass possesses a moderately high degree of conformation, finish, and quality.

In general shape or outline it tends to be blocky and compact. It is moderately broad and deep in proportion to its length. All parts are moderately thick-fleshed, each part having its proper proportionate thickness. Because of the thickness of fleshing, the carcass presents a moderately plump, full, well-rounded appearance. The different parts are developed and balanced in such a way as to result in a moderately high proportion of back, loin, and round combined.

The shanks are moderately short and thick. Rounds are moderately thick and bulging. Loin and back are moderately full and plump. Shoulders and breast are moderately broad and thick. The neck is moderately short and thick.

There is a very thin covering of fat over the loin and back and over the inner walls of the chest and abdomen. There are slightly small deposits of fat in the breast, flanks, and crotch, and around the kidneys. All exterior fat is moderately smooth. The color of fat is usually a creamy white. The flesh ranges from a pinkish brown to a light tan in color, is moderately firm, fine-grained and, in a cut surface, is moderately velvety but may be slightly moist to sight and touch. All bones are moderately small in proportion to the size and weight of the carcass and are moderately soft and red.

(c) *Commercial.* A commercial grade veal carcass is slightly deficient in conformation, finish, and quality.

In general shape or outline it is slightly rough and rangy. It is slightly narrow and shallow in proportion to its length. All parts are slightly deficient in fleshing, each part being proportionately lacking in this respect. Because of the relative thinness of fleshing the carcass presents a slightly empty, sunken, or hollowed-out appearance. The different parts are developed and balanced in such a way as to result in a slightly low proportion of back, loin, and round combined.

The shanks are slightly long and thin. Rounds are slightly thin and tapering. Loins and back are slightly depressed. Shoulders and breast are slightly narrow and thin. The neck is slightly long and thin.

There are extremely thin patches of fat over the back and loin and over a portion of the inner walls of the chest and abdomen. There are very small deposits of fat in the breast, flanks, and crotch, and around the kidneys, the latter usually being incompletely covered. The color of fat is white but it lacks the pinkish tinge.

The flesh is usually pinkish brown in color, is slightly soft, is coarse-grained and, in a cut surface, is slightly moist to the touch. All bones are slightly large in proportion to the size and weight of

the carcass, are moderately soft but are slightly lacking in redness.

(d) *Utility.* A utility grade veal carcass is very deficient in conformation, finish, and quality.

In general shape or outline it is very rough and rangy. It is very narrow and shallow in proportion to its length. All parts are very deficient in fleshing, each part being proportionately lacking in this respect. Because of the relative thinness of fleshing the carcass presents a very depressed or hollowed-out appearance. The different parts are developed and balanced in such a way as to result in a very low proportion of back, loin, and round combined.

The shanks are very long and thin. Rounds are very thin and tapering. Loin and back are very shallow and depressed. Shoulders and breast are very narrow and thin. The neck is very long and thin.

There is no fat covering over the back, loin, or inner walls of the chest and abdomen. Usually there are extremely small deposits of fat in the breast, flanks, and crotch, and around the kidneys. The color of the fat usually is grayish white tinged with yellow.

The flesh ranges from pinkish brown to dark tan in color, is soft, very coarse-grained and, in a cut surface, is very moist to the touch. All bones are large in proportion to the size and weight of the carcass, are moderately soft but are lacking in redness.

(e) *Cull.* A cull grade veal carcass is extremely deficient in conformation, finish, and quality.

In general shape or outline it is extremely rough and rangy. It is extremely narrow and shallow in proportion to its length. All parts are extremely deficient in fleshing, each part being proportionately lacking in this respect. Because of the relative thinness of fleshing the carcass presents an extremely shallow, depressed, or hollowed-out appearance. The different parts are developed and balanced in such a way as to result in an extremely low proportion of back, loin, and round combined.

The shanks are extremely long and thin. Rounds are extremely thin and tapering. Loin and back are extremely depressed. Shoulders and breast are extremely narrow and thin. The neck is extremely long and thin.

There is no fat covering over any part of the exterior of the carcass and none on the inner walls of the chest and abdomen. There are no discernible fat deposits in the breast, flanks, or crotch, and only extremely small quantities around the kidneys.

The flesh usually is reddish brown in color, is very soft, coarse-grained and watery. All bones are very large in proportion to the size and weight of the carcass and are decidedly lacking in softness and redness.

§ 1364.530 *Appendix E: Beef cutting charts.*[1]

[1] Filed as part of the original document.

§ 1364.531 *Appendix F: Form No. 636-590 (Revised).*

(Form approved—Bureau of the Budget)

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

Application for adjustment of maximum price of frozen boneless beef (Army specifications) or of Army contract boning pursuant to § 1364.405 (e) of Revised Maximum Price Regulation No. 169 due to increased direct labor costs caused by the use of inexperienced labor or overtime payments. (See explanatory notes on reverse side.)

NOTE: Pursuant to § 1364.405 (e), adjustments under this application are limited to no more than $1.00 per hundredweight for sales of frozen boneless beef (Army specifications) or $0.72 per hundredweight for Army contract boning. No adjustment will be allowed unless all the information herein is provided by the applicant.

1. Name of Applicant _____
2. Address of Applicant _____
   (Show address of plant where adjustment is sought)
3. List all plants at which applicant is currently producing frozen boneless beef (Army specifications) _____
4. Is applicant undertaking production of frozen boneless beef (Army specifications) as a new operation? Yes _____ No _____.
5. Has a war procurement agency requested applicant to increase production of frozen boneless beef (Army specifications)? Yes _____ No _____.
6. Is applicant requesting increase in selling price established under § 1364.452 (m)? Yes _____ No _____. Is applicant requesting increase in maximum price established under § 1364.405 (d) covering Army contract boning? Yes _____ No _____.
7. How many pounds of frozen boneless beef (Army specifications) do you expect to produce per month? _____
8. Applicants answering "yes" to question 4 shall show data requested herein for a period of not less than 2 weeks while those answering "no" shall show data for a period of 2 months or the period since the last adjustment was granted.

TABLE A—TOTAL PRODUCTION DURING PERIOD PRECEDING THIS APPLICATION

| Period covered—from _____ to _____ (1) | AA (2) | A (3) | B (4) | C (5) | Total (6) |
|---|---|---|---|---|---|
| 1. Dressed carcass weight (pounds) | | | | | |
| 2. Total boneless beef (Army specifications) produced (pounds) | | | | | |

TABLE B—SUMMARY OF BONING OPERATIONS

| Type of boneless beef produced during period | Production (pounds) | Number of employees | | Total hours at single time | | Total hours at overtime | | Total wages at single time | | Total wages at overtime | | Number of workers listed in (3) and (4) carried over from previous period or who have had experience elsewhere | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Boners | Others | Boners | Others | Boners | Others | Boners | Others | Boners | Others | Boners | Others |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) | (14) |
| 1. Frozen boneless beef (Army specifications) | | | | | | | | | | | | | |
| 2. Army canning beef | | | | | | | | | | | | | |
| 3. Boneless processing beef | | | | | | | | | | | | | |

TABLE C—WORK DONE ON PIECE RATE BASIS

| (1) | Number of employees on piece rate basis | | Piece rate (single time) | | Piece rate (overtime) | |
|---|---|---|---|---|---|---|
| | Boners (2) | Others (3) | Boners (4) | Others (5) | Boners (6) | Others (7) |
| 1. Frozen boneless beef (Army specifications) | | | | | | |
| 2. Army canning beef | | | | | | |
| 3. Boneless processing beef | | | | | | |

_____
(Signature of officer of company)

_____
(Title)

*Explanatory Notes*

Individual copies of this application form may be obtained from any regional office of the Office of Price Administration. Applicants shall submit duplicate copies of applications for adjustment to the appropriate regional office. If copies are not available, the applicant may submit two reproductions of this form.

1. Enter name of applicant. If the applicant has several plants, enter the name of the plant for which an adjustment is desired. Any adjustment granted pursuant to this application will cover only frozen boneless beef (Army specifications), (hereinafter referred to as Army beef) produced at the plant covered by this application. Consequently a separate application must be submitted for each plant where an adjustment is sought.

2. Enter address of applicant. This should be the address of the plant where the adjustment is sought.

3. List all plants owned by applicant which are producing Army beef.

4. If you have not produced Army beef before, enter a check mark (X) in question 4 opposite the word "yes". If you have already produced this product before, enter a check mark (X) opposite the word "no".

5. Indicate by a check mark (X) whether a war procurement agency has asked you to increase your production of Army beef.

6. Indicate by check mark (X) whether this application covers a requested adjustment under § 1364.405 (d) or under § 1364.452 (m) of RMPR 169.

7. Indicate in Item 7, the estimated average production which you expect per month during the 3 month period following the date of filing this application.

8. Make entries in the Table A, as follows:

a. Column (1), if you have not been granted an adjustment on army beef prior to the filing of this application, the period designated in this column must cover not less than two weeks; whereas if you have already had an adjustment the period must be of a duration of 2 months or the period since your last adjustment was granted.

b. Column (2), (3), (4), (5), and (6). Enter on line 1, the total weight of each grade of carcass beef used in the production of army beef during the period; and enter on line 2, the total quantity of army beef produced therefrom. Enter the word "none" where none of that grade was used during the period.

9. Make entries in Table B, as follows:

a. Enter in column (2) the total weight of each different type of boneless beef produced during the period designated in Table A. Enter a zero (0) or the word "none" where none of that type of beef was produced.

b. Enter in column (3) the number of boners employed in the production of each different type of boneless beef. For the purpose of this application the term "boner" shall include breakers, boners and trimmers. Breakers shall not include those employees that break the sides of beef into forequarters and hindquarters, but shall be limited to those employees who break the quarters into wholesale cuts or other smaller cuts to facilitate the boning operations.

c. Enter in column (4) the total number of other employees engaged in the production of the various types of boneless beef. For the purpose of this application the term "others" shall be limited to the following classes of employees—grinders, luggers, packers, strappers, staplers, lablers, weighers, box assemblers and all utility men in the boning room directly connected with the production of army beef. The term "others" shall not include personnel in the office, managers, supervisors, or employees in the freezing room or on delivery trucks.

d. Enter in columns (5) and (6) the total number of hours paid for at single time rates for work directly connected with the production of the various types of boneless beef.

e. Enter in columns (7) and (8) the total number of hours paid for at overtime rates for work directly connected with the production of the various types of boneless beef.

f. Enter in cols. (9) and (10) the total wages paid at single rates for the hours specified in cols. (5) and (6).

g. Enter in columns (11) and (12) the total wages paid at overtime rates for the hours specified in columns (7) and (8).

h. Enter in columns (13) and (14) the total number of personnel carried over on the plant pay roll from the previous period or who have had previous experience in this type of work even though not carried over on your pay roll. This information is necessary to determine how many of the employees are inexperienced.

10. Make entries in table C, as follows:

a. Enter in columns (2) and (3) the number of employees producing the various types of boneless beef who are receiving compensation on a piece rate basis.

b. Enter in columns (4) and (5) the piece rate paid during regular hours and enter in columns (6) and (7) the piece rate paid for overtime hours.

11. After the application form has been completely executed and reviewed, a responsible official of the company shall sign the application and affix his official title in the spaces provided therefor.

[§ 1364.531 added by Am. 34, 8 F.R. 16290, effective 12-1-43; and amended by Am. 37, 9 F.R. 2023, effective 2-25-44, and Am. 54, effective 6-1-45]

§ 1364.532 *Appendix G.*

OPA Form 635-1068 Form Approved Budget Bureau No. 68-R1161

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
WASHINGTON 25, D. C.

Name of Company

Address—Number and Street

City, Postal Zone Number, State

APPLICATION FOR MAXIMUM SELLING PRICE FOR SPECIALTY STEAK PRODUCTS

1 Description of product (brand name, if any)

a Specify wholesale cut and grade of meat used

b Type of wrapping and packaging

c Weight of individual package

d Description of the processing

2 Cost of finished product per 100 pounds[1]

| a Weight and cost of meat and other ingredients used in producing 100 lbs. of finished product | | | Credits for trimmings, bones, etc. | | (6) Net cost of ingredients (3) minus (5) |
|---|---|---|---|---|---|
| (1) Item | (2) Weight | (3) Cost | (4) Weight | (5) Dollar value | |
| | | | | | |

b Total net cost of ingredients[2]
c Packaging materials[2]
d Labor (of which direct labor is $.....)[2]
e General and administrative expenses[2,3]
f Selling expenses[2]
g Other costs[2,4]
h Total cost (sum of items 2b through 2g)

3 a Were you producing this product prior to March 31, 1942? Yes ☐ No ☐

b If answer is yes, specify weight and dollar volumes sold and delivered in any six consecutive months of 1941 and 1942.

| Month | Year | Purveyors of meals | | Wholesalers | | Retailers | | Others | |
|---|---|---|---|---|---|---|---|---|---|
| | | Weight | Dollar volume | Weight | Dollar volume | Weight | Dollar volume | Weight | Dollar volume |
| | | | | | | | | | |

4 Ceiling price requested

5 Explain how proposed ceiling price was computed

I certify that the information given herein is true and correct to the best of my knowledge and belief.

Sign here _____ Name _____ Title _____ Date

[1] Indicate for each item if costs are actual or estimated.
[2] All costs for items 2a through 2g should be figured on basis of 100 lbs. of finished product.
[3] Explain your method of allocating these expenses.
[4] Specify the nature of the charges included in this account.

[§ 1364.532 added by Am. 46, 9 F.R. 10374, effective 9-7-44]

§ 1364.533 *Appendix H* [Revoked]

[§ 1364.533 added by Am. 55, 10 F.R. 6956, effective 6-9-45; revoked by Am. 58, 10 F.R. 11803, effective 9-13-45]

NOTE: The record keeping and reporting provisions of this regulation have been approved by the Bureau of the Budget according to the Federal Reports Act of 1942.

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

[Amendment 65 approved December 4, 1945, by J. B. Hutson, Acting Secretary of Agriculture.]

Issued this 27th day of December 1945

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-22996; Filed, Dec. 27, 1945; 4:21 p. m.]

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PART 1351—FOOD AND FOOD PRODUCTS

[MPR 422,[1] Amdt. 63]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

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 422 is amended in the following respect:

1. Section 16 (c) is amended to read as follows:

(c) You must refigure your "annual gross sales" on the basis of the year 1945 instead of the year 1944. If you find that your store is in a group different from the one it was in before, you must refigure all of your ceiling prices. Prices figured on the new basis will be your ceiling prices starting Thursday, January 31, 1946. For "dry grocery" items you must use as your "net cost" the same "net cost" you used in figuring your existing ceiling prices. For "perishable" items you must use as your "net cost" the same "net cost" you would have used in refiguring your ceiling prices on that Thursday under section 8 of this regulation (or under section 8 of Maximum Price Regulation No. 423[2] if you become a Group 1 or Group 2 store). If, under that section, you would not have been required to refigure your ceiling price for any "perishable" item on that Thursday, you must use as your "net cost" for that item the same "net cost" on which your existing ceiling price is based. Further, if any store becomes a Group 1 or Group 2 store, it is on and after January 31, 1946, subject to all other provisions of Maximum Price Regulation No. 423.

2. Section 30 is amended to read as follows:

SEC. 30. *How you find the "annual gross sales" of your store.* (a) To find your "annual gross sales," take your total sales for the calendar year 1945. Include all sales as shown on your books, except sales made by a restaurant operated in conjunction with your store. You can use your Federal Income Tax Return to get your gross sales for all or part of the calendar year 1945 which is covered by such return. If you own more than one store, figure the sales for each store separately, treating each as a separate retailer.

(b) If you were in business during only part of the year 1945, you must divide your total sales for 1945 by the number of weeks you were in business. This will give you your weekly average sales. Multiply this figure by 52 and the result is your "annual gross sales."

3. The first paragraph in section 31 (c) is amended to read as follows:

(c) *New stores.* If you open a retail store after January 1, 1946 you may consider yourself a Group 1 or Group 3 retailer, depending upon whether or not at that date your store is an "independent" store. You must figure your ceiling prices accordingly. (If you are a Group 1 store, you must figure your ceiling prices under Maximum Price Regulation No. 423). However, after you have been in business for three months you must determine again what group your store is in. To do this, take your total sales for the three-month period and multiply by four. Use the result as your "annual gross sales" in determining the group in which your store belongs.

This amendment shall become effective January 2, 1946.

Issued this 28th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-23038; Filed, Dec. 28, 1945; 11:33 a. m.]

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PART 1351—FOOD AND FOOD PRODUCTS

[MPR 423,[1] Amdt. 61]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN INDEPENDENT STORES DOING AN ANNUAL BUSINESS OF LESS THAN $250,000 (GROUP 1 AND GROUP 2 STORES)

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 423 is amended in the following respects:

1. Section 17 (c) is amended to read as follows:

(c) You must refigure your "annual gross sales" on the basis of the year 1945 instead of the year 1944. If you find that your store is in a group different from the one it was in before, you must refigure all of your ceiling prices. Prices figured on the new basis will be your ceiling prices starting Thursday, January 31, 1946. For "dry grocery" items you must use as your "net cost" the same "net cost" you used in figuring your existing ceiling prices. For "perishable" items you must use as your "net cost" the same "net cost" you would have used in refiguring your ceiling prices on that Thursday under section 8 of this regulation (or under section 8 of Maximum Price Regulation No. 422[2] if you become a Group 3 or Group 4 store). If, under that section, you would not have been required to refigure your ceiling price for any "perishable" item on that Thursday, you must use as your "net cost" for that item the same "net cost" on which your existing ceiling price is based. Further, if any store becomes a Group 3 or Group 4 store, it is on and after January 31, 1946, subject to all other provisions of Maximum Price Regulation No. 422.

2. Section 20 is amended to read as follows:

SEC. 20. *How you find the "annual gross sales" of your store.* (a) To find your "annual gross sales," take your total sales for the calendar year 1945. Include all sales as shown on your books, except sales made by a restaurant operated in conjunction with your store. You can use your Federal Income Tax Return to get your gross sales for all or part of the calendar year 1945 which is covered by such return. If you own more than one store, figure the sales for each store separately, treating each as a separate retailer.

(b) If you were in business during only part of the year 1945, you must divide your total sales for 1945 by the number of weeks you were in business. This will give you your weekly average sales. Multiply this figure by 52 and the result is your "annual gross sales."

3. The first paragraph in section 21 (c) is amended to read as follows:

(c) *New stores.* If you open a retail store after January 1, 1946, you may consider yourself a Group 1 or Group 3 retailer, depending upon whether or not at that date your store is an "independent" store. You must figure your ceiling prices accordingly. (If you are a Group 3 store, you must figure your ceiling prices under Maximum Price Regulation No. 422.) However, after you have been in business for 3 months, you must determine again what group your store is in. To do this, take your total sales for the 3-month period and multiply by 4. Use the result as your "annual gross sales" in determining the group in which your store belongs.

This amendment shall become effective January 2, 1946.

Issued this 28th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-23039; Filed, Dec. 28, 1945; 11:33 a. m.]

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PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 355, Amdt. 32]

RETAIL CEILING PRICES FOR BEEF, VEAL, LAMB AND MUTTON CUTS AND ALL VARIETY MEATS AND EDIBLE BY-PRODUCTS

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

Maximum Price Regulation No. 355 is amended in the following respects:

1. Paragraph (f) of section 2 is amended to read as follows:

(f) Effective January 31, 1946, this regulation requires that the year 1945 be

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[1] 10 F.R. 1505, 2024, 2297, 3814, 5370, 5577, 6235, 6514, 7251, 8015, 8656, 9272, 9263, 9430, 11303, 12264, 12265, 12810, 12992, 13073, 13593.

[2] 10 F.R. 1523, 2025, 2298, 3814, 5370, 5578, 6235, 6514, 8015, 8656, 9272, 9263, 9431, 11303, 12264, 12265, 12810, 12992, 13074, 13594.

[1] 10 F.R. 1523, 2025, 2298, 3814, 5370, 5578, 6235, 6514, 8015, 8656, 9272, 9263, 9431, 11303, 12264, 12265, 12810, 12992, 13074, 13594.

[2] 10 F.R. 1505, 2024, 2297, 3814, 5370, 5577, 6235, 6514, 7251, 8015, 8656, 9272, 9263, 9430, 11303, 12264, 12265, 12810, 12992, 13073, 13593.

used as the basis for figuring your "annual gross sales" instead of the year 1944. If you find that as a result of that change your store is in a group different from the one it was in before, you must, on and after January 31, 1946 use the ceiling prices fixed for the group in which you are now classified.

2. Paragraph (a) of section 13 is amended by changing the figures "1944" appearing in both the first and third sentences to read "1945".

3. The first sentence of paragraph (b) of section 13 is amended to read as follows:

(b) If you were in business during only part of the year 1945, you must divide your total sales from the time you began operation up to January 1, 1946, by the number of weeks you were in business.

4. Section 15 is amended to read as follows:

SEC. 15. *How to find your annual gross sales if you are a new retailer.* If you open a retail store after January 1, 1946 which is not a chain store, you must consider yourself a "Group 1 and 2" retailer and figure your ceiling prices accordingly. But after you have been in operation for three months you must determine again what group your store is in. To do this, take your gross sales for the 3-month period and multiply by 4. If you own four or more stores which have been in operation for this 3-month period, you must take your gross sales for each of these stores for the 3-month period and multiply by 4. Use the result as your "annual gross sales" in order to find in what group your store or stores belong. If you then find that your store or stores no longer fall in "Group 1 and 2", but in "Group 3 and 4", you must take the ceiling prices for "Group 3 and 4" stores for the applicable zone or zones.

This amendment shall become effective January 2, 1946.

Issued this 28th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-23037; Filed, Dec. 28, 1945; 11:33 a. m.]

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PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[RMPR 507,[1] Amdt. 8]

CEILING PRICES OF CERTAIN FRESH AND FROZEN FISH AND SEAFOOD SOLD AT RETAIL

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 507 is amended in the following respects:

1. Section 12 (a) is amended to read as follows:

(a) You must refigure your "annual gross sales" on the basis of the year 1945 instead of the year 1944. If you find that your store is in a group different from the one it was in before, you must refigure all of your ceiling prices. Prices figured on the new basis will be your ceiling prices starting Thursday, January 31, 1946. You must use as your "net cost" the same "net cost" you would have used in refiguring your ceiling price on that Thursday under section 3 of this regulation.

2. Section 19 is amended to read as follows:

SEC. 19. *How you find the "annual gross sales" of your store.* (a) To find your "annual gross sales," take your total sales for the calendar year 1945. Include all sales as shown on your books, except sales made by a restaurant operated in conjunction with your store. You can use your Federal Income Tax Return to get your gross sales for all or part of the calendar year 1945 which is covered by such return. If you own more than one store, figure the sales for each store separately, treating each as a separate retailer.

(b) If you were in business during only part of the year 1945, you must divide your total sales for 1945 by the number of weeks you were in business. This will give you your weekly average sales. Multiply this figure by 52 and the result is your "annual gross sales."

3. The first paragraph in section 20 (b) is amended to read as follows:

(b) *New stores.* If you open a retail store after January 1, 1946, you may consider yourself a Group 1 store if you are an "independent" store, or a Group 3 store if you are not an "independent" store. However, after you have been in business for three months, you must determine again what group your store is in. To do this, take your total sales for the three-month period and multiply by four. Use the result as your "annual gross sales" in determining the group in which your store belongs.

This amendment shall become effective January 2, 1946.

Issued this 28th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-23040; Filed, Dec. 28, 1945; 11:33 a. m.]

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PART 1499—COMMODITIES AND SERVICES

[SR 14E,[2] Amdt. 21]

SALES AT WHOLESALE OF CERTAIN COTTON PRODUCTS AND CERTAIN MANUFACTURED ARTICLES

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 2.7 of Supplementary Regulation 14E is amended in the following respects:

1. Paragraph (b) (6) is amended by adding subdivisions (iv) and (v) to read as follows:

(iv) Gauze diapers.

(v) Flannelette diapers, grey birdseye diaper cloth and types 1, 2 and 3 of birdseye nursery products.

2. Paragraph (f) is amended by adding subparagraphs (5) and (6) to read as follows:

(5) *Gauze diapers.* The maximum prices for sales at wholesale of standard gauze diapers and hospital gauze diapers (excepting pads and bibs) are the lower of (i) or (ii) as follows:

(i) The sum of the net cost of the article being priced and 15.6 of that net cost for out-of-stock shipments on sales of less than 48 dozen; but in the case of drop shipments and also shipments from stock on sales of 48 dozen or more, the sum of the net cost of the article being priced and 9.1% of that net cost. "Net cost" is defined in paragraph (a) (5).

(ii) The sum of the net cost of the article being priced and an amount derived by applying the seller's "1942 markup" to that net cost. "1942 markup" is defined in paragraph (f) (1). For purposes of determining this "1942 markup", a sale of 48 dozen, or more, gauze diapers should be considered a "drop shipment" type of sale.

(6) *Flannelette diapers, grey birdseye diaper cloth and types 1, 2 and 3 of birdseye nursery products.* The maximum prices for flannelette diapers, grey birdseye diaper cloth and types 1, 2, and 3 of birdseye nursery products are as follows:

(i) For a sale at wholesale (other than a sale by an "institutional wholesaler" to an institutional, commercial or industrial user) the lower of:

(*a*) The sum of the net cost of the article being priced and 17 percent of that net cost for out-of-stock shipments; but in the case of drop shipments, the sum of the net cost of the article being priced and 9.9 percent of that net cost: or

(*b*) The sum of the net cost of the article being priced and an amount derived by applying the seller's "1942 markup" to that net cost.

"Net cost" and "1942 markup" are defined respectively in paragraphs (a) (5) and (f) (1).

(ii) For a sale at wholesale by an "institutional wholesaler" (defined in paragraph (a) (4)) to an institutional, commercial or industrial user, the sum of:

(*a*) The seller's maximum price on September 16, 1945, and

(*b*) The amount by which the producer's maximum price in effect on September 16, 1945, under Maximum Price Regulation No. 118, was increased after that date.

3. Paragraph (i) is amended by deleting the balance of subparagraph (1) after the words "Maximum Price Regulation No. 118" and by deleting from subparagraph (2) the words "and flannelette diapers".

4. Paragraph (l) is revoked.

This amendment shall become effective January 15, 1946.

Issued this 28th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-23034; Filed, Dec. 28, 1945; 11:32 a. m.]

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[1] 9 F.R. 14601; 10 F.R. 2299, 3694, 3979, 7340, 10311, 11514, 12208, 12527.

[2] 10 F.R. 1183, 2914, 4166, 7117, 7497, 7667, 9337, 9540, 9963, 10021, 11401, 12601.

PART 1499—COMMODITIES AND SERVICES

[MPR 586, Supp. Storage Reg. 4]

MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY MAXIMUM PRICE REGULATION 586 FOR MERCHANDISE WAREHOUSING PERFORMED FOR CERTAIN GOVERNMENT AGENCIES IN DESIGNATED CITIES

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.

Sec.
1. General statement.
2. Relationship of this regulation to MPR 586.
3. Where this regulation applies.
4. Property.
5. Agencies.
6. Services.
7. Definitions.
8. Terms and conditions.
9. Application of rates.
10. Maximum class rates.
11. Maximum commodity rates.
12. Maximum rates for special services.

AUTHORITY: § 1499.707 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250; 7 F.R. 7871; E.O. 9328; 8 F.R. 4681; E.O. 9599, 10 F.R. 10155; E.O. 9651, 10 F.R. 13487.

SECTION 1. *General statement.* This supplementary regulation has the general effect of carrying forward the maximum charges named in the former Federal Emergency Warehouse Association contracts, under which warehousemen in certain cities collectively undertook to store goods for certain Government procurement agencies. Its issuance is due to the expiration of certain aspects of FEWA programs.

SEC. 2. *Relationship of this regulation to MPR 586.* (a) The provisions of this regulation supersede sections 5, 6, 7, and 10 of Maximum Price Regulation 586 [1] as to services covered by this regulation.

(b) Orders issued under sections 8, 9 or 13 (c) of MPR 586 may affect maximum prices established by this regulation only if they are issued by the Price Administrator, and if they so specify. On the other hand, orders under sections 8, 9 or 13 (c) of MPR 586 applying to sellers or services not subject to this regulation may incorporate provisions of this regulation by reference.

(c) Maximum prices established by this supplementary regulation need not be reported in connection with price filings under section 12 of MPR 586.

SEC. 3. *Where this regulation applies.* (a) This regulation applies to all sellers in any city, and the Port of New York for which rates are shown in section 10.

(b) Certain cities are more particularly described in paragraph (c) below. The term "city" includes all locations within the city limits and also all locations within the railroad switching limits of that city.

(c) The following cities, and the Port of New York include the adjacent cities and areas described, and their respective railroad switching limits:

[1] 10 F.R. 5797.

(1) Boston, Massachusetts includes Cambridge, Chelsea, and Somerville.

(2) Kansas City, Missouri includes North Kansas City, Missouri, and Kansas City, Kansas.

(3) Philadelphia, Pennsylvania includes Camden, New Jersey.

(4) Port of New York includes all of the territory in New York and New Jersey subject to the jurisdiction of the Port of New York Authority.

(5) St. Louis, Missouri includes East St. Louis, Illinois.

SEC. 4. *Property covered by this regulation.* (a) This regulation applies to property which is not perishable so as to require refrigeration, and which is not extra hazardous.

(e) Exceptions:

(1) In Boston, Massachusetts, this regulation does not apply on cotton, wool or newsprint paper.

(2) In the Port of New York, this regulation does not apply to coffee placed in storage by and for the account of commercial firms which coffee is subsequently purchased by the Government and retained in said storage or as to chest tea in bulk in the original import container.

(3) In Chicago, Illinois, this regulation does not apply to single packages weighing over 2,000 lbs. or measuring over 140 cubic feet.

(4) In Memphis, Tennessee, this regulation does not apply to single packages weighing over 1,500 lbs.

SEC. 5. *Government agencies involved in this regulation.* This regulation applies only to storage of goods belonging to or in the custody of the following agencies of the United States Government (referred to herein as the "Government"):

(a) Army Service Forces of the War Department

(b) Navy Department

(c) Government Printing Office

(d) Procurement Division of the Treasury Department but only to the extent set forth in Section 9 below.

SEC. 6. *Services covered by this regulation.* This regulation covers the services generally known as merchandise warehousing including reception, storage, preservation, handling and shipment. It does not cover cold storage or tank storage of liquid commodities. It does not cover storage in customs or Internal Revenue Bonded Warehouses or cartage or drayage except in those instances in which maximum rates are specifically provided herein.

SEC. 7. *Definitions*—(a) *Handling* covers the ordinary labor and duties incident to receiving goods at warehouses, unloading cars, receiving goods from the tail gate of trucks, stowing, and reloading cars, and delivering goods to the tail gate of trucks outbound. Handling charges are billed with the storage for the first month.

(b) *Storage.* All goods are stored on a month to month basis. A storage month shall extend from a date in one calendar month to, but not including, the same day of the next and all succeeding calendar months. If there be no corresponding date in the next succeeding calendar month, it shall extend to, and include the last day of the month.

(c) *Storage rates.* The full monthly storage rates set forth in this regulation may be charged for each storage month or fraction thereof. Monthly charges for storage accrue on the first day of each storage month.

SEC. 8. *Conditions*—(a) *Watchmen or guards.* The warehousemen shall provide the necessary watchmen, guards, and necessary protective devices as warehouse services under the regulation, *Provided,* That should the Government require the warehousemen to furnish watchmen or guards or protective devices in any warehouse in excess of the normal number employed in such warehouse, then the Government may pay the actual excess costs for the period or periods for which additional watchmen or guards and protective devices are required.

(b) *Demurrage.* If the warehouseman fails to handle goods tendered (not in excess of any prior agreement with the Government as to the amount of space available or the number of cars that can be handled) within 48 hours after receipt of notice of arrival by rail, and any demurrage accrues as a result thereof, the warehouseman shall pay any and all such demurrage charges.

(c) *Liability for care of goods.* Each warehouseman shall be liable for any loss or damage to the goods in his possession or control incident to performance of these services by his failure to exercise such care in regard to them as a reasonably careful owner of similar goods would exercise, but he shall not be liable for any loss or injury to the goods which could not have been avoided by the exercise of such care.

The measure of liability of the warehouseman is limited as to each package to 500 times the amount of the monthly storage charge for that package unless the warehouseman is specifically notified in writing (in triplicate) by the Government of a higher valuation by the Government, in which case the maximum storage rate may be increased by an amount equal to one-tenth of one per cent per month of the excess valuation. This limitation in the measure of liability shall be null and void in the case of gross negligence, willful acts, fraud or conversion.

(d) *Loading and bracing requirements.* Each warehouseman shall load and brace all outgoing goods stored by him under this regulation in accordance with good commercial practice. The warehouseman shall be liable for the payment of any damage to any goods caused by the failure to load and brace in accordance with acceptable standards.

SEC. 9. *Application of rates to goods already in storage*—(a) *General rule.* Except as noted in paragraph (b) below, maximum storage rates in this regulation become effective as to goods already in storage with the beginning of the first monthly storage period on or after the effective date of this regulation. Charges

for the unexpired portion of the storage month may conform to the contract between the Government agency and the warehouseman. However, no handling charges in addition to the full charges authorized by the previous contracts may be made for performing outgoing handling on goods already in store.

(b) *Exceptions.* (1) In the Port of New York, goods stored under the Federal Emergency Warehousemen's Association contract prior to the effective date of this regulation, may be stored at rates not to exceed those set forth in that contract until removed from the warehouse or transferred to a new owner other than the Government.

(2) Goods stored by the Procurement Division of the Treasury Department under Federal Emergency Warehouse Association contracts prior to the effective date of this regulation may be stored at rates not to exceed those set forth in the contracts until removed from the warehouse or transferred to a new owner other than the Government.

SEC. 10. *Maximum class rates.* (a) The following class rates in cents per 100 lbs. apply on handling and storage as defined in section 7 of commodities other than those for which commodity rates are set forth in Section 11. If rates are shown in section 11, these class rates do not apply. Charges set forth in section 12 may be added, if the services are actually performed.

S: Storage. H: Handling

| Classes | | GA | GB | GC | GD | GE | GF | GG | GH | GI | GJ | GK | GL | GM | GN |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Cubic inches per pound: From | | 0 | 61 | 69 | 77 | 84 | 112 | 149 | 199 | 223 | 297 | 375 | 504 | 634 | 763 |
| To | | 60 | 68 | 76 | 83 | 111 | 139 | 168 | 237 | 296 | 374 | 503 | 633 | 762 | + |
| Atlanta, Ga | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 5 | 5.5 | 6 | 6.5 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 17 |
| Baltimore, Md | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 6 | 6.6 | 7.3 | 8 | 8.8 | 9.7 | 10.6 | 12 | 13 | 14 | 15 | 17 | 19 | 20.5 |
| Boston Mass | S | 4 | 4.5 | 5 | 6 | 8.5 | 9.5 | 11 | 15 | 20 | 24 | 30 | 39 | 48 | 62 |
| | H | 8 | 8.25 | 8.5 | 9.5 | 10.5 | 11.5 | 13 | 14.5 | 16.5 | 17.5 | 18 | 21 | 23 | 23 |
| Buffalo, N. Y | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 5 | 5.5 | 6 | 6.5 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 17 |
| Charleston, W. Va | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 5 | 5.5 | 6 | 6.5 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 17 |
| Chattanooga, Tenn | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 6 | 6.6 | 7 | 7.5 | 8 | 9 | 10 | 11 | 12 | 14 | 15 | 16 | 18 | 21 |
| Chicago, Ill | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 6 | 6.6 | 7.3 | 8 | 8.8 | 9.7 | 10.6 | 12 | 13 | 14 | 15 | 17 | 19 | 20.5 |
| Cincinnati, Ohio | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 6 | 6.6 | 7.3 | 8 | 8.8 | 9.7 | 10.6 | 12 | 13 | 14 | 15 | 17 | 19 | 20.5 |
| Corpus Christi, Tex | S | 3 | 4 | 4.5 | 5 | 6 | 8.1 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 5 | 5.5 | 6 | 6.5 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 17 |
| Dallas, Tex | S | 3 | 4 | 4.5 | 5 | 6 | 8.1 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 6 | 6.6 | 7.3 | 8 | 8.8 | 9.7 | 10.6 | 12 | 13 | 14 | 15 | 17 | 19 | 20.5 |
| Denver, Colo | S | 3 | 4 | 4.5 | 5 | 5.4 | 8.1 | 9 | 12.5 | 16 | 21.5 | 25 | 32 | 40 | 53 |
| | H | 6 | 6.6 | 7.3 | 8 | 8.8 | 9.7 | 10.5 | 11.5 | 13 | 14 | 15.5 | 17 | 19 | 23 |
| Des Moines, Iowa | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 5 | 5.5 | 6 | 6.5 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 17 |
| Detroit, Mich | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 6 | 6.6 | 7.3 | 8 | 8.8 | 9.7 | 10.6 | 12 | 13 | 14 | 15 | 17 | 19 | 20.5 |
| Dubuque, Iowa | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 6 | 6.6 | 7.3 | 8 | 8.8 | 9.7 | 10.6 | 12 | 13 | 14 | 15 | 17 | 19 | 20.5 |
| Evansville, Ind | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 5 | 5.5 | 6 | 6.5 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 17 |
| Fort Dodge Iowa | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 6 | 6.6 | 7.3 | 8 | 8.8 | 9.7 | 10.6 | 12 | 13 | 14 | 15 | 17 | 19 | 20.8 |
| Fort Worth, Tex | S | 3 | 4 | 4.5 | 5 | 6 | 8.1 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 6 | 6.6 | 7.3 | 8 | 8.8 | 9.7 | 10.6 | 12 | 13 | 14 | 15 | 17 | 19 | 20.5 |
| Grand Rapids, Mich | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 6 | 6.6 | 7.3 | 8 | 8.8 | 9.7 | 10.6 | 12 | 13 | 14 | 15 | 17 | 19 | 20.5 |
| Huntington, W. Va | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 5 | 5.5 | 6 | 6.5 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 17 |
| Indianapolis, Ind | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 6 | 6.6 | 7.3 | 8 | 8.8 | 9.7 | 10.6 | 12 | 13 | 14 | 15 | 17 | 19 | 20.5 |
| Jacksonville, Fla | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 5 | 5.5 | 6 | 6.5 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 17 |
| Kansas City, Mo | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 6 | 6.6 | 7.3 | 8 | 8.8 | 9.7 | 10.6 | 12 | 13 | 14 | 15 | 17 | 19 | 20.5 |
| Little Rock, Ark | S | 3 | 4 | 4.5 | 5 | 6 | 8.1 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 52 |
| | H | 5 | 5.5 | 6 | 6.5 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 17 |
| Louisville, Ky | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 5 | 5.5 | 6 | 6.5 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 17 |
| Memphis, Tenn | S | 2 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 5 | 5.5 | 6 | 6.5 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 17 |
| Milwaukee, Wis | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 6 | 6.6 | 7.3 | 8 | 8.8 | 9.7 | 10.6 | 12 | 13 | 14 | 15 | 17 | 19 | 20.5 |
| Nashville, Tenn | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 5 | 5.5 | 6 | 6.5 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 17 |
| New Orleans, La | S | 3 | 4 | 4.5 | 5 | 6 | 8.1 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 6 | 6.6 | 7.3 | 6.5 | 7 | 9.7 | 10.6 | 12 | 13 | 14 | 15 | 17 | 19 | 20.5 |
| Norfolk, Va | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 6 | 6.6 | 7.3 | 8 | 8.8 | 9.7 | 10.6 | 12 | 13 | 14 | 15 | 17 | 19 | 20.5 |
| Oklahoma City, Okla | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 6 | 6.6 | 7 | 8 | 8.8 | 9 | 10.6 | 11 | 12 | 13 | 14 | 15 | 16.5 | 18 |
| Omaha, Nebr | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 5 | 5.5 | 6 | 6.5 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 17 |
| Philadelphia, Pa | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 6 | 6.6 | 7.3 | 8 | 8.8 | 9.7 | 10.6 | 12 | 13 | 14 | 15 | 17 | 19 | 20.5 |
| Pittsburgh, Pa | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 5 | 5.5 | 6 | 6.5 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 17 |
| Port of New York | S | 4 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 13 | 17 | 19 | 21 | 23 | 25 | 27 |
| Pueblo, Colo | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 5 | 5.5 | 6 | 6.5 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 17 |
| Rochester, N. Y | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 6 | 6.6 | 7.3 | 8 | 8.8 | 9.7 | 10.6 | 12 | 13 | 14 | 15 | 17 | 19 | 20.5 |
| St. Louis, Mo | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 6 | 6.6 | 7.3 | 8 | 8.8 | 9.7 | 10.6 | 12 | 13 | 14 | 15 | 17 | 19 | 20.5 |
| Savannah, Ga | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 5 | 5.5 | 6 | 6.5 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 17 |
| Syracuse, N. Y | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 6 | 6.6 | 7.3 | 8 | 8.8 | 9.7 | 10.6 | 12 | 13 | 14 | 15 | 17 | 19 | 20.5 |
| Tampa, Fla | S | 3 | 4 | 4.5 | 5 | 6 | 8 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 5 | 5.5 | 6 | 6.5 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 17 |
| Toledo, Ohio | S | 3 | 4 | 4.5 | 5 | 6 | 8.1 | 10 | 13.5 | 18 | 22.5 | 28 | 36 | 44 | 53 |
| | H | 6 | 6.6 | 7.3 | 8 | 8.8 | 9.7 | 10.6 | 12 | 13 | 14 | 15 | 17 | 19 | 20.5 |

(b) *How to apply the class rates for storage and handling to obtain the rates per 100 pounds.*

(1) Obtain the dimensions of the package in inches by careful measurement.

(2) Obtain the volume in cubic inches by multiplying the three dimensions. If the packages are irregular, the volume of an average package may be used by taking the volume of a pile of goods and dividing by the number of packages in the pile.

(3) Obtain the weight of the package.

(4) Obtain the density by dividing the number of cubic inches as ascertained (see 2) by weight of package in pounds (see 3).

(5) Obtain the rate per 100 lbs. for storage and handling by applying the density (cubic inches per pound) as ascertained (see 4) to the class rate-tables above.

*Example:* A package of the following dimensions and weight in Chicago, Illinois:

1. Dimensions: 36 in. x 24 in. x 75 in.
2. Volume: 64,800 cu. in.
3. Weight: 730 lbs.
4. Density: 64,800÷730=88.8 cu. in. per lb.
5. Class GE: Storage 6¢ per 100 lbs. Handling 8.8¢ per 100 lbs.

SEC. 11. *Commodity rates.* The commodity rates set forth below apply to storage and handling services as defined in section 7, whether higher or lower than the class rates set forth in section 10. Additional charges for special services set forth in section 12 may be added if these services are performed. Rates are stated in cents per 100 pounds except where specifically noted as otherwise.

| | Storage | Handling |
|---|---|---|
| Atlanta, Ga.: | | |
| Sugar (in bags) | 2 | 5 |
| Dried beans and peas (in bags) | 2 | 5 |
| Cigarettes (cartons, approx. 37 lbs.) | 10 | 8 |
| Baltimore, Md.: | | |
| Sugar | 2.5 | 5 |
| Dried beans and peas | 3 | 5 |
| Cigarettes (cartons, approx. 37 lbs.) | 10 | 8 |
| Boston, Mass.: Cigarettes (cartons, approx. 37 lbs.) | 8 | 8 |
| Buffalo, N. Y.: | | |
| Sugar (in 100-lb. bags) | 3 | 4 |
| Dried beans and peas (in 100-lb. bags) | 3 | 4 |
| Charleston, W. Va.: | | |
| Sugar | 2 | 5 |
| Dried beans and peas | 2 | 5 |
| Cigarettes (cartons, approx. 37 lbs.) | 10 | 8 |
| Canned fruits and vegetables (any quantity) | 3 | 4 |
| Chattanooga, Tenn.: | | |
| Sugar | 2.5 | 3.2 |
| Dried beans and peas | 2.5 | 4.5 |
| Cigarettes (cartons, approx. 37 lbs.) | 9 | 9 |
| Coffee (green) | 3 | 6 |
| Chicago, Ill.: | | |
| Bags, sugar, dried beans, dried peas or flour | 2.5 | 4.5 |
| Engines, airplane or otherwise, in crates or cases measuring approximately 5 ft. x 5 ft. x 5 ft. and weighing from 2000 lbs. to 4,000 lbs | [1] $3.50 | [1] $7.00 |
| Paper on skids. (Photographic film to be stored in a secure vault under lock and key.) | 5 | 8 |
| Cincinnati, Ohio: | | |
| Sugar (in bags) | 2.5 | 5 |
| Dried beans and peas (in bags) | 2.5 | 5 |
| Cigarettes (cartons, approx. 37 lbs.) | 10 | 8 |
| Corpus Christi, Tex.: | | |
| Sugar (in bags or bales, net weight approx. 100 lbs.) | 2 | 5 |
| Green coffee (in bags) | 2 | 5 |
| Dried beans and peas (in bags) | 2 | 5 |
| Dallas, Tex.: | | |
| Sugar (in bags) | 2 | 4 |
| Dried beans and peas (in bags) | 2 | 4 |
| Green coffee (in bags) | 2 | 4 |
| Denver, Colo.: | | |
| Sugar (in bags) | 1.5 | 4 |
| Dried beans and peas (in bags) | 2 | 4 |
| Cigarettes (cartons, approx. 37 lbs.) | 8.3 | 9.7 |
| Coffee (green) (in bags) | 2.5 | 4.5 |
| Des Moines, Iowa: | | |
| Sugar (in bags) | 2 | 4 |
| Dried beans and peas (in bags) | 2 | 4 |
| Coffee (green) (in bags) | 2 | 4 |
| Detroit, Mich.: | | |
| Bags, sugar, dried beans, dried peas or flour | 2.5 | 4.5 |
| Coffee (green) (in bags) | 3 | 6 |
| Engines, airplane or otherwise, in crates or cases measuring approximately 5 ft. x 5 ft. x 5 ft. and weighing from 2000 lbs. to 4,000 lbs | [1] $3.50 | [1] $7.00 |
| Cigarettes (cartons, approx. 37 lbs.) | 10 | 12 |
| Paper on skids. (Photographic film to be stored in a secure vault under lock and key) | 5 | 8 |
| Cluster adapters—No. 16 weight approx. 665 pounds per case | [2] 52 | [2] 54 |
| Dubuque, Iowa: Canned fruits and vegetables | 2.5 | 6 |
| Evansville, Ind.: | | |
| Sugar | 2.5 | 3.5 |
| Dried beans and peas | 2.5 | 3.5 |
| Cigarettes (cartons, approx. 37 lbs.) | 10 | 5.6 |
| Coffee (green) | 3.6 | 4.1 |
| Fort Dodge, Iowa: Canned fruits, vegetables and milk | 2.5 | 5.5 |
| Fort Worth, Tex.: | | |
| Sugar (in bags) | 2 | 4 |
| Dried beans and peas (in bags) | 2 | 4 |
| Coffee, green (in bags) | 2 | 4 |
| Grand Rapids, Mich.: | | |
| Sugar | 2.5 | 4.5 |
| Dried beans and peas | 2.5 | 4.5 |
| Flour | 2.5 | 4.5 |
| Huntington, W. Va.: | | |
| Sugar | 2 | 5 |
| Dried beans and peas | 2 | 5 |
| Cigarettes (cartons, approx. 37 lbs.) | 10 | 8 |
| Canned fruits and vegetables (any quantity) | 3 | 4 |
| Indianapolis, Ind.: | | |
| Sugar | 2 | 5 |
| Dried beans and peas | 2 | 5 |
| Cigarettes (cartons, approx. 37 lbs.) | 10 | 8 |
| Jacksonville, Fla. | | |
| Sugar (100 lbs. in bags) | 2 | 4 |
| Dried beans and peas (in bags) | 2 | 4 |
| Rice (in bags) | 2 | 4 |
| Flour (in bags) | 2 | 4 |
| Canned citrus fruits and citrus fruit juices (not fermented or preserved) packed in tin in cartons or boxes | 3 | 4 |
| Kansas City, Mo.: | | |
| Bags, sugar, dried beans, or dried peas | 2 | 5 |
| Cigarettes (cartons approx. 37 lbs.) | 10 | 8 |
| Engines, airplane or otherwise, in crates or cases measuring approximately 5 ft. x 5 ft. x 5 ft. and weighing from 2,000 lbs. to 4,000 lbs | [1] $3.50 | [1] $7.00 |
| (The value of these engines and the measure of the Contractor's liability therefor is fixed at $1,750 each.) | | |
| Little Rock, Ark.: | | |
| Sugar (100-lb. bags) | 2 | 3 |
| Dried beans and peas (100-lb. bags) | 2 | 3 |
| Flour (100-lb. bags) | 3 | 4 |
| Louisville, Ky.: | | |
| Sugar (in bags) | 2 | 5 |
| Dried beans and peas (in bags) | 2 | 5 |
| Cigarettes (cartons, approx. 37 lbs.) | 10 | 8 |
| Memphis, Tenn.: | | |
| Sugar (in 100-lb. bags) | 2.5 | 3.75 |
| Dried beans and peas (in 100-lb. bags) | 2.5 | 3.75 |
| Milwaukee, Wis.: | | |
| Sugar | 2.5 | 4.5 |
| Dried beans and peas | 2.5 | 4.5 |
| Nashville, Tenn.: | | |
| Sugar (in bags) | 2 | 5 |
| Dried beans and peas (in bags) | 2 | 5 |
| Cigarettes (cartons, approx. 37 lbs.) | 10 | 8 |
| New Orleans, La.: | | |
| Sugar (100-lb. bags) | 2.5 | 5¼ |
| Dried beans and peas (100-lb. bags) | 3 | 5.5 |
| Rice (100-lb. bags) | 2.5 | 5¼ |
| Omaha, Nebr.: Dried beans and peas (in bags) | 2 | 4 |
| Philadelphia, Pa.: | | |
| Sugar (100-lb. bags) | 2.5 | 5 |
| Dried beans and peas (in bags) | 3 | 5 |
| Pittsburgh, Pa.: | | |
| Sugar (100-lbs. net bags) | 3 | 4 |
| Dried beans and peas (in bags) | 3 | 4 |
| Port of New York: | | |
| Refined sugar per 100 lbs | 3 | 0 |
| Raw Sugar per long ton | 40 | $1.40 |
| Rice per 100 lbs | 3 | 0 |
| Cocoa beans: | | |
| Per bag (up to 100 lbs.) | 5 | 10 |
| Per bag (up to 200 lbs.) | 7 | 12 |
| Pueblo, Colo.: | | |
| Sugar (in bags) | 2 | 3 |
| Dried beans and peas (in bags) | 2 | 4 |
| Cigarettes (cartons, approx. 37 lbs.) | 8.3 | 9.7 |
| Flour (100-lb. bags) | 2.5 | 4.5 |
| Rice (100-lb. bags) | 2.5 | 4.5 |
| St. Louis, Mo.: | | |
| Sugar (100-lb. bags) | 3 | 5 |
| Dried beans and peas (100-lb. bags) | 3 | 5 |
| Coffee (green) (100-lb. bags) | 3 | 5 |
| Savannah, Ga.: | | |
| Sugar (100-lb. bags) | 2 | 4 |
| Canned fruits and vegetables | 2 | 5 |
| Syracuse, N. Y.: | | |
| Pillows (11 to 14 cubic ft., weight 65 lb.) | 18 | 13 |
| Pillows (14 to 16.5 cubic ft., weight 65 lb.) | 30 | 17 |
| Mattress (23 to 24 cubic ft., weight 90 to 100 lbs.) | 30 | 17 |
| Toledo, Ohio: | | |
| Sugar (100 lbs. to a bag) | 2.5 | 4.5 |
| Dried beans and peas (100-lb. bags) | 2.5 | 4.5 |
| Flour (100-lb. bags) | 2.5 | 4.5 |

[1] Each.

[2] Per case.

SEC. 12. *Maximum rates for special services.* The following additional charges apply only when the particular services involved are performed. If applicable, they are in addition to the charges specified in sections 10 and 11.

(a) *Handling of small lots.* The following additional charges apply on orders in or out on lots of less than ten thousand pounds.

(1) *General rule.* 2.5 cents per 100 lbs., minimum 25¢ per order.

(2) *Exceptions.*

| | Charge (in cents per 100 lbs. except as noted) | Minimum in cents per order |
|---|---|---|
| Chattanooga, Tenn | ½ | 15 |
| Corpus Christi, Tex | 2½ | 50 |
| Dallas, Tex | 1½ | 25 |
| Denver, Colo | 2½ | 15 |
| Des Moines, Iowa | 1¢ per package | 10 |
| Dubuque, Iowa | do | 10 |
| Evansville, Ind | ¾ | 50 |
| Fort Dodge, Iowa | 1 | 10 |
| Fort Worth, Tex | 1½ | 25 |
| Jacksonville, Fla | No charge | |
| Memphis, Tenn | 2 | 50 |
| Milwaukee, Wis | 2¢ per 100 lbs. or 1¢ per package, whichever makes the higher charge. | 15 |
| Omaha, Neb | 1½ | 25 |
| Port of New York | No provisions for less than carloads. | |
| Pueblo, Col | 2½ | 15 |

(b) *Assorting.* The handling rates in sections 10 and 11 do not include assorting, and the following additional charges may be made if assorting is required.

(1) *General rule.* 2½¢ per 100 lbs.

(2) *Exceptions.*

| | *Per 100 lbs. (cents)* |
|---|---|
| Chattanooga, Tenn | 2 |
| Corpus Christi, Tex | 2 |
| Dallas, Tex | 2 |
| Denver, Colo | 5 |

| | Per 100 lbs. (cents) |
|---|---|
| Des Moines, Iowa | 3 |
| Evansville, Ind | 3 |
| Fort Dodge, Iowa | 3 |
| Fort Worth, Tex | 2 |
| Omaha, Nebr | 2 |
| Port of New York | 3 |
| Pueblo, Colo | 5 |
| St. Louis, Mo | 3 |

(c) *Reporting marked weights or numbers*—(1) *General rule.* If required to report marked weights or numbers, additional charges may be made not to exceed 1¢ per package, minimum, 10¢ per order.

(2) *Exceptions.*

| | Cents per package | Minimum in cents per order |
|---|---|---|
| Corpus Christi, Tex | 1 | 5 |
| Des Moines, Iowa | (1) | |
| Dubuque, Iowa | 1 | 50 |
| Evansville, Ind | ¾ | 75 |
| Fort Dodge, Iowa | (1) | |
| Port of New York | 1½ | 25 |
| St. Louis, Mo | 2 | 25 |
| Savannah, Ga | 1 | 15 |
| Toledo, Ohio | ½ | 15 |

[1] No charge.

(d) *Bracing or packaging materials*—(1) *General rule.* The Government may reimburse warehousemen for the additional cost for bracing or packing materials or other special supplies when required.

(2) *Exceptions.* In the Port of New York charges for bracing materials may be charged with a minimum of $4.00 per car.

(e) *Charges for overtime.* Maximum rates named in this regulation contemplate receiving or withdrawing of goods during regular working hours. In the event Government agencies in emergencies request receipt or delivery of particular goods at other times, additional charges may be made.

(1) *General rule.* The actual additional cost of service work including necessary additional expenses attributed thereto.

(2) *Exceptions.*

Buffalo, N. Y.—Additional charge of 25% of the handling rates for receipt or delivery outside working hours, or 50% for receipt or delivery on non-working days.

Chicago, Ill.—Additional charges shall be computed at a rate to be obtained by multiplying in and out handling charges (or one-half of such charges if such work outside of working hours or nonworking days consists only of performance of either in-handling or out-handling services, and not the other) by the percentage of increase in rates of wages for the overtime work in the prevailing wage agreement of the warehousemen.

Pittsburg, Pa.—Additional charge of 25% of the handling rates for receipt or delivery outside working hours, or 50% for receipt or delivery on nonworking days.

Port of New York—1. Amounts paid to the warehouseman's employees (covered under collective bargaining agreements) in excess of straight time rates for such overtime under prevailing wage agreements for time (exclusive of waiting time) actually worked.

2. Amounts paid to the warehouseman's other employees in excess of straight time rates for such overtime under established payroll practices of the warehouseman and/or pursuant to law for time (exclusive of waiting time) actually worked.

3. The warehouseman's payroll cost for employees' waiting time when held for work at Government request.

4. The portion of the warehouseman's payroll cost for minimum guaranteed time under prevailing wage agreements in excess of time actually worked or paid for as waiting time.

5. Amount of additional charges to the warehouseman for services rendered outside of regular business hours by United States Customs Officers or subcontractors' employees required in the performance of such work.

6. 12½ per cent of the sum of items 1, 2, 3, and 4 to cover estimated Social Security, Unemployment Insurance, and Workmen's Compensation.

(f) *Marking.* The following additional charges for marking packages are applicable only in the cities specified. If marking is required in other localities, it may be charged for under paragraph (h) of this section as extra labor.

*Chicago, Ill.—Milwaukee, Wisconsin—New Orleans, Louisiana—Pittsburgh, Pennsylvania.*—All shipments of ten thousand pounds or over, for marking, tagging, or stenciling, consisting of one stenciling operation, one marking, or one tag per package, the charge of 1¢ per package may be made. If additional marking, tagging, or stenciling operation above one per package, a charge of 1¢ may be made for each such additional operation.

*Jacksonville, Fla.*—½¢ per package, minimum 15¢ per order for marking or tagging outbound shipments.

*Port of New York*—A charge of 1½¢ per package, minimum of 25¢ per order, shall apply on all orders where marking or stenciling or deletion thereof is requested. This charge shall cover one such marking or stenciling of not more than three (3) lines on one side of the package only. If additional marking or stenciling or deletion thereof is required by the Government on the same side of the package, it is to be charged for at the rate of 1¢ for each such marking, stenciling or deletion of three (3) lines or any portion thereof. Marking, stenciling or deletion thereof on other sides of the package will be charged for at the same rate of 1½¢ for the first three (3) lines or any portion thereof and 1¢ for each three (3) additional lines or any portion thereof on each of the other sides on which there is marking, stenciling or deletion thereof.

(g) *Turning evaporated milk.* If the warehouseman is required to turn canned milk, the charges will be as follows in the cities specified below. In other localities, additional charges may be made under paragraph (h) of this section, as extra labor.

Chicago, Ill.: 1¢ per package.
Cincinnati, Ohio: 1¼¢ per package.
Evansville, Ind.: 1¢ per package, plus ¼¢ additional for initialing or stenciling, if required in connection with turning.
Grand Rapids, Mich.: 1¼¢ per package.
Indianapolis, Ind.: 1¢ per package.
Kansas City, Mo.: 1¢ per package.
Louisville, Ky.: 1¢ for turning, plus ¼¢ additional for initialing or stenciling, if required in connection with turning.

(h) *Charges for extra labor.* Extra labor furnished when requested, for weighing, sampling, repiling, inspection, special physical warehouse checking, repairing, coopering, or for stenciling, marking, tagging, turning, when rates for these services are not specifically provided, shall be as follows:

| Cities | Charge per man-hour | Minimum per order |
|---|---|---|
| | | Cents |
| Atlanta, Ga | $1.00 | 50 |
| Baltimore, Md | 1.25 | 50 |
| Boston, Mass | 1.25 | 50 |
| Buffalo, N. Y | 1.25 | 50 |
| Charleston, W. Va | 1.25 | 50 |
| Chattanooga, Tenn | .90 | 50 |
| Chicago, Ill | 1.25 | 50 |
| Cincinnati, Ohio | 1.25 | 50 |
| Corpus Christi, Tex | 1.00 | 25 |
| Dallas, Tex | 1.00 | 50 |
| Denver, Colo | 1.00 | 50 |
| Des Moines, Iowa | 1.25 | 25 |
| Detroit, Mich | 1.25 | 50 |
| Dubuque, Iowa | 1.25 | 50 |
| Evansville, Ind | 1.00 | 75 |
| Fort Dodge, Iowa | 1.25 | 50 |
| Fort Worth, Tex | 1.00 | 50 |
| Grand Rapids, Mich | 1.00 | 50 |
| Huntington, W. Va | 1.00 | 50 |
| Indianapolis, Ind | 1.25 | 50 |
| Jacksonville, Fla | 1.00 | 50 |
| Little Rock, Ark | 1.00 | 50 |
| Kansas City, Mo | 1.25 | 50 |
| Louisville, Ky | 1.00 | 50 |
| Memphis, Tenn | 1.00 | 50 |
| Milwaukee, Wis | 1.25 | 50 |
| Nashville, Tenn | 1.00 | 50 |
| New Orleans, La | 1.25 | 50 |
| Norfolk, Va | 1.25 | 50 |
| Oklahoma City, Okla | 1.25 | 50 |
| Omaha, Nebr | 1.00 | 50 |
| Philadelphia, Pa | 1.25 | 50 |
| Pittsburgh, Pa | .90 | 50 |
| Port of New York | 1.50 | 75 |
| Pueblo, Colo | 1.00 | 50 |
| Rochester, N. Y | 1.25 | 50 |
| St. Louis, Mo | 1.25 | 50 |
| Savannah, Ga | 1.00 | 50 |
| Syracuse, N. Y | 1.25 | 50 |
| Tampa, Fla | 1.00 | 50 |
| Toledo, Ohio | 1.25 | 50 |

(i) *Customs bonded or Internal Revenue bonded storage.* Port of New York maximum storage rates for customs bonded for Internal Revenue bonded storage in the Port of New York are 105% of the rates named in sections 10 and 11. (These services in other localities are not covered by this regulation).

(j) *Incidental drayage.* Drayage services are not covered by this regulation except in the areas and under the circumstances set out below.

(1) Jacksonville, Florida—Maximum charges for incidental drayage within city limits of goods stored or to be stored under this regulation are 7 cents per 100 lbs.

(2) Port of New York—Maximum charges for cartage by warehousemen's tractor-trailer, or other plant equipment from steamship piers to warehouses of goods to be stored under this contract are 3½ cents per 100 lbs.

(k) *Storage to permit individual package deliveries.* Port of New York: Maximum storage and handling rates named in sections 10 and 11 for the Port of New York may be increased 50% when merchandise is ordered stored to permit individual package delivery.

This supplementary regulation shall become effective January 1, 1946.

Issued this 28th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-23065; Filed, Dec. 28, 1945; 11:34 a. m.]

PART 1400—TEXTILE FABRICS COTTON, WOOL, SILK AND SYNTHETIC MIXTURES

[MPR 118,[1] Amdt. 37]

COTTON PRODUCTS

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 118 is amended in the following respect:

Section 1400.118 (d) (14) (ii) (c) is amended by deleting that part of the table relating to standard gauze diapers, which follows the first undesignated paragraph.

This amendment shall become effective January 15, 1946.

Issued this 28th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-23035; Filed, Dec. 28, 1945; 11:32 a. m.]

[1] 8 F.R. 1286, 12934, 9 F.R. 401, 10088, 10928, 14211, 14383, 14676, 10 F.R. 705, 855, 1492, 2025, 3875, 8134, 8979, 10310, 14063.

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## Chapter XIII—Petroleum Administration for War

[Recommendation 42, Revocation]

PART 1504—PROCESSING AND REFINING

Sections 1504.56 and 1504.57 (Recommendation No. 42 of the Office of Petroleum Coordinator for National Defense) are hereby revoked, effective December 31, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: December 28, 1945.

RALPH K. DAVIES,
*Deputy Petroleum Administrator.*

[F. R. Doc. 45-23003; Filed, Dec. 28, 1945; 10:45 a. m.]

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# TITLE 46—SHIPPING

## Chapter III—War Shipping Administration

[G. O. 11, Supp. 12]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

§ 302.58 *Amended time charter disputes addendum.* Whenever appropriate and upon approval of the parties, there shall be executed and made a part of the amended time charters entered into by the War Shipping Administration on the forms of charter prescribed in the War Shipping Administration regulations hereinafter set forth in paragraph (a) below, the addendum set forth in paragraph (b) to be known as the Amended Time Charter Disputes Addendum to cover adjustments of certain disputed questions.

(a) *Forms of time charter to which amended time charter disputes addendum is applicable.*

§ 302.50 *Amended time charter for dry cargo vessels "Warshiptime (Rev.)"* (Form No. 101 (Rev.)) 9 F.R. 3773, 4987, 6114, 10 F.R. 2446 (General Order 11, Supp. 3).

§ 302.55 *Amended time charter for tank vessels "Warshipoiltime (Rev.)"* (Form No. 102 (Rev.)) 9 F.R. 3787, 4987, 6114, 10880, 10 F.R. 2446 (General Order 11, Supp. 4).

§ 302.48 *Amended time charter for foreign flag dry cargo vessels "Warshiptime (Rev.) forflag"* (Form No. 101 (Rev.) Forflag) 9 F.R. 11181, 11577, 10 F.R. 2447 (General Order 11, Supp. 7 Revised).

§ 302.53 *Amended time charter for foreign flag tank vessels "Warshipoiltime (Rev.) Forflag"* (Form No. 102 (Rev.) Forflag) 9 F.R. 11194, 11577, 10 F.R. 2447 (General Order 11, Supp. 8 Revised).

§ 302.51 *Uniform time charter for American flag dry cargo vessels not heretofore under time charter "Warshiptime (Rev.) New Vessels"* (Form No. 101 (Rev.) New Vessels) 10 F.R. 9120 (General Order 11, Supp. 10).

§ 302.52 *Uniform time charter for American-flag tank vessels not heretofore under time charter "Warshipoiltime (Rev.) New Vessels"* (Form No. 102 (Rev.) New Vessels) 10 F.R. 9122 (General Order 11, Supp. 11)

and such other time charters as the Administrator may determine.

(b) *Amended time charter disputes addendum.*

AMENDED TIME CHARTER DISPUTES ADDENDUM

PART I

Addendum dated _____ day of _____, 194__, (hereinafter referred to as the "Amended Time Charter Disputes Addendum") to each of the amended time charters set forth in Schedule A annexed (each of which is hereinafter sometimes called the Charter) between _____ Owner and the United States of America, acting by and through the Administrator, War Shipping Administration, Charterer.

Whereas, various disputes have arisen between the Owner and the Charterer with respect to the rights, duties and obligations of the parties under the Charters listed in Schedule A, and

Whereas, the parties desire, pursuant to the statutes and laws of the United States, to compromise and adjust certain disputes to the extent set forth in this Part I, and Part II hereof, and

Whereas, the Administrator, War Shipping Administration, on behalf of the United States has found that such compromise and adjustment will be beneficial to the interest of the United States.

Now, therefore, the Owner and the Charterer agree as follows:

*First:* That each of the Amended Time Charters listed in Schedule A is amended to the extent and in the manner set forth in Parts I and II hereof, effective as of the date of each such Amended Time Charter to the time of termination thereof, except where otherwise expressly stated in Part II. Nothing contained in this Amended Time Charter Disputes Addendum shall amend or affect the provisions of the requisition time charter prescribed in General Order 11 and Supp. 1 thereto, or of the amendments thereto prescribed in General Order 11, Supps. 2 and 9 (First and Second Disputes Addenda respectively).

*Second:* This Addendum consists of this Part I and Part II conforming to the Amended Time Charter Disputes Addendum, published in the FEDERAL REGISTER of December 29, 1945. The provisions of Part II shall be incorporated by reference in and need not be attached to Part I of this Addendum, and all of the provisions of Part II shall be part of this Addendum as though fully set forth in this Part I. In the event of conflict between the provisions of this Part I and Part II, the provisions of this Part I shall govern to the extent of such conflict. All of the provisions of Part II apply to both the dry cargo and the tanker forms of charter.

*Third:* Any other provisions of the Amended Time Charter or any amendment thereto to the contrary notwithstanding, no hire or other moneys which the Charterer or the Owner is obliged to pay to the other under this Amended Time Charter Disputes Addendum shall become due and payable before the date of this Addendum.

Special Provisions:

In witness whereof, the Owner has executed this Amended Time Charter Disputes Addendum in quadruplicate on the ____ day of _____, 194__, and the Charterer has executed this Amended Time Charter Disputes Addendum in quadruplicate on the ____ day of _____, 194__.

_____

Attest: By _____

UNITED STATES OF AMERICA,
By E. S. LAND,
*Administrator,*
*War Shipping Administration.*

By _____
For the Administrator

_____
or if not incorporated
In the presence of:

_____
Witness

and

_____
Witness

Approved as to form:

_____
Assistant General Counsel

I, _____, certify that I am the duly chosen, qualified, and acting Secretary of _____ a party to this Amended Time Charter, and, as such, I am the custodian of its official records and the minute books of its governing body; that _____ who signed this Addendum on behalf of said corporation was then the duly qualified _____ of said corporation, that said officer affixed his manual signature to said Addendum in his official capacity as said officer for and on behalf of said corporation by authority and direction of its governing body duly made and taken; that said Addendum is within the scope of the corporate and lawful powers of this corporation.

_____
Secretary

[CORPORATE SEAL]

SCHEDULE A

Name and address of owner _____

| Names of vessels under charter | WSA Contract No. |
|---|---|
| Dry cargo vessels | |
| | |
| | |
| | |
| | |
| Tank vessels | |
| | |
| | |
| | |
| | |

PART II

ARTICLE FIRST: Subdivision (2) of Clause 7 A of Part II of the charter is amended by striking out the first sentence and inserting the following in lieu thereof:

The Charterer shall reimburse the owner for 50% of all overtime for whatever reason paid during the entire period of the Charter by the Owner to the crew of the Vessel: *Provided, however,* That the Charterer shall reimburse the Owner in full for all overtime paid to any extra complement as provided for in subdivision (3) hereof and for all overtime paid to the Vessel's personnel for cargo stevedoring services performed by

them, which services are ordinarily performed by contract stevedores: *Provided further, however,* That in any case where the overtime accounts submitted to the Charterer indicate that more than 55% of the overtime on a fleet basis (excluding overtime paid to any extra complement and to personnel for cargo stevedoring services referred to herein) is properly chargeable to the Charterer or Owner or where the Charterer otherwise finds that the foregoing adjustment of overtime would result in substantial inequity to the Charterer or Owner on a fleet basis, the Charterer and the Owner shall make a special mutual determination as to the proper division of overtime for their respective accounts, and if the Charterer and the Owner are unable to reach a mutual determination within 90 days from the date of this Addendum, overtime shall be determined in accordance with the Charter without regard to this Article First which shall have no application. In making such mutual determination consideration shall be given to owner's practices for minimizing overtime by use of relief crews and other devices.

ARTICLE SECOND: Paragraph C of Clause 8 of the Charter is hereby deleted and the following paragraph C shall be inserted in lieu thereof.

8C. In the event the vessel is physically incapable of working for a period in excess of 20 days while in a continental United States port (excluding Alaska) or for a period of 30 days while in Alaska or outside the continental United States, the charter hire otherwise payable shall be reduced for the excess period by an amount equal to 20% of the service rate. The Owner shall also credit to the Charterer 100% of the actual crew wage savings during such 20 or 30 day period, as the case may be, for which there is no reduction in hire, and 80% of the actual savings in crew wages for the remainder of the layup period. The Owner and the Charterer agree that Operations Regulation No. 118 attached as Exhibit A as heretofore issued by the War Shipping Administration shall govern in the interpretation of the foregoing.

ARTICLE THIRD: Clause 1B (e) of Schedule A is hereby amended by adding thereto the following paragraphs:

The Owner shall pay, or credit to the Charterer the full amount (or 80% during any period of time when the service rate is reduced by 20%) of any recovery, including any interest and disbursing commission incidental thereto, made by the Owner in general average or from underwriters (or in the case of self-insurers a comparable amount) allocable to: (a) any loss, cost, expense, disbursement or charge claimed in such general average or from underwriters and sustained or paid at any time by the Charterer or charged against it by the Owner; (b) the value of any bunkers; and (c) wages or bonuses of Master, officers or crew incurred, or stores and provisions consumed (excluding any stores or provisions jettisoned or otherwise lost) during any period for which full hire (or full hire less 20% of the service rate) is payable to the Owner under this Charter. For the purposes of the preceding sentence an Owner shall be considered a "self-insurer" to the extent that the marine hull policy or policies on the Vessel is or are in a total amount less than the value which would be applicable to the Vessel under Charterer's General Order 37, or if wholly uninsured to the extent of such value. If the Vessel shall return or put into port in order to land an injured or sick seaman, the Owner shall pay or credit to the Charterer any sums recovered from the Owner's P. & I. underwriters (or in the case of self-insurers, a comparable amount) in respect of port charges and bunkers paid for by the Charterer and, if the Owner shall have received full hire during the period of the deviation for such purpose, the Owner shall also pay or credit to the Charterer any recovery from P. & I. underwriters (or in the case of self-insurers a comparable amount) for the Owner's net loss in respect of insurance, stores and provisions as a result of the deviation.

Nothing in the preceding paragraph shall require the Owner to pay or credit to the Charterer any sum or amount which is required by Article Second of this Addendum to be credited to the Charterer as savings.

WAR SHIPPING ADMINISTRATION

WASHINGTON

[Operations Regulation No. 118]

December 26, 1945.

PERTAINING TO ALL VESSELS COVERED BY THE AMENDED TIME CHARTER DISPUTES ADDENDUM (GENERAL ORDER 11—SUPPLEMENT 12)

Subject: *Service rate reduction and wage savings under Article Second (Clause 8C)*

I. *Vessels to which this regulation is applicable.* This regulation has application to all vessels under time charter to the War Shipping Administration under the Warshiptime 101 (Rev.) and Warshipoiltime 102 (Rev.) forms of charter, including Forflag variations, as amended by the Amended Time Charter Disputes Addendum. These charters contain the following clause:

"CLAUSE 8C. In the event the Vessel is physically incapable of working for a period in excess of 20 days while in a continental United States port (excluding Alaska) or for a period of 30 days while in Alaska or outside the continental United States, the charter hire otherwise payable shall be reduced for the excess period by an amount equal to 20% of the service rate. The Owner shall also credit to the Charterer 100% of the actual crew wage savings during such 20 or 30 day period, as the case may be, for which there is no reduction in hire and 80% of the actual savings in crew wages for the remainder of the layup period. The Owner and the Charterer agree that Operations Regulation No. 118 attached as Exhibit A as heretofore issued by the War Shipping Administration shall govern in the interpretation of the foregoing."

II. *Service rate reduction*—(A) *Vessels incapacitated in port.* The twenty (20) percent reduction in the service rate applies and commences twenty (20) days after the date the incapacity arises where such incapacity occurs in a continental United States port. Where such incapacity occurs in a foreign port (including any Alaskan port) the twenty (20) percent reduction in the service rate applies and commences thirty (30) days after such incapacity.

(B) *Vessels incapacitated at sea (not in port).* Where vessel's incapacity arises at sea, the reduction in the service rate applies and commences twenty (20) or thirty (30) days after she reaches port. The twenty (20) day period applies if the port reached is a continental United States port, otherwise the thirty (30) day period applies.

(C) *Rules for counting twenty (20) and thirty (30) day periods*—1. *Steaming or towing time.* The time consumed while vessel is aground, or in steaming or being towed from the point of incapacity to a port, or from one port to another, is not to be counted.

2. *Commencement of time in port.* The time in port starts when the vessel receives free pratique on arrival if without cargo and at a port where free pratique is given; or on completion of discharge of cargo if she arrives loaded and promptly discharges her cargo. If the port is not one at which pratique is given, the time starts when the vessel arrives in port and drops anchor. If the vessel is in port at the time of the incapacity, time starts when the incapacity occurs.

3. *Duration of time in port.* All time in port, of whatsoever nature, is to be counted, except that time normally consumed in loading or discharging is not to be counted.

4. *Termination of time in port.* The time the vessel finished repairs and is ready for service, plus one hour, is the time when the reduction in the service rate terminates.

5. *Time in port not to be cumulative.* Where the vessel is shifted from a port to one or more other ports, the time in each port is to be considered as a separate event for the purpose of determining whether the reduction in the service rate applies.

(D) *Definitions.* For the purpose of Section II of this Operations Regulation, the terms listed hereunder are defined as follows:

1. *Port.* A water area with or without harbors where vessels generally load or discharge cargo or passengers.

2. *Foreign port.* Any port, as defined in (1) above, in Alaska or outside the Continental United States.

3. *Incapacity.* Physical incapability of working.

4. *Layup Period*—(a) *For service rate reduction purposes.* A layup period for the purpose of the Service Rate Reduction is the period from the commencement of the time in port to the termination of the time in port as calculated in accordance with rules 2 to 5 inclusive of (C) above.

(b) *For wage saving purposes.* As defined in III below.

III. *Wage savings.* One hundred (100) percent of the actual crew savings for wages (if any) is to be credited to WSA for that portion of the layup period during which there is no reduction of the service rate and eighty (80) percent of all such crew wage savings shall be credited to WSA for that portion of the layup period during which there is a reduction in the service rate. For the purposes of this Section III the layup period shall be deemed to commence with the time of the incapacity, whether in port or at sea, and shall be deemed to end at the time the vessel finished her repairs, plus one hour. All time lost, including time aground, steaming or while being towed, shall be included.

IV. *Due diligence to prevent loss of time.* Without limitation of the due dispatch obligations under Clause 14 of the charter the owner agrees that it will exercise due diligence to prevent loss of time to the vessel during the entire period under charter, the continuation of full hire for the 20 or 30 days of incapacity to the contrary notwithstanding.

V. *Incapacity and wage saving certificate.* The attached certificate, which may hereafter be referred to for convenience as the "Clause 8C Certificate" is to be filed by all owners in quintuplicate within a reasonable time (but not later than one month) after the vessel finishes repairs. In any case where it appears probable that the layup period will exceed sixty (60) days, the owner should also submit regular reports of wage savings covering each month of such layup.

G. H. HEILBOLD,
*Assistant Deputy Administrator for Ship Operations.*

WAR SHIPPING ADMINISTRATION

CLAUSE 8C CERTIFICATE—AMENDED TIME CHARTER

No. _____

War Shipping Administration
Charters and Agreements Section
Operating Contracts Division
Washington 25, D. C.

This is to advice that to the best of our knowledge and belief we hereby certify that the following events took place with respect to the S/S _____ WSA Voy. No. _____ under Time Charter to the United States of America, acting by and through the Administrator, War Shipping Administration (Contract #_____)

(2) The number of days and hours for which the service rate should be reduced as a result of the above event is _____ days,

------ hours (major fractions of an hour shall count as a full hour, and minor fractions of an hour shall be deducted, to bring the total to even hours).

(3) Calculation of reduction in service rate: Monthly service rate $------:

| | *30-day month* | *31-day month* |
|---|---|---|
| Daily service rate | ------ | ------ |
| 20% of daily service rate | ------ | ------ |

Number of days and hours for which reduction effective:

Number of days and hours (30-day month) @ $------ per day ----------.

Number of days and hours (31-day month) @ $------ per day ----------.

Total reduction: $----------.

(4) Wage savings (to be listed in attached schedule): $----------.

(5) Total of (a) service rate reduction, and (b) savings to be deducted by WSA: $----------.

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Owners

UNITED STATES OF AMERICA,
*War Shipping Administration.*

Dated at ----------

Please note directions on other side.

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(Charterer's Agents)

*To be filed in quintuplicate*

For Owners' convenience these brief rules may be used as a guide. For full details see Operations Regulation No. 118.

(The numbers refer to the numbers on the reverse side.)

(1) State the place and exact time and describe the event covered by the certificate. The data submitted should be in detailed form. The time the incapacity occurs, the time of arrival at a port, any shifts between ports, and the time of termination of the event should be shown with particularity and supported by log extracts or other pertinent material.

(2) Major fractions of an hour shall count as a full hour, and minor fractions of an hour shall be deducted to bring the total to even hours. A half hour shall not be considered a major fraction of an hour.

(3) and (4) The wage savings statement should be on a separate schedule attached to the certificate, and should show in a detailed form the wage savings for each member of the crew as to which savings were effected. The period covered may be larger than the period for which the service rate reduction is effective since it covers the entire period of incapacity and includes steaming or towing time, time incapacitated at sea, etc. For more complete details reference is had to Operations Regulation No. 118.

(E.O. 9054, 3 CFR Cum. Supp.)

E. S. LAND,
*Administrator.*

DECEMBER 26, 1945

[F. R. Doc. 45-22992; Filed, Dec. 27, 1945; 12:49 p. m.]

## *Notices*

### DEPARTMENT OF COMMERCE.

Office of International Trade Operations.

[Case No. 28]

PACIFIC EXPORTERS

ORDER FOR THE DENIAL OF LICENSING PRIVILEGES

In the matter of Edwin Wangenheim doing business as Pacific Exporters, 5548 Bradna Drive, Los Angeles, California. Case No. 28.

Pursuant to Part 807 of the regulations adopted under section 6 of the act of July 2, 1940, as amended, the Chief of the Domestic Compliance Section of the Operations Division, Requirements and Supply Branch, Foreign Economic Administration, by registered letter dated April 30, 1945, charged Edwin Wangenheim, doing business as Pacific Exporters, with having violated the provisions of section 6 of the act of July 2, 1940 (54 Stat. 714) as amended, and the regulations promulgated thereunder.

The charging letter alleged violations of the regulations in two respects as follows:

First, that on or about May 19, 1944, Mary G. Hutchinson, a Customs Broker, on behalf of the respondent, filed with the Foreign Economic Administration an application for a license to export 5,000,000 board feet of reclaimed lumber to La Madrid Brothers, Tijuana, Mexico; that, based on the representations therein contained, the Foreign Economic Administration, on June 8, 1944, validated said application and issued to said applicant License No. 17-0847022 for the export of used or reclaimed lumber only; that, on or about September 20, 1944, at the request of the respondent, the Foreign Economic Administration amended License No. 17-0847022 by changing the consignee to La Industrial del Pacifico, S. de R. L., 875 C. Avenue, Tijuana, Mexico; that, between June 8, 1944, and December 27, 1944, the respondent executed and filed with the United States Collector of Customs at San Ysidro, California, shippers' export declarations covering shipments of lumber described as "used or reclaimed" and represented that the merchandise described thereon were shipments under export License No. 17-0847022; that the shipments consisted, to a large extent, of new lumber and not of used or reclaimed lumber; that, by such exportations, respondent violated § 801.2 of the regulations of the Foreign Economic Administration in that such new lumber could not be exported under said regulations without an individual license authorizing export thereof and that respondent also violated § 801.7 of the regulations in clearing shipments of new lumber through the Bureau of Customs by falsely representing that the exportation was authorized under License No. 17-0847022 and was "used or reclaimed lumber".

Second, that, on or about September 18, 1944, the respondent filed with the Foreign Economic Administration an application to export 5,000 reclaimed windows, sash and casements to La Industrial del Pacifico S. de R. L.; that, based on the representations contained therein, the Foreign Economic Administration on October 12, 1944, validated said application and issued to said applicant License No. 1183028; that, on or about February 21, 1945, the respondent executed and filed with the United States Collector of Customs two shippers' export declarations covering shipments described as reclaimed windows, sash and casements and reclaimed doors which represented that the merchandise described thereon were shipments under export License No. 1183028; that the shipments consisted of new material and not reclaimed material and such exportations were in violation of § 801.2 of the regulations of the Foreign Economic Administration in that such new windows, sash and casements and doors could not be exported under said regulations without an individual license authorizing export thereof and that respondent also violated § 801.7 of said regulations in attempting to clear such shipments through the Bureau of Customs by falsely representing that the exportation was authorized under License No. 1183028 and that the material consisted of reclaimed material.

The matter came on for oral hearing on August 13, 1945, before Allen Robinson, Compliance Commissioner for the Administration. The respondent appeared by Don Lake, Esq., his attorney, but filed no written answer to the charges. He admitted the filing for and issuance of the licenses, the use of the export declarations and the description therein of the lumber as used or reclaimed, admitted the exportation of new lumber and the use of the above mentioned license numbers but contended that he had available other licenses under which such new lumber could have been shipped.

The Commissioner received the evidence presented and, after due consideration of the record, on the 16th day of November 1945, filed his findings of fact and recommendations in the matter. The Commissioner found that the allegations of the second charge were not proven, but, on the first charge, found that respondent had exported new lumber without benefit of license from the Foreign Economic Administration and had violated §§ 801.2 and 801.7 of the regulations for the control of exports and recommended that an order be issued denying the respondent the privilege to obtain or use export licenses for a period of six months from October 1, 1945.

By Executive Order 9630 the Export Control functions of the Foreign Economic Administration were transferred to the Department of Commerce. The administration of this statute is now under the jurisdiction of the Office of International Trade Operations, Department of Commerce.

Before taking up the First Charge, I will discuss the Second Charge, namely that the respondent exported or attempted to export windows, sash, casements and doors which consisted of new material whereas License No. 1183028 under which the exportation was sought to be made authorized only the exportation of reclaimed windows, sash, casements and doors. The Commissioner found that this charge was not established by the evidence and that the attempted exportation did not violate § 801.7 of the Regulations. I disagree with the Commissioner not only as to the facts but as to his conclusion as to the applicability of the regulations, but, under the regulations, I am bound by such findings and accordingly dismiss the second charge.

On the First Charge the Compliance Commissioner found as facts that, from early September to early November, 1944, the respondent exported or caused to be exported approximately 450,529 board

feet of new Douglas fir, hemlock, and spruce lumber of which 132,850 board feet were exported to Francisco Espana, Espana Brothers, or the Mexican Irrigation Company of Mexicali, Mexico; not less than 138,998 board feet were exported to La Industrial del Pacifico S. de R. L. of Tijuana, Mexico; and 25,320 board feet were exported to Tijuana without license from the Foreign Economic Administration authorizing such exportations and that, in exporting 297,168 board feet of this new lumber, the respondent violated §§ 801.2 and 801.7 of the regulations for the control of export issued under the authority of section 6 of the act of July 2, 1940 (54 Stat. 714) as amended.

The record supports these findings and I concur therein. It was admitted by the respondent that, upon application by it, License No. 17-0847022 was granted to it for the exportation of used or reclaimed lumber to La Madrid Brothers of Tijuana, Mexico, which consignee was later changed to La Industrial del Pacifico S. de R. L. of Tijuana. It was admitted that new lumber was exported and that the export declaration issued to the Collector of Customs represented that this new lumber was being exported under export License No. 17-0847022. Copies of invoices submitted by the Government in support of its charge against the respondent show that this new lumber was purchased by respondent and shipped to Calexico and San Ysidro, California. They bear thereon the export License No. 17-0847022 which license number called for the export of used or reclaimed lumber.

It thus clearly appears from the record as well as by the admission of respondent that new lumber was exported despite the fact that the license under which it was shipped authorized only the exportation of used or reclaimed lumber. Thus a clear violation of the export regulations is conclusively shown.

The respondent sought to excuse the violation by stating that the wrong license number was placed on the export declarations by the customs broker. With this excuse I am not in sympathy. The broker was acting in behalf of the respondent. He was in frequent communication with her. The erroneous license number was used not once but repeatedly. He is bound by her acts. The respondent, while admitting the violation, attempted to minimize it by showing that, during a part of the period when the violations occurred, he, or his customs broker, had three other licenses authorizing the exportation to Mexico of new lumber and claiming that he could have shipped new lumber under those licenses. Even if this were true and other licenses were available for shipment of the same commodities to the same consignees for the same end uses the regulations would still have been violated although the penalty therefor would have been less severe. However, the facts do not substantiate this attempted condonation for substantial shipments were made on two of these licenses which left the amount available for shipment on those licenses far less than the amount of new lumber shipped. The other license was not issued until long after shipments of new lumber had been made. Furthermore, the consignees in the other licenses were different from the consignees named in the licenses cited in the charging letter and the end-uses, which are an important factor in the granting or refusal of a license, also differed from the end uses in the other licenses.

A violation of the act of July 2, 1940 has been proven. This act serves an important purpose in our economy. Licenses to export such commodities as lumber are not issued until serious consideration has been given to the need for the lumber in this country and the need for and use to which it will be put in the foreign country. Respondent has violated the privileges extended to him and has caused the exportation without permission of a much needed commodity. The excuse offered for the violation is utterly insufficient.

*Now, therefore, it is determined and ordered,* That Edwin Wangenheim, doing business as Pacific Exporters, or individually or as agent for any other person, firm or corporation with which he is now connected or associated or may be connected or associated at any time prior to April 1, 1946, and any person, association or organization acting for his account or on his behalf be and each of them is hereby denied the privilege of obtaining individual or any other type of export license and is denied the use of any general or other type of export license authorizing any exportation whatsoever from the United States until and including March 31, 1946, and that all presently outstanding export licenses, if any, issued to the said Edwin Wangenheim, doing business as Pacific Exporters, or to the said Edwin Wangenheim, individually or as agent for any other firm, person, or corporation be and the same are hereby revoked.

(Sec. 6, 54 Stat. 714; Pub. Law 74, 77th Cong.; Pub. Law 638, 77th Cong.; Pub. Law 397, 78th Cong.; Pub. Law 99, 79th Cong.; E.O. 8900, 6 F.R. 4795; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; E.O. 9630, 10 F.R. 12245; Order No. 390, 10 F.R. 13130)

Dated: December 21, 1945.

JOHN C. BORTON,
*Deputy Director,*
*Requirements and Supply Branch.*

[F. R. Doc. 45-23002; Filed, Dec. 28, 1945; 9:49 a. m.]

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## CIVIL AERONAUTICS BOARD.

[Docket No. 674]

PAGE AIRWAYS, INC., ET AL.

NOTICE OF HEARING

In the matter of the application of Page Airways, Inc., et al. for certificates and amendments of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, and for approval under section 408 of the said act.

Notice is hereby given that the above-entitled matter is assigned to be heard January 28, 1946, at 10 a. m. (eastern standard time), in the Assembly Room, 2d floor of the Chamber of Commerce and Board of Trade Building, 1129 Walnut Street, Philadelphia, Pa., before Examiner Charles J. Frederick.

Dated at Washington, D. C., December 21, 1945.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMES,
*Secretary.*

[F. R. Doc. 45-23006; Filed, Dec. 28, 1945; 10:59 a. m.]

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## CIVILIAN PRODUCTION ADMINISTRATION.

[C-422]

BOYD-WELSH, INC.

CONSENT ORDER

Boyd-Welsh, Inc., is a corporation with its principal place of business at 4407 Cook Avenue, St. Louis, Missouri. It is engaged in the manufacture of women's and growing girls' shoes. It is charged by the Civilian Production Administration with manufacturing, in the period from March 1, 1944, to August 31, 1944, 554 pairs of shoes in excess of quota in its $10.10 to $11.10 price range; 8,246 pairs in excess of quota in its $8.30 to $9.10 price range; and 354 pairs in excess of quota in its $4.51 to $4.85 price range, and in the period from September 1, 1944, through February 28, 1945, 577 pairs in excess of quota in its $10.10 to $11.10 price range; 556 pairs in excess of quota in its $9.15 to $10.05 price range; and 13,871 pairs in excess of quota in its $8.30 to $9.10 price range. Boyd-Welsh, Inc., admits the violations as charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Boyd-Welsh, Inc., the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commission, *It is hereby ordered,* That:

(a) In each of the three production periods, commencing January 1, 1946, May 1, 1946, and September 1, 1946, the quotas of Boyd-Welsh, Inc., its successors or assigns, for the manufacture of women's and growing girls' shoes shall be less than the quotas the company would otherwise have for such production periods under the provisions of Civilian Production Administration Conservation Order M-217, as follows: 16 pairs in the $11.15 to $12.25 price range; 10 pairs in the $10.10 to $11.10 price range; 377 pairs in the $9.15 to $10.05 price range; 487 pairs in the $8.30 to $9.10 price range; 6,445 pairs in the $7.50 to $8.25 price range; 230 pairs in the $7.00 to $7.45 price range; and 926 pairs in the $6.35 to $6.95 price range.

(b) Nothing contained in this order shall be deemed to relieve Boyd-Welsh, Inc., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 27th day of December 1945.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
*Recording Secretary.*

[F. R. Doc. 45-22393; Filed, Dec. 27, 1945; 4:43 p. m.]

[Certificate 151]

USE OF U. S. TANKERS BY WAR EMERGENCY TANKERS, INC.

POSTPONEMENT OF EFFECTIVE DATE OF WITHDRAWAL

The ATTORNEY GENERAL.

On October 7, 1943 Certificate No. 151 was issued by the Chairman of the War Production Board pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357). This certificate and finding were issued as the result of a recommendation of the Administrator of the War Shipping Administration whereby tankers owned by the United States would be operated for the account of the United States by War Emergency Tankers, Inc., a corporation organized at the request of the Administrator by The Texas Company, Standard Oil Company of New Jersey, Socony Vacuum Oil Company, Sun Oil Company, Atlantic Refining Company, Sinclair Refining Company, Pan American Petroleum & Transport Company, and Tide Water Associated Oil Company, such proposal including an agreement between the United States, acting by and through the Administrator of the War Shipping Administration and War Emergency Tankers, Inc., covering the conduct of the business of tankers by the corporation as a General Agent for the United States, and further agreements between War Emergency Tankers, Inc., and its stockholders covering the operation of the vessels by the stockholders as Principal Sub-Agents.

On June 22, 1944 Amendment 1 to Certificate No. 151 was issued. On October 23, 1945 the Chairman of the War Production Board, by letter to you, withdrew Certificate No. 151 and the amendment thereto, the withdrawal to become and be effective December 31, 1945.

I submit herewith a request dated December 6, 1945 from the Administrator of the War Shipping Administration that the revocation of Certificate No. 151 be amended so as to become effective June 30, 1946 instead of December 31, 1945.

Pursuant to the authority in section 12 of Public Law No. 603, 77th Congress (56 Stat. 357) conferred upon the Chairman of the War Production Board and transferred to me by Executive Order 9638, I hereby amend the withdrawal dated October 23, 1945 by making the effective date of the withdrawal June 30, 1946, instead of December 31, 1945.

Dated: December 18, 1945.

J. D. SMALL,
*Administrator.*

[F. R. Doc. 45-23028; Filed, Dec. 28, 1945; 11:29 a. m.]

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[Certificate 197]

JOINT ACTION IN FORMATION AND ACTIVITIES OF NORTHWEST LOG CHECKING BUREAU, INC.

POSTPONEMENT OF EFFECTIVE DATE OF WITHDRAWAL

The ATTORNEY GENERAL.

On February 28, 1944, Certificate No. 197 was issued by the Chairman of the War Production Board pursuant to Section 12 of Public Law No. 603, 77th Congress (56 Stat. 357). This certificate and finding were issued as a result of a recommendation of the Administrator of the Office of Price Administration for a program for joint action by log scalers and log scaling bureaus, and members and directors in the Pacific Northwest Territory in the formation and activities of the Northwest Log Checking Bureau, Inc., directed to the obtaining of uniform application of the grading and scaling rules perscribed in revised Maximum Price Regulation 161. On October 23, 1945, the Chairman of the War Production Board, by letter to you, withdrew Certificate No. 197, the withdrawal to become and be effective December 31, 1945.

I submit herewith a request dated December 10, 1945, from the Administrator of the Office of Price Administration, recommending the extension of Certificate No. 197 beyond December 31, 1945.

Pursuant to the authority in section 12 of Public Law No. 603, 77th Congress (56 Stat. 357) conferred upon the Chairman of the War Production Board and transferred to me by Executive Order 9638, I hereby amend the withdrawal dated October 23, 1945, of the said certificate by making the effective date of the withdrawal June 30, 1946, instead of December 31, 1945.

Dated: December 18, 1945.

J. D. SMALL,
*Administrator.*

[F. R. Doc. 45-23029; Filed, Dec. 28, 1945; 11:30 a. m.]

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## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 7064]

FREEPORT BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Vincent S. Barker and Gladys J. Barker, a partnership d/b as Freeport Broadcasting Company, Freeport, Ill., for construction permit, Docket No. 7064; File No. B4-P-3904.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of December 1945;

The Commission having under consideration the above application of Vincent S. Barker and Gladys J. Barker, a partnership, d/b as Freeport Broadcasting Company, for a permit to construct a new standard broadcast station at Freeport, Illinois:

*It is ordered,* That the said application be designated for hearing in a consolidated proceeding with the application of Kenneth G. Zweifel, Freeport, Illinois (File No. B4-P-4172), upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and of the members thereof, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations to be served.

4. To determine whether the operation of the proposed station would cause objectionable interference with any existing or proposed broadcast service, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

6. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

7. To determine upon a comparative basis which, if either, of the applications in this consolidated proceeding, should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 45-23071; Filed, Dec. 28, 1945; 11:51 a. m.]

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[Docket No. 7063]

KENNETH G. ZWEIFEL

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Kenneth G. Zweifel, Freeport, Ill., for construction permit; Docket No. 7063; File No. B4-P-4172.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of December 1945;

The Commission having under consideration the above application of Kenneth G. Zweifel, for a permit to construct a new standard broadcast station at Freeport, Illinois;

*It is ordered,* That the said application be designated for hearing in a consolidated proceeding with the application of Vincent S. Barker and Gladys J. Barker, a partnership, d/b as Freeport Broadcasting Company, Freeport, Illinois (File No. B4-P-3904), upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing or proposed broadcast service, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

6. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

7. To determine upon a comparative basis which, if either, of the applications in this consolidated proceeding, should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-23072; Filed, Dec. 28, 1945; 11:51 a. m.]

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[Docket No. 6696]

CITY OF SEBRING, FLA.

NOTICE OF HEARING

In re application of City of Sebring, Florida (New), date filed March 6, 1944, for construction permit; class of service, broadcast; class of station, broadcast; location, Sebring, Florida; operating assignment specified: frequency, 1430 kc; power, 1 kw; hours of operation, unlimited time; File No. B3-P-3583.

You are hereby notified that the Commission has re-examined the application in the above entitled case and has designated the matter for hearing in consolidation with the applications of Thomaston Broadcasting Company (File No. B3-P-3829, Docket No. 6818), J. W. Woodruff, J. W. Woodruff, Jr., and E. B. Cartledge, Jr. d/b as Columbus Broadcasting Company (WRBL) (File No. B3-P-3986, Docket No. 6819), Muscogee Broadcasting Company, a partnership composed of F. R. Pidcock, Sr., R. C. Dunlap, Jr., F. R. Pidcock, Jr., Beecher Hayford and James M. Wilder (File No. B3-P-4082, Docket No. 6820), Chattahoochee Broadcasting Company (File No. B3-P-4149, Docket No. 6821), Palm Beach Broadcasting Corporation (WWPG) (File No. B3-P-3968, Docket No. 6822), A. Frank Katzentine (File No. B3-P-3674, Docket No. 6705) on the following amended issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the extent and character of other broadcast services available to those areas and populations.

3. To determine the type of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast station, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

6. To determine the availability of a local channel assignment which would permit the rendition of broadcast service to the City of Sebring and contiguous areas.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: City of Sebring, Florida, % Mr. Edward Hasti, City Clerk & Treasurer, City Hall, Sebring, Florida.

Dated at Washington, D. C., December 13, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-23073; Filed, Dec. 23, 1945; 11:51 a. m.]

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[Docket No. 6705]

A. FRANK KATZENTINE

NOTICE OF HEARING

In re application of A. Frank Katzentine (New), date filed, August 7, 1944, for construction permit; class of service, broadcast; class of station, broadcast; location, Orlando, Florida; operating assignment specified: frequency, 1420 kc; power, 5 kw; hours of operation, unlimited time; File No. B3-P-3674.

You are hereby notified that the Commission has re-examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of Thomaston Broadcasting Company (File No. B3-P-3829, Docket No. 6818), J. W. Woodruff, J. W. Woodruff, Jr., and E. B. Cartledge, Jr. d/b as Columbus Broadcasting Company (WRBL) (File No. B3-P-3986, Docket No. 6819), Muscogee Broadcasting Company, a partnership composed of F. R. Pidcock, Sr., R. C. Dunlap, Jr., F. R. Pidcock, Jr., Beecher Hayford and James M. Wilder (File No. B3-P-4082, Docket No. 6820), Chattahoochee Broadcasting Company (File No. B3-P-4149; Docket No. 6821), Palm Beach Broadcasting Corporation (WWPG) (File No. B3-P-3968, Docket No. 6822), City of Sebring, Florida (File No. B3-P-3583, Docket No. 6696) on the following amended issues:

1. To determine the legal, financial, technical and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the extent and character of other broadcast services available to those areas and populations.

3. To determine the type of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine who will be responsible for the management, supervision, and operation of the proposed station during the period of applicant's service in the United States Army, and the qualifications of such person or persons.

5. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast services to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to

intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: A. Frank Katzentine, 1759 North Bay Road, Miami Beach, Florida.

Dated at Washington, D. C., December 13, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-23074; Filed, Dec. 28, 1945; 11:51 a. m.]

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[Docket No. 6818]

THOMASTON BROADCASTING CO.

NOTICE OF HEARING

In re application of Thomaston Broadcasting Company (new), dated filed, December 20, 1944, for construction permit; class of service, broadcast; class of station, broadcast; location, Thomaston, Georgia; operating assignment specified: frequency, 1420 kc; power, 250 w; hours of operation, unlimited time; file No. B3-P-3829.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of J. W. Woodruff, J. W. Woodruff, Jr., and E. B. Cartledge, Jr., d/b as Columbus Broadcasting Company (WRBL) (File No. B3-P-3986, Docket No. 6819), Muscogee Broadcasting Company, a partnership composed of F. R. Pidcock, Sr., R. C. Dunlap, Jr., F. R. Pidcock, Jr., Beecher Hayford and James M. Wilder (File No. B3-P-4082, Docket No. 6820), Chattahoochee Broadcasting Company (File No. B1-P-4149, Docket No. 6821), Palm Beach Broadcasting Corporation (WWPG) (File No. B3-P-3968, Docket No. 6822), A. Frank Katzentine (File No. B3-P-3674, Docket No. 6705), City of Sebring, Florida (File No. B3-P-3583, Docket No. 6696) on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant, its officers, directors, and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the extent and character of other broadcast services available to those areas and populations.

3. To determine the type of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with the service of Station WQBC, Vicksburg, Mississippi, with any other existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

6. To determine whether the operation of the proposed station on the Regional Channel 1420 kc. would be consistent with §§ 3.21 and 3.22 of the Commission's rules and its Standards of Good Engineering Practice.

7. To determine whether or not the installation and operation of the proposed station would be otherwise in compliance with the Commission's Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Thomaston Broadcasting Corporation, % Mr. A. W. Marshall, Jr., Post Office Box 155, Griffin, Georgia.

Dated at Washington, D. C., December 13, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-23075; Filed, Dec. 28, 1945; 11:51 a. m.]

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[Docket No. 6821]

CHATTAHOOCHEE BROADCASTING CO.

NOTICE OF HEARING

In re application of Chattahoochee Broadcasting Company (New), date filed, October 4, 1945, for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Columbus, Georgia; operating assignment specified: frequency, 1460 kc; power, 1 kw [1] N 1 kw [1] Day; hours of operation, unlimited time; File No. B3-P-4149.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of Thomaston Broadcasting Company (File No. B3-P-3829, Docket No. 6818), J. W. Woodruff, J. W. Woodruff, Jr., and E. B. Cartledge, Jr. d/b as Columbus Broadcasting Company (WRBL) (File No. B3-P-3986, Docket No. 6819), Muscogee Broadcasting Company, a partnership composed of F. R. Pidcock, Sr., R. C. Dunlap, Jr., F. R. Pidcock, Jr., Beecher Hayford and James M. Wilder (File No. B3-P-4082, Docket No. 6820), Palm Beach Broadcasting Corporation (WWPG) (File No. B3-P-3968, Docket No. 6822), A. Frank Katzentine (File No. B3-P-3674, Docket No. 6705), City of Sebring, Florida (File No. B3-P-3583, Docket No. 6696) on the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant, its officers, directors, and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the extent and character of other broadcast services available to those areas and populations.

3. To determine the type of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

6. To obtain full information with respect to the interest which the applicant or any of its members hold in other standard broadcast stations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Chattahoochee Broadcasting Company, 660 Peachtree Street, Atlanta, Georgia.

[1] Directional Antenna day and night.

Dated at Washington, D. C., December 13, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-23076; Filed, Dec. 28, 1945; 11:52 a. m.]

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[Docket No. 6822]

PALM BEACH BROADCASTING CORP.

NOTICE OF HEARING

In re application of Palm Beach Broadcasting Corporation (WWPG), date filed, September 12, 1945, for construction permit to chg. freq. incr. power and inst. new transmitter; class of service, standard broadcast; class of station, standard broadcast; location, Palm Beach, Florida; operating assignment specified: frequency 1420 kc; power 1 kw; hours of operation, unlimited time; File No. B3-P-3968.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of Thomaston Broadcasting Company (File No. B3-P-3829, Docket No. 6818), J. W. Woodruff, J. W. Woodruff, Jr., and E. B. Cartledge, Jr. d/b as Columbus Broadcasting Company (WRBL) (File No. B3-P-3986, Docket No. 6819), Muscogee Broadcasting Company, a partnership composed of F. R. Pidcock, Sr., R. C. Dunlap, Jr., F. R. Pidcock, Jr., Beecher Hayford and James M. Wilder (File No. B3-P-4082, Docket No. 6820), Chattahoochee Broadcasting Company (File No. B3-P-4149, Docket No. 6821), A. Frank Katzentine (File No. B3-P-3674, Docket No. 6705), City of Sebring, Florida (File No. B3-P-3583, Docket No. 6696) on the following issues:

1. To determine the financial and technical qualifications of the applicant, and of its officers, directors, and stockholders, to construct and operate Station WWPG as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WWPG and the extent and character of other broadcast services available to those areas and populations.

3. To determine the type of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operation of Station WWPG would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

5. To determine whether the proposed operation of Station WWPG would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

6. To determine whether the proposed installation and operation of Station WWPG would be in compliance with the Commission's Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Palm Beach Broadcasting Corporation, Radio Station WWPG, South Ocean Boulevard, Palm Beach, Florida.

Dated at Washington, D. C., December 13, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-23077; Filed, Dec. 28, 1945; 11:52 a. m.]

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[Docket No. 6893]

MEADVILLE TRIBUNE BROADCASTING CO.

NOTICE OF HEARING

In re application of Meadville Tribune Broadcasting Co. (New), date filed, October 9, 1945, for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Meadville, Penna.; operating assignment specified: frequency, 1490 kc; power, 250 w; hours of operation, unlimited time. Docket No. 6898; file No. B2-P-4159.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing in consolidation with the applications of H. C. Winslow (File No. B2-P-4160, Docket No. 6899) and the Times Publishing Company (File No. B2-P-3773, Docket No. 6900), on the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant corporation, and of its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with a new station at Erie, Pennsylvania, as proposed in the application of the Times Publishing Company (Docket No. 6900), or in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who, desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: The Meadville Tribune Broadcasting Company, 353 Center Street, Meadville, Pennsylvania.

Dated at Washington, D. C., December 17, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-23100; Filed, Dec. 23, 1945; 11:55 a. m.]

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[Docket No. 6899]

H. C. WINSLOW

NOTICE OF HEARING

In re application of H. C. Winslow, (New), date filed, October 5, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Meadville, Penna.; operating assignment specified: frequency, 1490 kc; power, 250 w; hours of operation, unlimited time. Docket No. 6899; file No. B2-P-4160.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing in consoli-

dation with the applications of the Meadville Tribune Broadcasting Company (File No. B2-P-4159, Docket No. 6898) and the Times Publishing Company (File No. B2-P-3773, Docket No. 6900), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with a new station at Erie, Pennsylvania as proposed in the application of the Times Publishing Company (Docket No. 6900) or in any pending applications for broadcast facilities, and if so, the nature and extent thereof, and the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine the comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: H. C. Winslow, 833 Water Street, Meadville, Pennsylvania.

Dated at Washington, D. C., December 17, 1945.

By the Commisison.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-23101; Filed, Dec. 28, 1945; 11:55 a. m.]

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[Docket No. 6900]

TIMES PUBLISHING CO.

NOTICE OF HEARING

In re application of Times Publishing Company (New), date filed, November 16, 1944; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Erie, Pennsylvania; operating assignment specified: frequency, 1490 kc; power, 250 w; hours of operation, unlimited time; File No. B2-P-3773.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing in consolidation with the applications of the Meadville Tribune Broadcasting Company (File No. B2-P-4159, Docket No. 6898) and H. C. Winslow (File No. B2-P-4160, Docket No. 6899), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, and of its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with a new station at Meadville, Pennsylvania, as proposed in the applications of Meadville Tribune Broadcasting Company (Docket No. 6898) and H. C. Winslow (Docket No. 6899) or in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.41 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Times Publishing Company, 110 West 10th Street, Erie, Pennsylvania.

Dated at Washington, D. C. December 17, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-23102; Filed, Dec. 28, 1945; 11:55 a. m.]

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[Docket No. 6974]

WSAV, INC.

NOTICE OF HEARING

In re application of WSAV, Incorporated (WSAV); date filed, August 19, 1944; for construction permit to change frequency, increase power, etc.; class of service, broadcast; class of station, broadcast; location, Savannah, Georgia; operating assignment specified: frequency, 630 kc; power, 5 kw[1] night, 5 kw day; hours of operation, unlimited time. Docket No. 6974; file No. B3-P-3679.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the application of the Atlantic Coast Broadcasting Company (WTMA), Charleston, South Carolina (File No. B3-P-3752, Docket No. 6975), on the following issues:

1. To determine the technical, financial and other qualifications of the applicant corporation, and of its officers, directors, and stockholders, to construct and operate Station WSAV as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WSAV and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine the extent of any interference which would result from the proposed operation of Station WSAV to the service of Station CMCD, Havana, Cuba, and whether such proposed operation would be consistent with the North American Regional Broadcasting Agreements.

5. To determine the extent of any interference which would result from the operation of Station WSAV as proposed, to the service of Station CFCO, Chatham, Ontario, Canada, and whether such proposed operation would be consistent with Executive Agreement (Series 136), entitled "Radio Broadcast Arrangement

[1] Directional antenna, for night use.

between the United States of America and Canada."

6. To determine the extent of any interference which would result from the simultaneous operation of Station WSAV as proposed, and Station WMAL, Washington, D. C., as well as the areas and populations affected thereby, and the character of other broadcast service available to those areas and populations.

7. To determine whether the proposed operation of Station WSAV would involve objectionable interference with any other existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

8. To determine the extent of any interference which would result from the simultaneous operation of Station WSAV as proposed, and from the operation of Station WTMA, Charleston, South Carolina, as proposed in the application (B3-P-3752) of Atlantic Coast Broadcasting Company (Docket No. 6975) as well as the areas and populations affected thereby, and the character of other broadcast service available to those areas and populations.

9. To determine whether the proposed operation of Station WSAV would involve objectionable interference with services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

10. To determine whether the installation and operation of Station WSAV as proposed would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

11. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

12. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: WSAV, Incorporated, Liberty National Bank Building, Savannah, Georgia.

Dated at Washington, D. C. December 17, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-23103; Filed, Dec. 28, 1945; 11:55 a. m.]



[Docket No. 7008]

PLYMOUTH COUNTY BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING

In re application of Plymouth County Broadcasting Corporation Brockton, Mass., for construction permit. Docket No. 7008; File No. B1-P-4216.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of November, 1945;

The Commission having under consideration an application (filed November 13, 1945) by Plymouth County Broadcasting Corporation, for a construction permit (File No. B1-P-4216; Docket No. 7008) for a new standard broadcast station at Brockton, Massachusetts, using the frequency 1450 kilocycles with 250 watts power, unlimited time, together with a petition requesting that the said application be consolidated for hearing with the four following conflicting applications, namely: Bay State Beacon, Inc. (File No. B1-P-3983; Docket No. 6843); Mitchell G. Meyers, Reuben H. Aronheim, and Milton H. Meyers (File No. B1-P-3319; Docket No. 6844); and Cur-Nan Company (File No. B1-P-4054; Docket No. 6845), all of Brockton, Massachusetts; and Templeton Radio Manufacturing Corporation (File No. B1-P-4146; Docket No. 6846) of Boston, Massachusetts (all seeking the use of 1450 kilocycles, with 250 watts power, unlimited time) which on October 23, 1945 were designated for hearing in a consolidated proceeding.

*It is ordered,* That the above petition be granted;

*And it is further ordered,* That the application of Plymouth County Broadcasting Corporation be and it is hereby designated for hearing in a consolidated proceeding with the above applications of Bay State Beacon, Inc.; Mitchel G. Meyers, Reuben H. Aronheim, and Milton H. Meyers; Cur-Nan Company; and Templeton Radio Manufacturing Corporation.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-23082; Filed, Dec. 28, 1945; 11:52 a. m.]

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[Docket No. 7053]

SOUTHEASTERN MASSACHUSETTS BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Southeastern Massachusetts Broadcasting Corporation, New Bedford, Mass. For construction permit. Docket No. 7053; File No. B1-P-4185.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of December 1945;

The Commission having under consideration the above application of Southeastern Massachusetts Broadcasting Corporation for a permit to construct a new standard broadcast station at New Bedford, Massachusetts, to be operated on the frequency 1400 kilocycles, with power of 250 watts, unlimited time;

*It is ordered,* That the said application be designated for hearing in a consolidated proceeding with the application of Bay State Broadcasting Company (File No. B1-P-4201), requesting identical facilities, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant, corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station, and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which if either of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-23083; Filed, Dec. 28, 1945; 11:52 a. m.]

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[Docket No. 7054]

BAY STATE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Bay State Broadcasting Company, New Bedford, Mass., for construction permit. Docket No. 7054. File No. B1-P-4201.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of December 1945;

The Commission having under consideration the above application of Bay State Broadcasting Company for a permit to construct a new standard broadcast station at New Bedford, Massachusetts, to be operated on the frequency 1400 kilocycles, with power of 250 watts, unlimited time.

*It is ordered,* That the said application be designated for hearing in a consolidated proceeding with the application of Southeastern Massachusetts Broadcasting Corporation (File No. B1-P-4185) requesting identical facilities, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.
2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station, and the character of other broadcast service available to those areas and populations.
3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.
4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.
5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.
6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.
7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.
8. To determine on a comparative basis which if either of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-23084; Filed, Dec. 28, 1945; 11:53 a. m.]

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[Docket No. 7057]

TELEGRAM PUBLISHING CO.

ORDER SETTING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Telegram Publishing Company, Salt Lake City, Utah, for construction permit. Docket No. 7057. File No. B5-P-4180.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of December 1945;

The Commission having under consideration the above application of Telegram Publishing Company for a permit to construct a new standard broadcast station at Salt Lake City, Utah;

*It is ordered,* That the said application be designated for hearing in a consolidated proceeding with the application of James B. Littlejohn, Ogden, Utah (File No. B5-P-4249), upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors, and stockholders to construct and operate the proposed station.
2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.
3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.
4. To determine whether the operation of the proposed station would involve objectionable interference with the service proposed in the pending application of James B. Littlejohn (File No. B5-P-4249), or any other pending application and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.
5. To determine whether the operation of the proposed station would involve objectionable interference with any existing stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.
6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.
7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-23085; Filed, Dec. 28, 1945; 11:53 a. m.]

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[Docket No. 7058]

JAMES B. LITTLEJOHN

ORDER SETTING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of James B. Littlejohn, Ogden, Utah, for construction permit. Docket No. 7058. File No. B5-P-4249.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of December 1945:

The Commission having under consideration the above application of James B. Littlejohn for a permit to construct a new standard broadcast station at Ogden, Utah;

*It is ordered,* That the said application be designated for hearing in a consolidated proceeding with the application of Telegram Publishing Company, Salt Lake City, Utah (File No. B5-P-4180), upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.
2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.
3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.
4. To determine whether the operation of the proposed station would involve objectionable interference with the service proposed in the pending application of Telegram Publishing Company (File No. B5-P-4180) or any other pending application and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.
5. To determine whether the operation of the proposed station would involve objectionable interference with any existing stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.
6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.
7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 45-23086; Filed, Dec. 28, 1945; 11:53 a. m.]

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## INTERSTATE COMMERCE COMMISSION.

[S. O. 345, Amdt. 2]

REROUTING OF TRAFFIC; EMPLOYEES STRIKE ON T. P. & W. R. R.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of December, A. D. 1945.

Upon further consideration of Service Order No. 354 (10 F.R. 12534), as amended (10 F.R. 13554), and good cause appearing therefor: *It is ordered,* That:

Service Order No. 354 as amended, be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p. m., June 30, 1946, unless otherwise modified, changed, suspended, or annulled by order of this Commission. (40 Stat. 101, sec. 402, 418; 41 Stat. 476, 485, sec. 4, 10; 54 Stat. 901, 912; 49 U. S. C. 1 (10–(17))

*It is further ordered,* That this order shall become effective at 11:59 p. m., December 30, 1945; 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 that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-23032; Filed, Dec. 28, 1945; 11:36 a. m.]

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[S. O. 417]

EMBARGO OF LESS CARLOAD FREIGHT AT KANSAS CITY, MO.-KANS.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of December, A. D. 1945.

It appearing that a strike of truck lines is causing congestion of freight houses of certain rail carriers serving Kansas City, Mo.-Kansas, and that the said rail carriers are unable to accept certain less-than-carload traffic offered to them for movement over their lines; the Commission is of the opinion an emergency exists requiring immediate action at those points to avoid congestion of traffic; and to best promote the service in the interest of the public and the commerce of the people: it is ordered, that:

*Embargo of less carload freight at Kansas City.* (a) The Atchison, Topeka and Santa Fe Railway Company, Chicago, Burlington and Quincy Railroad Company, the Chicago, Rock Island and Pacific Railway Company (Joseph B. Fleming and Aaron Colnon, Trustees), Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), Union Pacific Railroad Company and Wabash Railroad Company serving Kansas City, Missouri-Kansas, shall not accept any outbound less-than-carload shipment of freight at those points, except such freight-loaded by shipper which does not require handling through railroad freight houses, and except perishables.

(b) *Effective date.* This order shall become effective at 12:01 a. m., December 29, 1945.

(c) *Expiration date.* This order shall expire at 11:59 p. m., January 6, 1946, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485; sec. 4, 10; 54 Stat. 901, 912; 49 U.S.C. 1 (10)–(17), 15 (4))

It is further ordered, that copies of this order and direction be served upon the railroads named in paragraph (a) and upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy thereof 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. 45-23033; Filed, Dec. 28, 1945; 11:36 a. m.]

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## OFFICE OF PRICE ADMINISTRATION.

[SO 119, Order 37]

CONSOLIDATED COLONIAL PREMIER CO.

ADJUSTMENT 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 sections 13 and 14 of Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's maximum prices.* Consolidated Colonial Premier Company, 466 West Superior Street, Chicago 10, Illinois, may increase by no more than 38.18 percent its existing maximum prices to each class of purchaser for floor, table, and wall lamps, and shades of its manufacture.

(b) *Maximum prices of purchasers for resale.* Purchasers for resale of portable electric lamps and shades which the manufacturer has sold at adjusted maximum prices permitted by paragraph (a) above, shall determine their adjusted maximum prices as follows:

(1) *Jobbers.* Jobbers shall determine their maximum prices in accordance with the provisions of section 4.5 of Revised Supplementary Regulation 14J, using their actual invoice prices as their costs.

(2) *Retailers subject to Maximum Price Regulation 580.* A retailer who must determine his maximum prices under Maximum Price Regulation 580 by the use of a pricing chart, shall compute his maximum prices in the manner provided by that regulation.

(3) *Other purchasers for resale.* (i) A purchaser for resale who must determine his maximum prices under the General Maximum Price Regulation, and who delivered or offered for delivery during March 1942 an article which meets the definition of "most comparable article", contained in § 1499.3 (a) of that regulation, except that it need not be currently offered for sale, shall find his ceiling prices according to the method and procedure set forth in that section using as his "cost" his invoice cost.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form 620-759 with regard to how he determined his maximum price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(ii) If a purchaser for resale cannot determine his maximum price under any of the above methods, he shall apply to the Office of Price Administration for the establishment of his maximum price under § 1499.3 (c) of the General Maximum Price Regulation. Maximum prices established under that section will reflect the supplier's prices adjusted in accordance with this order.

(c) *Terms of sale.* Maximum prices adjusted by this order are subject to each seller's terms, discounts, allowances and other price differentials on sales to each class of purchaser in effect during March 1942, or thereafter properly established under OPA regulations.

(d) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale showing a price adjusted in accordance with the terms of this order, the seller shall notify such purchaser in writing of the methods established in section (b) for determining adjusted maximum prices for resales of the articles covered by this order. This notice may be given in any convenient form.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) *Effective date.* This order shall become effective on December 28, 1945.

Issued this 27th day of December 1945.

CHESTER BOWLES, *Administrator.*

[F. R. Doc. 45-22933; Filed, Dec. 27, 1945; 11:28 a. m.]

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[SO 142, Order 2]

ROLLER BEARING CO. OF AMERICA

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 2 under Supplementary Order 142. Adjustment provisions for sales of industrial machinery equipment. Roller Bearing Company of America. Docket No. 6083-136.21-572.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Supplementary Order 142; *It is ordered:*

(a) The maximum prices for sales of bearings by the Roller Bearing Company, Trenton, New Jersey, shall be as follows:

The manufacturer shall multiply by 114% the maximum price he had in effect to a purchaser of the same class on October 1, 1941.

(b) The maximum prices for sales of these bearings by resellers shall be determined as follows: The reseller shall add to the maximum net price he had in effect to a purchaser of the same class, on October 1, 1941, the amount, in dollars-and-cents, by which his net invoiced cost has been increased due to the adjustment granted the manufacturer by this order.

(c) The Roller Bearing Company of America shall notify each person who buys these bearings for resale of the dollar-and-cents amounts by which this

order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order supersedes Order L-673 issued under Revised Maximum Price Regulation 136.

This order shall become effective December 28, 1945.

Issued this 27th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-22984; Filed, Dec. 27, 1945; 11:28 a. m.]

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[SO 142, Order 3]

CHRYSLER CORP.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 3 under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. Chrysler Corporation. Docket No. 6083-136.21-666.

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to section 2 of Supplementary Order No. 142, *It is ordered:*

(a) The maximum prices for sales of the models of M7 Crown Marine Engines listed below by The Chrysler Corporation, Detroit, Michigan, shall be as follows:

| Model: | *Maximum net price* |
|---|---|
| Straight drive | $457.00 |
| 1.43 gear reduction | 517.00 |
| 1.95 gear reduction | 527.00 |
| 2.56 gear reduction | 542.00 |
| 3.46 gear reduction | 549.00 |
| 4.91 gear reduction | 610.00 |
| V-1.43 gear reduction | 570.00 |
| V-2.05 gear reduction | 570.00 |

(b) The maximum prices for sales of these M7 Crown Marine Engines by resellers shall be determined as follows: The reseller shall increase or decrease the maximum net price he had in effect to a purchaser of the same class, just prior to the issuance of this order, by the amount, in dollars-and-cents, by which his net invoiced cost has been increased or decreased by reason of this order.

(c) The Chrysler Corporation shall notify each person why buys these M7 Crown Marine Engines for resale of the dollars-and-cents amounts by which this order permits the reseller to increase, or requires him to decrease his maximum prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) Not later than April 15, 1946, the Chrysler Corporation shall file with the Machinery Branch, Office of Price Administration, Washington 25, D. C., orders on hand as of April 1, 1946, for each model of M7 Crown Marine Engine covered by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 28, 1945.

Issued this 27th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-22985; Filed, Dec. 27, 1945; 11:30 a. m.]

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[MPR 86, Order 30]

NINETEEN HUNDRED CORP.

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 section 14 of Maximum Price Regulation No. 86; *It is ordered:*

(a) This order establishes ceiling prices for sales of nine models of wringer-type washing machines and two models of ironers listed below, manufactured by the Nineteen Hundred Corporation, St. Joseph, Michigan.

(1) Distributors shall determine their ceiling prices for sales to dealers of each of the models listed in subparagraph (2) below in accordance with the provisions of Section 15 of Maximum Price Regulation No. 86.

(2) The ceiling price for sales by dealers in each zone for the models listed below are as follows:

| Article | Model | Dealers' ceiling prices to consumers | | |
|---|---|---|---|---|
| | | Zone 1 | Zone 2 | Zone 3 |
| Wringer-type washing machine | 52230 | $69.95 | $74.95 | $79.95 |
| | 61120 | 59.95 | 64.95 | 69.95 |
| | 61220 | 69.95 | 74.95 | 79.95 |
| | 61320 | 94.95 | 99.95 | 104.95 |
| | 61140 | 74.95 | 79.95 | 84.95 |
| | 61240 | 84.95 | 89.95 | 94.95 |
| | 61250 | 94.95 | 99.95 | 104.95 |
| | 61160 | 99.95 | 104.95 | 109.95 |
| | 61260 | 109.95 | 114.95 | 119.95 |
| Ironer | 61640 | 84.95 | 89.95 | 94.95 |
| | 61660 | 99.95 | 104.95 | 109.95 |

These ceiling prices are subject to each retail seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(b) For purposes of this order zones 1, 2 and 3 comprise the following states:

*Zone 1:* Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, District of Columbia, Virginia, West Virginia, Pennsylvania, New York, Ohio, Indiana, Michigan, Wisconsin, Minnesota, South Dakota, Nebraska, Iowa, Missouri, Kansas, Kentucky, Tennessee, Illinois.

*Zone 2:* North Dakota, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Georgia, South Carolina, North Carolina.

*Zone 3:* Florida, Texas, New Mexico, Arizona, California, Nevada, Colorado, Utah, Wyoming, Montana, Idaho, Washington, Oregon.

(c) At the time of, or prior to, the first invoice to each distributor, the manufacturer shall notify the distributor that he shall establish his ceiling prices for resales to dealers in accordance with section 15 of Maximum Price Regulation No. 86.

(d) All the provisions of Maximum Price Regulation No. 86 continue to apply to all sales and deliveries of machines covered by this order, except to the extent that those provisions are modified by this order.

(e) Unless the context requires otherwise, the definitions set forth in the various sections of Maximum Price Regulation No. 86 shall apply to the terms used herein.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 28th day of December 1945.

Issued this 27th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-22972; Filed, Dec. 27, 1945; 11:30 a. m.]

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[MPR 86, Order 32]

AUTOMATIC WASHER 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 section 14 of Maximum Price Regulation No. 86; *It is ordered:*

(a) This order establishes ceiling prices for sales of the fifteen models of wringer-type and spinner-type washing machines listed below, manufactured by the Automatic Washer Company, Newton, Iowa.

(1) For sales by distributors to dealers the ceiling prices are those set forth below:

| Article | Model | Ceiling price for sales by distributors to dealers | | |
|---|---|---|---|---|
| | | Zone 1 | Zone 2 | Zone 3 |
| Wringer-type washing machine | | *Each* | *Each* | *Each* |
| | 410 | $32.67 | $36.63 | $39.95 |
| | 451 | 41.95 | 45.60 | 48.97 |
| | 412 | 43.30 | 46.63 | 49.95 |
| | 453 | 49.95 | 53.30 | 56.67 |
| | 4178 | 49.95 | 53.30 | 56.67 |
| | 4179 | 56.67 | 59.95 | 63.95 |
| | 417 | 69.97 | 73.23 | 76.63 |
| | 459 | 66.63 | 69.97 | 73.23 |
| | W-15 | 38.42 | 38.42 | 38.42 |
| | W-16 | 48.91 | 48.91 | 48.91 |
| | W-17 | 55.91 | 55.91 | 55.91 |
| | W-18 | 62.37 | 62.37 | 62.37 |
| | W-19 | 70.46 | 70.46 | 70.46 |
| Spinner-type washing machine | 85 | 69.97 | 73.23 | 76.63 |
| | 86 | 73.23 | 76.63 | 79.97 |

These prices are f. o. b. seller's city. When, however, shipment is made directly from the factory to the dealer pursuant to the distributor's order, the above prices are f. o. b. the dealer's place of business.

(2) The ceiling prices for sales by dealers in each zone for the models listed below are as follows:

| Article | Model | Dealers' ceiling prices to consumers | | |
|---|---|---|---|---|
| | | Zone 1 | Zone 2 | Zone 3 |
| Wringer-type washing machine | | *Each* | *Each* | *Each* |
| | 410 | $49.95 | $54.95 | $59.95 |
| | 451 | 59.95 | 64.95 | 69.95 |
| | 412 | 64.95 | 69.95 | 74.95 |
| | 453 | 74.95 | 79.95 | 84.95 |
| | 4178 | 74.95 | 79.95 | 84.95 |
| | 4179 | 84.95 | 89.95 | 94.95 |
| | 417 | 104.95 | 109.95 | 114.95 |
| | 459 | 99.95 | 104.95 | 109.95 |
| | W-15 | 54.95 | 54.95 | 54.95 |
| | W-16 | 69.95 | 69.95 | 69.95 |
| | W-17 | 79.95 | 79.95 | 79.95 |
| | W-18 | 79.95 | 79.95 | 79.95 |
| | W-19 | 89.95 | 89.95 | 89.95 |
| Spinner-type washing machine | 85 | 104.95 | 109.95 | 114.95 |
| | 86 | 114.95 | 119.95 | 124.95 |

These ceiling prices are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on similar articles.

(b) For purposes of this order Zones 1, 2 and 3 comprise the following states:

*Zone 1:* North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky.

*Zone 2:* Arkansas, Louisiana, Mississippi, Alabama, Georgia, South Carolina, Tennessee, North Carolina, Virginia, West Virginia, Maryland, Delaware, District of Columbia, New Jersey, Pennsylvania, New York, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Maine.

*Zone 3:* Washington, Oregon, California, Nevada, Arizona, New Mexico, Florida, Montana, Idaho, Utah, Wyoming, Colorado, Texas.

(c) At the time of, or prior to, the first invoice to each distributor, the manufacturer shall notify him of the ceiling prices established by this order for resales by the distributor. This notice may be given in any convenient form.

(d) All the provisions of Maximum Price Regulation No. 86 continue to apply to all sales and deliveries of machines covered by this order, except to the extent that those provisions are modified by this order.

(e) Unless the context requires otherwise, the definitions set forth in the various sections of Maximum Price Regulation No. 86 shall apply to the terms used herein.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 27th day of December 1945.

Issued this 27th day of December 1945.

JAMES G. ROGERS, Jr.,
*Acting Administrator.*

[F. R. Doc. 45-22973; Filed, Dec. 27, 1945; 11:30 a. m.]

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[MPR 120, Order 1550]

LEE ADAMS COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton for the indicated uses and shipments as set forth herein. All are in District No. 8. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where the mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1349.219 and all other provisions of Maximum Price Regulation No. 120.

LEE ADAMS COAL CO., WHITESBURG, KY., LEE ADAMS COAL CO. MINE, WHITESBURG SEAM, MINE INDEX NO. 7618, LETCHER COUNTY, KY., SUBDISTRICT 3, RAIL SHIPPING POINT, BELCRAFT, KY., F. O. G. 62, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

| | Size group Nos. | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 15, 16, 17 | 18 | 19 | 20, 21 |
| Price classification | M | M | M | M | K | K | J | G | E | G | D | K | K | K |
| Rail shipments and railroad fuel [1] | 325 | 325 | 320 | 320 | 320 | 320 | 320 | 325 | 325 | 320 | 315 | 290 | 295 | 295 |
| Truck shipment | 325 | 375 | 320 | 320 | 335 | 310 | 275 | 270 | ---- | ---- | ---- | ---- | ---- | ---- |

[1] Subject to the provisions of Second Revised Order No. 1452 under MPR/120, as amended.

HI-GRADE COAL CO., INC., 339 FIFTH ST., PAINTSVILLE, KY., HI-GRADE NO. 11 MINE, MILLERS CREEK SEAM, MINE INDEX NO. [1] 6783, JOHNSON COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT, PAINTSVILLE, KY., F. O. G. 61, DEEP MINE

| | Size group Nos. | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 15, 16, 17 | 18 | 19 | 20, 21 | 22 |
| Price classification | D | D | D | D | E | E | E | E | C | C | A | G | G | G | L |
| Rail shipments and railroad fuel [2] | 420 | 410 | 410 | 325 | 325 | 325 | 325 | 320 | 320 | 325 | 320 | 310 | 300 | 295 | 295 |
| Truck shipment [1] | 420 | 410 | 325 | 320 | 315 | 320 | 275 | 270 | ---- | ---- | ---- | ---- | ---- | ---- | ---- |

[1] Previously established.
[2] Subject to the provisions of Second Revised Order No. 1452 under MPR/120, as amended.

K. AND T. COAL CO., C/O EARL TUCKER, MAIDEN, W. VA., K. & T. COAL CO. MINE, BELMONT SEAM, MINE INDEX NO. 7543, KANAWHA COUNTY, W. VA., SUBDISTRICT 4, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

| | Size group Nos. | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Truck shipment | 420 | 420 | 325 | 325 | 325 | 315 | 275 | 270 |

PORTER ELKHORN COAL CO., C/O HERBERT PORTER, ALLEN, KY., PORTER NO. 2, MINE, ELKHORN SEAM, MINE INDEX NO. 1110 [1], FLOYD COUNTY, KY., SUBDISTRICT 1, RAIL SHIPPING POINT, SALISBURY, KY., F. O. G. 61, DEEP MINE

| | Size group Nos. | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 15, 16, 17 | 18 | 19 | 20, 21 |
| Price classification | H | H | H | H | H | H | G | E | C | E | C | G | G | G |
| Rail shipments and railroad fuel [2] | 325 | 320 | 375 | 375 | 320 | 320 | 320 | 325 | 320 | 325 | 315 | 310 | 300 | 295 |
| Truck shipments [1] | 420 | 420 | 325 | 325 | 325 | 315 | 275 | 270 | ---- | ---- | ---- | ---- | ---- | ---- |

[1] Previously established.
[2] Subject to the provisions of Second Revised Order No. 1452 MPR/120, as amended.

ANDREW SWANGHI, ROUTE NO. 1, BOX 231, MIDDLESBORO, KY., SWANGHI MINE, DIXIE GEM SEAM, MINE INDEX NO. 7611, BELL COUNTY, KY., SUBDISTRICT 6, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

| | Size group Nos. | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Truck shipment | 420 | 420 | 325 | 325 | 325 | 315 | 275 | 270 |

This order shall become effective December 28, 1945.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-22974; Filed, Dec. 27, 1945; 11:30 a. m.]

[MPR 120, Order 1551]

CROMLING AND HARROLD ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton for the indicated uses and shipments as set forth herein. All are in District No. 3. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.214 and all other provisions of Maximum Price Regulation No. 120.

CROMLING & HARROLD, c/o BLAINE COAL CO., BOX 328, FAIRMONT, W. VA., FLETCHER NO. 2 MINE, PITTSBURGH SEAM, MINE INDEX NO. 2024, HARRISON COUNTY, W. VA., RAIL SHIPPING POINT: FRANCES MINE, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

| | Size group Nos. | | | | |
|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 |
| Price classification | DE | DE | DE | DF | DF |
| Rail shipment and railroad fuel | 318 | 313 | 298 | [1] 283 | [1] 273 |
| Truck shipment | 343 | 343 | 313 | 308 | 298 |

[1] The maximum prices applicable to rail shipped coals of Size Groups No. 4 and 5 shall be 298 and 293 respectively for coals having a sulphur content of 1.35% or under.

GAULEY-EAGLE COAL & COKE CO., 10 CEDAR STREET, NEW YORK 5, N. Y., GAULEY-EAGLE NO. 2 MINE, COALBURG SEAM, MINE INDEX NO. 2183, NICHOLAS COUNTY, W. VA., RAIL SHIPPING POINT: MUDDLETY, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 1

| | | | | | |
|---|---|---|---|---|---|
| Price classification | A | A | A | A | A |
| Rail shipment and railroad fuel | 418 | 378 | 353 | 343 | 343 |
| Truck shipment | 388 | 383 | 353 | 348 | 328 |

C. H. GROVES & CO., 406 UNION BANK BLDG., CLARKSBURG, W. VA., MILLIE NO. 2 MINE, PITTSBURGH SEAM, MINE INDEX NO. 2184, HARRISON COUNTY, W. VA., RAIL SHIPPING POINT: LOST CREEK, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

| | | | | | |
|---|---|---|---|---|---|
| Price classification | F | F | F | F | F |
| Rail shipment and railroad fuel | 308 | 308 | 288 | 283 | 273 |
| Truck shipment | 343 | 343 | 313 | 308 | 298 |

This order shall become effective December 28, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-22975; Filed, Dec. 27, 1945; 11:31 a. m.]

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[MPR 120, Order 1552]

HARRISBURG COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 4. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and State. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.215 and all other provisions of Maximum Price Regulation No. 120.

HARRISBURG COAL CO., c/o JAMES PALERMO, SEBRING, OHIO, HARRISBURG NO. 2 MINE, NO. 6 AND/OR NO. 7 SEAM, MINE INDEX NO. 4236, HOCKING COUNTY, OHIO, SUBDISTRICT 5 FOR ALL METHODS OF SHIPMENTS AND FOR ALL USES, STRIP MINE, RAIL SHIPPING POINT, MURRAY CITY, OHIO

| | Size group Nos. | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 3A | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Rail shipments and railroad fuel | 365 | 365 | 325 | 325 | 325 | 325 | 305 | 280 | 270 | 305 | 245 | ------ | 305 |
| Truck shipment | 390 | 390 | 390 | 350 | 350 | 290 | 290 | 250 | 240 | 290 | ------ | ------ | 290 |

THE JOE DUDEK COAL CO., R. D. NO. 1, BOX 191-A, ST. CLAIRSVILLE, OHIO, DUDEK NO. 2 MINE, NO. 8-A SEAM, MINE INDEX NO. 4237, BELMONT COUNTY, OHIO, SUBDISTRICT 1 FOR ALL METHODS OF SHIPMENTS AND FOR ALL USES, STRIP MINE, RAIL SHIPPING POINT, CRABAPPLE, OHIO

| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Rail shipments and railroad fuel | 305 | 305 | 285 | 285 | 285 | 285 | 270 | 235 | 225 | 260 | 210 | ------ | 270 |
| Truck shipment | 350 | 350 | 350 | 310 | 310 | 280 | 280 | 255 | 245 | 280 | ------ | ------ | 280 |

CHANDLER RICHARDS CO., P. O. BOX 206, NELSONVILLE, OHIO, C. & R. NO. 2 MINE, NO. 6 SEAM, MINE INDEX NO. 4235, HOCKING COUNTY, OHIO, SUBDISTRICT 5 FOR ALL METHODS OF SHIPMENTS AND FOR ALL USES, STRIP MINE, RAIL SHIPPING POINT, MURRAY CITY, OHIO

| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Rail shipments and railroad fuel | 365 | 365 | 325 | 325 | 325 | 325 | 305 | 280 | 270 | 305 | 245 | ------ | 305 |
| Truck shipment | 390 | 390 | 390 | 350 | 350 | 290 | 290 | 250 | 240 | 290 | ------ | ------ | 290 |

CHOROVICH COAL CO., c/o JOHN E. COSTINE, ATTORNEY, ST. CLAIRSVILLE, OHIO, CHOROVICH COAL CO. NO. 1 MINE, NO. 8 SEAM, MINE INDEX NO. 4234, BELMONT COUNTY, OHIO, SUBDISTRICT 1 FOR ALL METHODS OF SHIPMENT AND FOR ALL USES, DEEP MINE, RAIL SHIPPING POINT, FAIRPORT AND MAYNARD, OHIO

| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Rail shipments and railroad fuel | 331 | 331 | 311 | 311 | 311 | 311 | 296 | 261 | 251 | 286 | ------ | ------ | 296 |
| Truck shipment | 386 | 386 | 386 | 346 | 346 | 316 | 316 | 291 | 281 | 316 | ------ | ------ | 316 |

This order shall become effective December 28, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-22976; Filed, Dec. 27, 1945; 11:31 a. m.]

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[MPR 591, Order 190]

SECURITY MANUFACTURING CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of Federal Register and pursuant to the provisions of section 16 (b) (1) of Maximum Price Regulation No. 591, it is ordered:

(a) *Adjustment of maximum prices for the Security Manufacturing Company of Kansas City, Missouri.* (1) This order permits the Security Manufacturing Company of Kansas City, Missouri to increase its properly established maximum net prices under Maximum Price Regulation No. 591 for its models S-201-C and S-301-C gas-fired water heaters to each class of purchaser by 10 percent.

(2) The maximum net prices set forth in (1) above are subject to cash discounts and transportation allowances at least as favorable as those granted as a deduction from net prices to each class of purchaser during March 1942 on comparable sales of similar commodities.

(b) *Maximum prices for resellers.* The maximum price for sales by resellers of any of the commodities for which adjustment is granted the Security Manufacturing Company under this order shall be his existing maximum price to each class of purchaser plus the actual dollars-and-cents increase in present acquisition cost resulting from the adjustment granted the Security Manufacturing Company under this order.

(c) *Notification to all purchasers.* The Security Manufacturing Company shall send the following notice to every purchaser of the commodities covered by this order at or before the time of the first billing after the adjustment is put into effect.

Order No. 190 under section 16 (b) (1) of Maximum Price Regulation No. 591 provides for a 10 percent increase in net prices for the models S-201-C and S-301-C gas-fired water heaters manufactured by the Security Manufacturing Company. Resellers may add to their existing maximum prices the actual dollars-and-cents of their increase in cost resulting from the increase granted the manufacturer.

(d) All prayers of the application of the Security Manufacturing Company not granted in this order are denied.

(e) This order may be amended or revoked by the Price Administrator at any time.

This order shall become effective December 28, 1945.

Issued this 27th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-22979; Filed, Dec. 27, 1945; 11:32 a. m.]

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[MPR 188, Order 56 Under Order 1052]

CALDWELL FURNITURE CO.

ADJUSTMENT 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 Paragraph (h) of Order 1052 under § 1499.159b of Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation No. 14, it is ordered:

(a) *Manufacturer's maximum prices.* Caldwell Furniture Company, Lenoir, North Carolina, may sell and deliver to retailers the following furniture articles which it manufactures, at the following adjusted maximum prices:

| Article | Model No. | Current maximum price | Adjusted maximum price | Adjustment charge permitted by paragraph (d) of Order 1052 | Total adjusted maximum price |
|---|---|---|---|---|---|
| Dresser | 7411 | $16.70 | $16.80 | $0.84 | $17.64 |
| Chest | 7430 | 12.05 | 12.24 | .60 | 12.84 |
| Robe | 7446 | 17.70 | 18.70 | .89 | 19.59 |
| Bed | 7462 | 10.40 | 10.73 | .52 | 11.25 |
| Vanity | 7478 | 19.60 | 19.78 | .98 | 20.76 |
| Dresser | 7511 | 20.10 | 20.65 | 1.01 | 21.66 |
| Chest | 7532 | 15.06 | 16.07 | .75 | 16.82 |
| Robe | 7546 | 21.58 | 21.88 | 1.08 | 22.96 |
| Bed | 7562 | 11.75 | 12.62 | .59 | 13.21 |
| Vanity | 7578 | 24.57 | 25.19 | 1.23 | 26.42 |

The adjustment charge permitted by paragraph (d) of Order No. 1052 may be made and collected only if it is separately stated on each invoice. The "current maximum price" stated above shall not appear separately on the invoice; it is stated above to indicate that the adjusted maximum prices apply on sales to the same class of purchaser as that to which the "current maximum price" applied before the issuance of this order.

(b) *Maximum prices of purchasers for resale.* Purchasers for resale of any article listed above shall determine their maximum resale prices in the following manner:

(1) A retailer who must determine his ceiling prices under Maximum Price Regulation No. 580 by the use of a pricing chart shall compute his ceiling prices in the manner provided by that regulation.

(2) A wholesaler who must determine his ceiling prices under Maximum Price Regulation No. 590 shall find his ceiling price in the manner provided by that regulation.

(3) A purchaser for resale who must determine his maximum prices under the General Maximum Price Regulation, and who delivered or offered for delivery during March 1942 an article which meets the definition of "most comparable article" contained in § 1499.3 (a) of that regulation, except that it need not be currently offered for sale, shall find his ceiling prices according to the method and procedure set forth in that section using as his "cost" his invoice cost, but not including any separately stated adjustment charge. To the price so computed a wholesaler may add the adjustment charge permitted by Order No. 1052 under Maximum Price Regulation No. 188 in the manner and amount provided in that order.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form 620-759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(4) If a purchaser for resale cannot determine his ceiling price under any of the above methods, he shall apply to the Office of Price Administration for the establishment of his ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices adjusted in accordance with this order.

(c) *Terms of sale.* Ceiling prices adjusted by this order are subject to each seller's terms, discounts, and allowances, on sales to each class of purchaser in effect during March 1942, or thereafter properly established under OPA regulations.

(d) *Notification.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted maximum prices for resale of the articles. This notice may be given in any convenient form and is in addition to any notice required by paragraphs (d) or (e) of Order No. 1052 under Maximum Price Regulation No. 188.

(e) All requests not specifically granted by this order are hereby denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) This order shall become effective on the 28th day of December 1945.

Issued this 27th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-22977; Filed, Dec. 27, 1945; 11:31 a. m.]

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[MPR 592, Order 8]

NATIONAL BRICK CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation 592, *It is ordered:*

(a) The maximum prices, f. o. b. plant, for sales by the National Brick Corporation, Long Island City, New York, of sand lime brick shall be:

| | *Per M* |
|---|---|
| Standard size | $17 |
| Jumbo size | 19 |

(b) Any person purchasing any of the products listed in (a) above may increase his present maximum prices established under the General Maximum Price Regulation by a dollars-and-cents amount not exceeding his actual dollars-and-cents increase in cost resulting from the manufacturer's adjusted prices permitted in paragraph (a) above.

(c) The maximum prices established herein shall be subject to cash quantity, and other discounts and allowances, services, and other terms and conditions of sale at least as favorable as the seller extended or rendered on comparable sales to purchasers of the same class during March 1942.

(e) This order may be amended or revoked by the Office of Price Administration at any time.

This order No. 8 shall become effective December 28, 1945.

Issued this 27th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-22980; Filed, Dec. 27, 1945; 11:32 a. m.]

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[MPR 593, Order 5]

PHILCO CO.

APPROVAL OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 13 of Maximum Price Regulation No. 593, *It is ordered:*

(a) This order establishes ceiling prices for sales by distributors to dealers of the ten models of household mechanical refrigerators manufactured by the Philco Corporation, Philadelphia, Pennsylvania.

(1) A distributor's ceiling prices for sales in each zone of each model to each class of purchasing dealer shall be the price which will yield the distributor the same percentage of the total dollar margin between the manufacturer's price to him and the dealer's price for resales to ultimate consumers in that zone as he received during the period October 1–15, 1941 in connection with the sale of the most comparable model to the same class of purchasing dealer.

(2) If a distributor cannot determine his ceiling price for sales of a particular model to a particular class of dealer under subparagraph (1) above his ceiling price for that sale is the ceiling price established under this order for sale by his "most closely competitive seller of the same class". A distributor's "most closely competitive seller of the same class" is a distributor who (a) is selling the identical model of refrigerator to the same class of purchaser, and (b) is located nearest to the seller in the same zone.

(3) If a distributor cannot determine his ceiling price for sales of a particular model to a particular class of dealer under the provisions of subparagraphs (1) or (2) above he shall determine his ceiling price for that model by marking up the sum of the manufacturer's price to him and the cost of transportation of the refrigerator from the manufacturer to him by 18.44 percent.

(4) Where a distributor's territory lies in part in different zones, the zone price for his headquarter's city shall prevail throughout his territory.

(b) The ceiling prices determined under paragraph (a) of this order are subject to each seller's customary terms, discounts, allowances, and other price differentials in effect on sales of similar articles.

(c) At the time of, or prior to the first invoice to each distributor the manufacturer shall notify each distributor of the method of determining his ceiling prices established by this order. This notice may be given in any convenient form.

(d) All the provisions of Maximum Price Regulation No. 598 continue to apply to all sales and deliveries of refrigerators covered by this order except to the extent that those provisions are modified by this order.

(e) Unless the context requires otherwise, the definitions set forth in Maximum Price Regulation No. 598 shall apply to the terms used herein.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) This order shall become effective on the 27th day of December 1945.

Issued this 27th day of December 1945.

JAMES G. ROGERS, Jr.,
*Acting Administrator.*

[F. R. Doc. 45-22961; Filed, Dec. 27, 1945; 11:32 a. m.]

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[MPR 120, Corr. to Amdt. 2 to Order 1290]

BITUMINOUS COAL IN DISTRICT 3

ORDER CONSOLIDATING ADJUSTMENTS FOR INDIVIDUAL MINES

*Correction*

In Federal Register Document 45-22213, appearing on page 15053 of the issue for Friday, December 14, 1945, the effective date should read "November 9, 1945."

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[RMPR 136, Amdt. 2 to 3d Rev. Order 158]

GENERAL MOTORS CORP.

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 2 to Third Revised Order No. 158 Under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. Chevrolet Motor Division, General Motors Corporation; Docket No. 3136-389.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

Third Revised Order No. 158 under Revised Maximum Price Regulation 136 is amended in the following respects:

1. Paragraph (e) (2) (ii) is amended to read as follows:

(ii) A charge for actual transportation costs which shall not exceed the transportation charge the Chevrolet Motor Division, General Motors Corporation would make for the transportation of the vehicle from the factory to the place of business of the reseller.

2. Paragraph (j) (1) (ii) is amended to read as follows:

(ii) A charge for actual transportation costs which shall not exceed the transportation charge the Chevrolet Motor Division, General Motors Corporation would make for the transportation of the vehicle from the factory to the place of business of the reseller.

3. The first sentence in paragraph (b) is amended by the deletion of "percentage" and the substitution therefor of the word "dollar".

This amendment shall become effective this 29th day of December 1945.

Issued this 28th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-23067; Filed, Dec. 28, 1945; 11:35 a. m.]

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[MPR 120, Amdt. 1 to Order 1548]

ELLIOT COAL MINING CO. ET AL.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and in accordance with § 1340.212 (c) of Maximum Price Regulation No. 120; *It is ordered:*

Order No. 1548 under Maximum Price Regulation No. 120 is hereby amended in the following respect:

Paragraph (a) is amended by adding thereto the following names of producers, addresses, mine names and index numbers, and preparation plant names, as follows:

| Producer and address | Mine name | Mine index No. | Location and name of preparation plant through which the coals are produced |
|---|---|---|---|
| * * | * | * | * * |
| Beacon Fuel Co., 215 N. Water St., Connellsville, Pa. | Wilson | 4091 | White Bridge Preparation Plant of Beacon Fuel Co. at White Bridge, Pa., on B. & O. R. R. |
| Juliette Coal Co., Grant Bldg., Pittsburgh, Pa. | Indian Head | 3467 | Denise Coal Co. Preparation Plant at Dovey, Pa. on B. & O. R. R. |
| | Denise No. 1 | 5084 | |
| | Denise No. 2 | 5594 | |
| De Romo Coal Co., 22 S. Main St., Wilkes-Barre, Pa. | De Romo No. 2 | 5446 | Middle Pennsylvania Coal Corp. Corona Preparation Plant at Corona, Pa., on Pennsylvania R. R. |

This amendment shall become effective December 27, 1945.

Issued this 27th day of December 1945.

JAMES G. ROGERS, Jr.,
*Acting Administrator.*

[F. R. Doc. 45-22997; Filed, Dec. 27, 1945; 4:21 p. m.]

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[SO 94, Amdt. 1 to Order 43]

RECONDITIONED USED FLYING SHOES

SPECIAL MAXIMUM RETAIL PRICES

An opinion accompanying this amendment has been issued simultaneously herewith.

Order 43 under Supplementary Order 94 is amended in the following respect:

Paragraph (b) (3) is added to read as follows:

(3) In the event the amount actually paid to the Government selling agency is more than $0.50 per pair, the excess amount so paid, but not to exceed $1.00, may be added to the aforesaid prices.

This amendment shall become effective immediately.

Issued this 28th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-23066; Filed, Dec. 28, 1945; 11:35 a. m.]

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[MPR 188, Amdt. 34 to Order A-2]

PIANO PARTS

ADJUSTMENT 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 § 1499.159b of Maximum Price Regulation No. 188; *It is ordered:*

Paragraph (a) (18) of Order A-2 under § 1499.159b of Maximum Price Regulation No. 188 is amended to read as follows:

(18) *Piano parts.* The purpose of this adjustment provision is to remove price impediments to the resumption of the production of piano parts on which restrictions on production have been removed.

(i) Any manufacturer of piano parts, may on application to the Office of Price Administration, Washington 25, D. C., receive an adjustment of his maximum prices to the extent provided for in Supplementary Order 118 or Supplementary Order 119 whichever may be applicable, if under all the provisions of those orders, in effect at the time his application is submitted, he is eligible for an adjustment.

(ii) Regardless of the adjustment of his maximum prices for which the manufacturer may qualify under Supplementary Order 118 or Supplementary Order 119, the Administrator may grant a further adjustment if a manufacturer can show the following in an application to the Office of Price Administration, Washington 25, D. C.:

(*a*) That unless a further adjustment of his ceiling prices is authorized, he will be compelled to conduct his piano parts manufacturing operations at a loss. As a part of this showing, the manufacturer must submit with his application an interim profit and loss statement on OPA Financial Reporting Form B for the most recent three-month period for which such a statement can be prepared. An adjustment will not be authorized unless this statement discloses an actual loss during this period on the piano parts manufacturing operations, or unless the manufacturer clearly demonstrates, first, that changes in conditions which have already taken place will cause him immediately to incur such a loss, and second, what the minimum amount of this loss will be.

Any adjustment granted under this paragraph will be limited so as not to offset losses which appear to be due to:

(*1*) Payment of excessive salaries or of unlawful or excessive prices for materials, or

(2) Payment of wage increases which under the regulations of the Stabilization Administrator are not to be taken into account by the Price Administrator, or

(*3*) Incurring of factory overhead costs of or selling, administrative and general costs which are abnormally high relative to sales or other costs unless such excess is demonstrated by clear and convincing evidence to have been unavoidable in the exercise of sound business judgment and management; or

(*4*) Any transactions with affiliated corporations or businesses which either are of a kind which would not result from arms length bargaining or differ from the transactions which the manufacturer has customarily had with such affiliated corporations or businesses; or

(*5*) Provisions for war reserves or other contingencies.

(*b*) The manufacturer shall certify that his volume of production and sales during the period reported in the profit and loss statement is or will be as high as the availability of material, labor, supplies and plant facilities.

The greatest adjustment which will be allowed under this order will be one increasing the manufacturer's maximum prices for sales of his piano parts in an amount sufficient to compensate for the prospective loss established by the applicant, assuming that sales will be made at ceiling prices and the same volume and proportions of products as was assured in establishing the prospective loss. Orders allowing adjustment under this paragraph (a) (18) (ii) shall be effective for 120 days after issuance but may be further extended on application of the manufacturer if it appears that his total piano parts manufacturing operations for the ninety days following the granting of the adjusted maximum prices are not being conducted at a profit.

This amendment shall become effective January 2, 1946.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-23061; Filed, Dec. 28, 1945; 11:32 a. m.]

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[MPR 188, Amdt. 3 to Rev. Order 2525]

PIANOS

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 § 1499.159b of Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation No. 14, *It is ordered:*

Revised Order No. 2525 under Maximum Price Regulation No. 188 is amended in the following respects:

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

(d) *Additional increases for manufacturers.* (1) Any manufacturer of pianos, may on application to the Office of Price Administration, Washington 25, D. C., receive an adjustment of his maximum prices to the extent provided for in Supplementary Order 118 or Supplementary Order 119, whichever may be applicable, if under all the provisions of those orders, in effect at the time his application is submitted, he is eligible for an adjustment.

(2) Regardless of the adjustment of his maximum prices for which the manufacturer may qualify under the criteria of Supplementary Order 118 or Supplementary Order 119, the Administrator may grant a further adjustment if a manufacturer can show the following in an application to the Office of Price Administration, Washington 25, D. C.:

(i) That unless a further adjustment of his ceiling prices is authorized, he will be compelled to conduct his piano operations at a loss. As a part of this showing, the manufacturer must submit with his application an interim profit and loss statement on OPA Financial Reporting Form B for the most recent three month period, for which such a statement can be prepared. An adjustment will not be authorized unless this statement discloses an actual loss during this period on the piano operations, or unless the manufacturer clearly demonstrates first, that changes in conditions which have already taken place will cause him immediately to incur such a loss, and second, what the minimum amount of this loss will be.

Any adjustment granted under this paragraph will be limited so as not to offset losses which appear to be due to:

(*a*) Payment of excessive salaries or of unlawful or excessive prices for materials, or

(*b*) Payment of wage increases which under the regulations of the Stabilization Administrator are not to be taken into account by the Price Administrator, or

(*c*) Incurring of factory overhead costs of or selling, administrative and general costs which are abnormally high relative to sales or other costs unless such excess is demonstrated by clear and convincing evidence to have been unavoidable in the exercise of sound business judgment and management; or

(*d*) Any transactions with affiliated corporations or businesses which either are of a kind which would not result from arms length bargaining or differ from the transactions which the manufacturer has customarily had with such affiliated corporations or businesses; or

(*e*) Provisions for war reserves or other contingencies.

(ii) The manufacturer shall certify that his volume of production and sales during the period reported in the profit and loss statement is or will be as high as the availability of material, labor, supplies and plant facilities permit.

The greatest adjustment which will be allowed under this order will be one increasing the manufacturer's maximum prices for sales of his pianos in an amount sufficient to compensate for the prospective loss established by the applicant, assuming that sales will be made at ceiling prices and in the same volume and proportions of products as was assumed in establishing the prospective loss. Orders allowing adjustment under this paragraph (d) (2) shall be effective for 120 days after issuance but may be further extended on application of the manufacturer if it appears that his total piano operations for the ninety days following the granting of the adjusted maximum prices are not being conducted at a profit.

(3) Regardless of the provisions of any order issued under this paragraph prior to January 2, 1946, the maximum retail prices for all retail sales (except retail sales by mail order or by manufacturers who sell exclusively through their own retail outlets) or pianos which are shipped by a manufacturer on or after January 2, 1946, shall be determined in accordance with the provisions of paragraph (e) of this order.

2. The undesignated paragraphs at the beginning of paragraph (e) and para-

graph (e) (1), are amended to read as follows:

(e) *Maximum prices for sales at retail.* (1) The maximum price for a sale or delivery at retail of a piano which is shipped by a manufacturer to a retailer on and after January 2, 1946 (except for retail sales by mail order or for sales by manufacturers who sell exclusively through their own retail outlets) is computed as follows adjusted upward or downward to the nearest dollar:

*Step 1.* Compare the manufacturer's highest current maximum price to retailers, as established or adjusted under paragraphs (b), (c) or (d) with his price to the same class of retailer in effect immediately prior to October 7, 1944, and determine whether the total percentage increase in that price is more or less than 20%. If it is 20% or less, omit step 2; if it is more than 20% omit step 3.

*Step 2.* Multiply the manufacturer's highest current maximum price to retailers by 1.74.

*Step 3.* Multiply the highest price to a retailer in effect immediately prior to October 7, 1944 by 1.13 and add to that amount the applicable of the following:

89% of that amount if it is below $225.01.

85% or $200.25, whichever is greater, if that amount is between $225.01 and $338.00.

79% or $287.30, whichever is greater, if that amount is between $338.01 and $564.00.

75% or $445.56, whichever is greater, if that amount is over $564.00.

*Step 4.* Add to the amount calculated in accordance with step 2 or 3, the amount of the Federal excise tax payable by the manufacturer and the freight allowance indicated in paragraph (e) (2).

The maximum retail price so computed includes the Federal excise tax and the permissible charge for freight. No additional amount may be added thereto on account of these terms. Each retailer shall continue to furnish the services he customarily furnished in March 1942 on the sale of a new piano, as for example, free delivery, tuning, etc. In addition the retailer shall continue in effect, terms, discounts, trade-in and other allowances no less favorable to the purchaser than the retailer allowed in March 1942. Local and state taxes and credit charges (in accordance with the provisions of paragraph (i) of this order), may be added, together with other price differentials for which the retailer customarily made a separately stated charge in March 1942.

3. Paragraph (e) (3) is amended to read as follows:

(3) Maximum retail prices previously established by this paragraph (3) for pianos received by the retailer on and after October 7, 1944, and which were shipped by the manufacturer before January 2, 1946, are not changed by the amendment to this order effective on January 2, 1946.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-23053; Filed, Dec. 28, 1945; 11:32 a. m.]

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[MPR 188, Amdt. 1 to Order 4418]

SALES OF AUTOMOBILE SEAT COVERS

ADJUSTMENT 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 Order No. 4418 under § 1499.159b of Maximum Price Regulation No. 188, *It is ordered*, That Order No. 4418 under § 1499.159b of Maximum Price Regulation No. 188 be, and the same hereby is, amended in the following respects:

1. The table in section 2 is amended to read as follows:

| Article | Maximum price to jobbers | Maximum price to retailers |
|---|---|---|
| Universal seat covers (coupe) | $3.20 | $4.00 |
| Universal seat covers (coach and sedan) | 6.20 | 7.75 |
| Tailor made seat covers (coupe) | 5.60 | 7.00 |
| Tailor made seat covers (coach and sedan) | 10.46 | 13.20 |

2. Section 3 (a) is amended to read as follows:

(a) If a manufacturer qualifies for an adjustment under this order, his maximum price will be adjusted by an amount sufficient to cover his total unit cost to make and sell, plus a margin over such current total unit cost which the Price Administrator determines will approximate the manufacturer's average margin on sales of automobile seat covers during a normal peacetime period. (If a particular manufacturer did not produce automobile seat covers during a normal peacetime period, or if his average margin during such a period was less than 7.2 percent, his maximum price will be adjusted by an amount sufficient to cover his total unit cost to make and sell, plus 7.2 percent of such cost.) However, no adjustment will be granted which will result in an adjusted maximum price in excess of the appropriate cut-off point listed in section 2.

This amendment shall become effective immediately.

Issued this 28th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-23068; Filed, Dec. 28, 1945; 11:35 a. m.]

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[MPR 478, Order 157]

COATED AND COMBINED FABRICS

AUTHORIZATION 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 section 15a of Maximum Price Regulation 478, it is ordered:

(a) *Manufacturers' ceiling prices.* Manufacturers of oilcloth may increase by 15 percent the highest list price which they had in effect during October 1941 for sales of all oilcloth.

(b) *Wholesalers' ceiling prices.* Wholesalers of oilcloth may increase by 9.1 percent their prices for sales of all oilcloth other than wall oilcloth to each class of purchaser in effect March 1, 1942 for those items for which the manufacturer has increased his prices as permitted by this order.

(c) *Terms, discounts, and allowances.* The prices established under paragraph (a) and (b) of this order shall be subject to the same trade and cash discounts and all other discounts, credits and allowances in effect to any purchaser and classes of purchasers prior to the issuance of this order.

(d) *Notification.* At the time of or prior to the first invoice to a wholesaler of all oilcloth other than wall cloth the manufacturer shall notify the purchaser in writing of the maximum resale prices and conditions as established by this order for such items.

(e) *Relationship of this order to Maximum Price Regulation 478.* The provisions of this order supersede the provisions of Maximum Price Regulation 478 with respect to sales for which ceiling prices are established by this order, only to the extent that they are inconsistent with those provisions of the regulation. Specifically, however, paragraph (b) of this order supersedes section 9 of Maximum Price Regulation 478 including the reporting provisions of that section with respect to wholesalers' sales of all oilcloth other than wall oilcloth.

(f) *Revocation.* This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective January 2, 1946.

Issued this 28th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-23069; Filed, Dec. 28, 1945; 11:35 a. m.]

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[MPR 592, Amdt. 23 to Order 1]

STRUCTURAL CLAY PRODUCTS

MANUFACTURERS' MAXIMUM PRICES

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

A new section 2.1 (l) is added to read as follows:

(l) *Manufacturers' maximum prices in Structural Clay Products Areas 13-17 inclusive*—(1) *What this paragraph covers.* This paragraph covers manufacturers' maximum prices for clay and shale building brick (common and face), structural clay hollow tile, and clay drain tile manufactured in Structural Clay Products Areas 13-17 inclusive. As used in this paragraph, Structural Clay Products Areas 13-17 means the states of Montana, Idaho, Wyoming, Nevada, Utah, Arizona, New Mexico, California, Washington and Oregon.

(2) *Manufacturers' maximum prices.* The manufacturers' maximum f. o. b. plant or delivered prices, for items covered by this paragraph, established pursuant to Maximum Price Regulation 592, may be increased by an amount not in excess of $2.00 per thousand for standard size brick and $0.80 per ton for tile.

(3) *Manufacturers' individual or area price adjustments.* (i) Any individual price adjustments or area adjustments granted prior to January 2, 1946 by the Price Administrator or any Regional Administrator to any manufacturer of the products set forth in (1) above, in an amount equal to or less than the increase permitted by this paragraph are hereby revoked.

(ii) Any individual price adjustments or area price adjustments granted prior to January 2, 1946 by the Price Administrator or any Regional Administrator to any manufacturer of the products set forth in (1) above, in an amount greater than the increase permitted in this paragraph are hereby continued in full force and effect; such individual or area adjustments shall not, however, be further increased by the increase permitted in this paragraph.

This amendment shall become effective January 2, 1946.

Issued this 28th day of December 1945.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 45-23063; Filed, Dec. 28, 1945; 11:32 a. m.]

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## Regional and District Office Orders.

### LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register December 18, 1945.

#### REGION II

District of Columbia Order 5-F, Amendment 40, covering fresh fruits and vegetables in the District of Columbia area. Filed 12:55 p. m.

Newark Order 7-F, Amendment 35, covering fresh fruits and vegetables in counties of Essex, Bergen, Hudson, Passaic, Sussex, Morris and Union and the Borough of North Plainfield in Somerset County, New Jersey. Filed 12:55 p. m.

Newark Order 1-P, Amendment 11, covering fresh fish and seafood. Filed 12:55 p. m.

Syracuse Order 3-F, Amendments 59 and 60, covering fresh fruits and vegetables in the cities of Syracuse, Watertown, and Utica and their free delivery zones, New York. Filed 12:55 p. m.

Syracuse Order 43 and 44, Amendments 1 and 2, covering dry groceries in certain counties in New York. Filed 12:56 p. m.

Syracuse Order 45, Amendment 2, covering dry groceries in certain counties in New York. Filed 12:57 p. m.

Syracuse Order 11-W, Amendment 2, covering dry groceries in certain counties in New York. Filed 12:57 p. m.

#### REGION III

Cleveland Order 6-F, Amendment 3, covering fresh fruits and vegetables in Cuyahoga county, Ohio. Filed 12:59 p. m.

Cleveland Order 7-F, Amendment 3, covering fresh fruits and vegetables in certain counties in Ohio. Filed 12:59 p. m.

Cincinnati Order 4-F, Amendment 49, covering fresh fruits and vegetables in all of Hamilton County, Ohio. Filed 12:57 a. m.

Cincinnati Order 8-F, Amendment 19, covering fresh fruits and vegetables in certain counties in Ohio excluding Union City and College Corner, Ohio. Filed 12:57 p. m.

Columbus Order 10-F, Amendment 22, covering fresh fruits and vegetables in Franklin, Logan and Muskingum Counties, Ohio. Filed 1:00 p. m.

Columbus Order 11-F, Amendment 22, covering fresh fruits and vegetables in certain counties in Ohio. Filed 1:00 p. m.

Detroit Order 5-F (Appendix A), Amendment 49, covering fresh fruits and vegetables in Wayne and Macomb Counties, Michigan. Filed 1:00 p. m.

Detroit Order 5-F, (Appendix B), Amendment 50, covering fresh fruits and vegetables in certain counties in Michigan. Filed 1:01 p. m.

Detroit Order 1-O, Amendment 11, covering eggs sold at retail in designated counties. Filed 1:03 p. m.

Indianapolis Order 14-F, Amendment 46, covering fresh fruits and vegetables in Marion, Vigo and Tippecanoe Counties, Indiana. Filed 12:57 p. m.

Indianapolis Order 15-F, Amendment 46, covering fresh fruits and vegetables in Wayne, Delaware and Allen Counties, Indiana. Filed 12:58 p. m.

Indianapolis Order 16-F, Amendment 46, covering fresh fruits and vegetables in St. Joseph County, Indiana. Filed 12:58 p. m.

Indianapolis Order 17-F, Amendment 46, covering fresh fruits and vegetables in Vanderburgh County, Indiana. Filed 12:58 p. m.

Louisville Order 12-F, Amendments 47 and 48, covering fresh fruits and vegetables in Jefferson, Kentucky, Clark and Floyd Counties, Indiana. Filed 12:58 and 12:59 p. m.

Louisville Order 17-F, Amendments 13 and 14, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 12:59 p. m.

Louisville Order 18-F, Amendments 7 and 8, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 1:01 p. m.

Louisville Order 19-F, Amendments 7 and 8, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 1:01 and 1:02 p. m.

Louisville Order 20-F, Amendments 7 and 8, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 1:02 p. m.

Louisville Order 21-F, covering fresh fruits and vegetables in all of Fayette county, Kentucky. Filed 1:02 p. m.

Louisville Order 22-F, covering fresh fruits and vegetables in all of Campbell and Kenton counties, Kentucky. Filed 1:03 p. m.

Louisville Order 23-F, covering fresh fruits and vegetables in all of Boyd county, Kentucky. Filed 1:03 p. m.

Louisville Order 24-F, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 1:03 p. m.

Louisville 2-P, (Appendix A), Amendment 4, covering fish in Jefferson, Kentucky, Clark & Floyd counties, Indiana. Filed 1:03 p. m.

#### REGION VI

Des Moines Order 4-F, Amendment 11, covering fresh fruits and vegetables in the Sioux City area. Filed 1:09 p. m.

Des Moines Order 5-F, Amendment 10, covering fresh fruits and vegetables in the Des Moines area. Filed 1:09 p. m.

Des Moines Order 5-F, Amendment 11, covering fresh fruits and vegetables in the Des Moines area. Filed 1:09 p. m.

Des Moines Order 6-F, Amendment 10, covering fresh fruits and vegetables in the Cedar Rapids area. Filed 1:09 p. m.

Des Moines Order 6-F, Amendment 11, covering fresh fruits and vegetables in the Cedar Rapids area. Filed 1:10 p. m.

Des Moines Order 7-F, Amendment 10, covering fresh fruits and vegetables in the Davenport area. Filed 1:12 p. m.

Des Moines Order 7-F, Amendment 11, covering fresh fruits and vegetables in the Davenport area. Filed 1:10 p. m.

Des Moines Order 21, covering dry groceries sold by Groups 3 and 4 stores in the Des Moines District area. Filed 1:11 p. m.

Des Moines Order 2-O, Amendment 4, covering eggs in Council Bluffs and Sioux City, Iowa. Filed 1:10 p. m.

Des Moines Order 3-O, Amendment 4, covering eggs in Ft. Dodge and Mason City, Iowa. Filed 1:10 p. m.

Des Moines Order 4-O, Amendment 4, covering eggs in Dubuque, Waterloo, Cedar Rapids, Clinton, Davenport, Burlington, and Ottumwa areas. Filed 1:11 p. m.

Des Moines Orders 18 and 10-W, Amendment 2, covering dry groceries in certain counties in Iowa. Filed 1:11 p. m.

Des Moines Orders 12-W and Order 20, Amendments 2, covering dry groceries in certain counties in Iowa. Filed 1:11 p. m.

Milwaukee Order 8-F, Amendment 38, covering fresh fruits and vegetables in Dane county, Wisconsin. Filed 1:12 p. m.

Milwaukee Order 9-F, Amendment 38, covering fresh fruits and vegetables in Sheboygan and Fond du Lac counties, Wisconsin. Filed 1:12 p. m.

Milwaukee Order 11-F, Amendment 30, covering fresh fruits and vegetables in Milwaukee county, cities of Racine, Kenosha, Wisconsin. Filed 1:07 p. m.

Milwaukee Order 12-F, Amendment 11, covering fresh fruits and vegetables in cities of La Crosse and Sparta, Wisconsin. Filed 1:07 p. m.

Milwaukee Order 1-O, Amendment 2, covering eggs in Milwaukee county, Wisconsin. Filed 1:07 p. m.

Milwaukee Order 1-O, Amendment 3, covering eggs in Milwaukee county, Wisconsin. Filed 1:03 p. m.

Sioux Falls Order 2-F, Amendment 18, covering fresh fruits and vegetables in the city of Sioux Falls, South Dakota. Filed 1:12 p. m.

Sioux Falls Order 3-F, Amendment 12, covering fresh fruits and vegetables in certain areas in South Dakota. Filed 1:03 p. m.

Sioux Falls Order 4-F, Amendment 12, covering fresh fruits and vegetables in certain counties in South Dakota. Filed 1:03 p. m.

Springfield Order 13-F, Amendment 39, covering fresh fruits and vegetables in the City of Springfield, Illinois. Filed 1:03 p. m.

Springfield Order 14-F, Amendment 40, covering fresh fruits and vegetables in City of East St. Louis and townships of Centerville, Sugar Loaf, Canteen and Stites of St. Clair county, Illinois. Filed 1:04 p. m.

Springfield Order 15-F, Amendment 39, covering fresh fruits and vegetables in City of Decatur, Illinois. Filed 1:04 p. m.

Springfield Order 22-F, Amendment 6, covering fresh fruits and vegetables in City of Quincy, Illinois. Filed 1:04 p. m.

#### REGION VII

Boise Order 5-F, Amendments 11, 12, 13, 14, 15, 16, and 17, covering fresh fruits and vegetables in Boise City area, Alameda, Buhl, Filer, Idaho Falls, Kimberly, Hansen, Murtaugh, Pocatello and Twin Falls, Idaho. Filed 1:05 1:06 and 1:07 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
*Secretary.*

[F. R. Doc. 45-22933; Filed, Dec. 26, 1945; 4:23 p. m.]

[Region II Order G-67 Under RMPR 122]

PENNSYLVANIA ANTHRACITE IN NEW YORK

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, it is ordered:

(a) *What this order does*—(1) *Dealers' maximum prices; area covered.* If you are a dealer in "Pennsylvania Anthracite", this order fixes the maximum prices which you may charge, and if you are a purchaser in the course of trade or business, this order fixes the maximum prices which you may pay, for certain sizes and quantities of "Pennsylvania Anthracite" (hereinafter called simply "Anthracite") delivered to or at any point in State of New York—Coal Area XIII. That area comprises 9 counties and part of Monroe County in the State of New York, falling into seven zones as follows:

*Zone 1.* Zone 1 includes the City of North Tonawanda in Niagara County and all of Erie County except the towns of Grand Island, Newstead, Holland, Sardinia, Concord, Collins, North Collins and Brant.

*Zone 2.* Zone 2 includes Niagara County except the City of North Tonawanda, all of Orleans County and the Towns of Grand Island and Newstead in Erie County.

*Zone 3.* Zone 3 includes all of Genesco County and all of Wyoming County except the towns of Arcade, Eagle, Pike and Genesee Falls.

*Zone 4.* Zone 4 includes all of Livingston County and all of that part of Monroe County not covered by Revised Order No. G-18, State of New York—Coal Area IV.

*Zone 5.* Zone 5 includes all of Allegany County, the Towns of Eagle, Pike and Genesee Falls in Wyoming County, the City of Olean and the Towns, of Olean, Allegany, Hinsdale and Portville in Cattaraugus County.

*Zone 6.* Zone 6 includes the Town of Arcade in Wyoming County, the Towns of Holland, Sardinia, Concord, Collins, North Collins and Brant in Erie County, all of Cattaraugus County except the City of Olean, the Towns of Olean, Allegany, Hinsdale and Portville, and all of Chautauqua County except the City of Jamestown and the Towns of Gerry, Ellington, Poland, Carroll, Ellicott, Kiantone, Busti and Ellery.

*Zone 7.* Zone 7 includes the City of Jamestown and the Towns of Gerry, Ellington, Poland, Carroll, Ellicott, Kiantone, Busti and Ellery in Chautauqua County.

(2) *Schedule of prices, charges and discounts.* The applicable prices, authorized charges, and required discounts, from which you shall determine the maximum prices for designated sizes and quantities of Anthracite delivered within Zones 1, 2, 3, 4, 5, 6, and 7 are set forth in Schedules I, II, III, IV, V, VI, and VII, respectively.

(3) *To what sales this order applies.* If you are a dealer in Anthracite, you are bound by the prices, charges and discounts, and by all other provisions of this order for all deliveries within Zones 1, 2, 3, 4, 5, 6 and 7.

You shall determine the maximum price for "Direct-Delivery" sales, as hereinafter defined, by reference to the appropriate schedule of this order covering the zone to which delivery is made, whether or not you are located in that zone.

You shall determine your maximum price for a "Yard" sale, as hereinafter defined, by reference to the appropriate schedule of this order covering the zone in which the purchaser takes physical possession or custody of the anthracite.

(b) *What this order prohibits.* Regardless of any contract or other obligation, you shall not:

(1) Sell or, in the course of trade or business, buy anthracite of the sizes and in the quantities set forth in the schedule herein, at prices higher than the maximum prices computed as set forth in paragraph (c) of this order, although you may charge, pay, or offer less than maximum prices.

(2) Obtain any price higher than the applicable maximum price by—

(i) Changing the discounts authorized herein, or

(ii) Charging for any service which is not expressly requested by the buyer, or

(iii) Charging for any service for which a charge is not specifically authorized by this order, or

(iv) Charging a price for any service higher than the schedule price for such service, or

(v) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(vi) Using any other device by which a higher price than the applicable maximum price is obtained, directly or indirectly.

(c) *How to compute maximum prices.* You must figure your maximum price as follows:

(1) *Use the schedule which covers your sale.* (Schedule 1 contains a separate table or tables of prices for "Direct-Delivery" sales and "Yard Sales", within Zone 1. You will find Schedule 1 in paragraph (d). In like manner schedules II, III, IV, V, VI and VII contain separate tables of prices for "Direct-Delivery" sales and "Yard Sales" in Zones 2, 3, 4, 5, 6, and 7 respectively. You will find Schedule II in paragraph (e), Schedule III in paragraph (f), Schedule IV in paragraph (g), Schedule V in paragraph (h), Schedule VI in paragraph (i) and Schedule VII in paragraph (j).

(2) Take the dollars-and-cents figure given in the applicable table of the applicable schedule, for the sizes and quantity you are selling.

(3) Deduct from that figure the amount of the discount which you are required to give, as specified therein. Where a discount is required, you must state it separately on your invoice.

(4) If, at your purchaser's request, you actually render him a service for which this order authorizes a charge, you may add to the figure obtained as above no more than the maximum authorized service charge. You must state that charge separately on your invoice. The only authorized service charges are those provided for in the schedules.

(d) *Schedule 1.* Schedule 1 establishes specific maximum prices for certain sizes of anthracite, in certain quantities, delivered to or at any point within Zone 1. There is a separate table of prices for "Direct-Delivery" sales, "Yard Sales", to consumers and "Yard Sales" to dealers for resale.

(1) *Sales on a "direct-delivery" basis.* For sales of anthracite of the sizes and in the quantities specified:

| Size | Per net ton | Per net ½ ton | Per net ¼ ton | Per 100 lbs. for sale of 100 lbs. or more but less than ¼ ton | Per 50 lb. bag |
|---|---|---|---|---|---|
| Broken, egg, stove, nut | $15.50 | $8.25 | $4.15 | $1.00 | $0.55 |
| Pea | 13.40 | 7.20 | 3.60 | .90 | .50 |
| Buckwheat | 11.15 | 6.10 | 3.05 | .80 | .45 |
| Rice | 10.80 | 5.65 | 2.85 | .75 | ------ |
| Barley | 9.05 | 5.05 | 2.50 | ------ | ------ |
| Screenings | 4.85 | ------ | ------ | ------ | ------ |

*Required discounts.* You shall deduct from the prices set forth in Table (1) of this schedule, on sales and deliveries of all sizes except screenings, in quantities of one ton or more, a discount of 75¢ per net ton where payment is made within 15 days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

MAXIMUM AUTHORIZED SERVICE CHARGES

| *Special service rendered at the request of the purchaser* | *Per net ton* |
|---|---|
| "Carry" or "Wheel" (except for sales amounting to less than one ton) | $1.00 |
| Carrying upstairs or downstairs for each full flight above or below the ground floor (except for sales amounting to less than one ton). This charge shall be in addition to any charge for "carry" or "wheel" | .50 |
| Trimming | .25 |

(2) *"Yard sales" to consumers.* For sales of anthracite of the sizes and in the quantities specified:

| Size | Per net ton for sales of ½ ton or more | Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton | Per 50 lb. bag |
|---|---|---|---|
| Broken, egg, stove, nut | $14.25 | $0.90 | $0.50 |
| Pea | 12.15 | .80 | .45 |
| Buckwheat | 9.90 | .70 | .40 |
| Rice | 9.05 | .65 | ------ |
| Barley | 7.80 | ------ | ------ |
| Screenings | 3.85 | ------ | ------ |

*Required discounts.* You shall deduct from the prices set forth in Table (2) of this schedule, on sales and deliveries of all sizes except screenings, a discount of 75¢ per net ton, where payment is made within 15 days after delivery. Nothing in this sub-paragraph requires you to sell on other than a cash basis.

(3) *"Yard sales" to dealers for resale.*

| Size: | *Per net ton* |
|---|---|
| Broken, egg, stove, nut | $12.95 |
| Pea | 10.85 |
| Buckwheat | 8.75 |
| Rice | 7.90 |
| Barley | 6.65 |

*Required discounts.* You shall deduct from the prices set forth in Table (3) of this schedule, on sales and deliveries to dealers, a discount of 35¢ per net ton, where payment is made by the 22nd day of the month on purchases made from the 1st to the 15th day

of that month and where payment is made by the 7th day of the following month on purchases made from the 16th to the 31st day of the previous month. Nothing herein requires you to sell on other than a cash basis.

(e) *Schedule II.* Schedule II establishes specific maximum prices for certain sizes of anthracite, in certain specific quantities, delivered to or at any point within Zone 2. There is a table of prices for "Direct-Delivery" Sales and two tables of prices for "Yard Sales".

(1) *Sales on a "direct-delivery" basis.* For sales of anthracite of the sizes and in the quantities specified:

| Size | Per net ton | Per net ½ ton | Per net ¼ ton | Per 100 lbs. for sales of 100 lbs. or more but less than ¼ ton | Per 50 lb. bag |
|---|---|---|---|---|---|
| Broken, egg, stove, nut | $15.60 | $8.30 | $4.15 | $1.00 | $0.55 |
| Pea | 13.70 | 7.25 | 3.70 | .90 | .50 |
| Buckwheat | 11.35 | 6.20 | 3.10 | .80 | .45 |
| Rice | 10.40 | 5.70 | 2.85 | .75 | ------ |
| Barley | 9.15 | -------- | -------- | -------- | ------ |
| Screenings | 4.85 | -------- | -------- | -------- | ------ |

*Required discounts.* You shall deduct from the prices set forth in Table (1) of this schedule, on sales and deliveries of all sizes except screenings, in quantities of one ton or more, a discount of 75¢ per net ton where payment is made within 15 days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

MAXIMUM AUTHORIZED SERVICE CHARGES

| *Special service rendered at the request of the purchaser* | *Per net ton* |
|---|---|
| "Carry" or "wheel" (except for sales amounting to less than one ton) | $0.50 |
| Carrying upstairs or downstairs for each full flight above or below the ground floor (except for sales amounting to less than one ton). This charge shall be in addition to any charge for "carry" or "wheel" | .50 |
| For deliveries involving hauling beyond five miles from the dealer's yard (in quantities of one ton or more) | [1] .50 |
| On all deliveries to the town of Grand Island (bridge toll) | [2] .30<br>[3] .45 |

[1] For each five miles or fraction thereof beyond five miles from the dealer's yard.

[2] Two-ton truck.

[3] Two- to five-ton truck. If more than one delivery is made from one truckload, this charge shall be apportioned among the recipients of the fuel, on a tonnage basis.

(2) *"Yard sales" to consumers.* For sales of anthracite of the sizes and in the quantities specified:

| Size | Per net ton for sales of ½ ton or more | Per 100 lbs. for 100 lbs. or more but less than ½ ton | Per 50 lb. bag |
|---|---|---|---|
| Broken, egg, stove, nut | $14.60 | $0.90 | $0.50 |
| Pea | 12.70 | .80 | .45 |
| Buckwheat | 10.35 | .70 | .40 |
| Rice | 9.40 | .65 | ------ |
| Barley | 8.15 | ---------- | ------ |
| Screenings | 3.85 | ---------- | ------ |

*Required discounts.* You shall deduct from the prices set forth in Table (2) of this schedule, on sales and deliveries of all sizes except screening, a discount of 75¢ per net ton where payment is made within 15 days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(3) *"Yard sales" within the City of Niagara Falls to dealers for resale.*

| Size: | *Per net ton* |
|---|---|
| Broken, egg, stove, nut | $12.60 |
| Pea | 10.60 |
| Buckwheat | 8.40 |
| Rice | 7.65 |

(f) *Schedule III.* Schedule III establishes specific maximum prices for certain sizes of anthracite, in certain specific quantities, delivered to or at any point within Zone 3. There is a separate table of prices for "Direct-Delivery" sales and "Yard Sales".

(1) *Sales on a "direct-delivery" basis.* For sales of anthracite of the sizes and in the quantities specified:

| Size | Per net ton | Per net ½ ton | Per net ¼ ton | Per 100 lbs. (for sales of 100 lbs. or more but less than ¼ ton) | Per 50 lb. bag |
|---|---|---|---|---|---|
| Broken, egg, stove, nut | $15.60 | $8.15 | $4.20 | $1.00 | $0.65 |
| Pea | 13.95 | 7.25 | 3.75 | .90 | .60 |
| Buckwheat | 11.70 | 6.10 | 3.20 | .80 | .45 |
| Rice | 10.65 | 5.60 | 2.85 | .75 | ------ |
| Barley | 9.40 | -------- | -------- | -------- | ------ |
| Screenings | 4.85 | -------- | -------- | -------- | ------ |

*Required discounts.* You shall deduct from the prices set forth in Table (1) of this schedule on sales and deliveries of all sizes except screenings, a discount of $1.00 per net ton, 50¢ per net ½ ton and 25¢ per net ¼ ton, where payment is made within 15 days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

MAXIMUM AUTHORIZED SERVICE CHARGES

*Special Service Rendered at the Request of the Purchaser*

"Carry" or "wheel" (except for sales amounting to less than ¼ ton): $0.75 per net ton; $0.40 per net ½ ton; $0.25 per net ¼ ton.

Carrying upstairs or downstairs for each full flight above or below the ground floor (except for sales amounting to less than ¼ ton). This charge shall be in addition to any charge for "carry" or "wheel": $0.75 per net ton; $0.40 per net ½ ton; $0.25 per net ¼ ton.

For deliveries involving hauling beyond five miles from the dealer's yard (in quantities of 1 ton or more): $0.50 per net ton for each five miles or fraction thereof beyond five miles from the dealer's yard.

(2) *"Yard sales".* For sales of anthracite of the sizes and in the quantities specified:

| Size | Per net ton for sales of ½ ton or more | Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton | Per 50 lb. bag |
|---|---|---|---|
| Broken, egg, stove, nut | $15.60 | $0.90 | $0.50 |
| Pea | 13.45 | .80 | .45 |
| Buckwheat | 11.20 | .70 | .40 |
| Rice | 10.15 | .65 | ------ |
| Barley | 8.90 | ---------- | ------ |
| Screenings | 3.85 | ---------- | ------ |

*Required discounts.* You shall deduct from the prices set forth in Table (2) of this schedule, on sales and deliveries of all sizes except screenings, a discount of $1.00 per net ton, 50¢ per net ½ ton, and 25¢ per net ¼ ton, where payment is made within 15 days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(g) *Schedule IV.* Schedule IV establishes specific maximum prices for certain sizes of anthracite, in certain specific quantities, delivered to or at any point within *Zone 4.* There is a separate table of prices for "Direct-Delivery" sales and "Yard Sales".

(1) *Sales on a "direct-delivery" basis.* For sales of anthracite of the sizes and in the quantities specified:

| Size | Per net ton | Per net ½ ton | Per net ¼ ton | Per 100 lbs. (for sales of 100 lbs. or more but less than ¼ ton) |
|---|---|---|---|---|
| Broken, egg, stove, nut | $15.70 | $8.15 | $4.25 | $0.90 |
| Pea | 13.60 | 7.05 | 3.70 | .80 |
| Buckwheat | 10.60 | 5.60 | 2.95 | .70 |
| Rice | 9.20 | 4.95 | 2.65 | ---------- |
| Barley | 8.35 | ------ | ------ | ---------- |
| Screenings | 4.85 | ------ | ------ | ---------- |

*Required discounts.* You shall deduct from the prices set forth in Table (1) of this schedule, on sales and deliveries of Broken, Egg, Stove, Nut and Pea sizes, a discount of 75¢ per net ton, 40¢ per net ½ ton, and 20¢ per net ¼ ton, where payment is made within ten days after delivery. For sales of Buckwheat, Rice and Barley sizes, you shall deduct a discount of 25¢ per net ton where payment is made within ten days after delivery. Nothing herein requires you to sell on other than a cash basis.

MAXIMUM AUTHORIZED SERVICE CHARGES

*Special Service Rendered at the Request of the Purchaser*

"Carry" or "Wheel" (except for sales amounting to less than ¼ ton): $0.75 per net ton; $0.45 per net ½ ton; $0.30 per net ¼ ton.

"Carrying upstairs or downstairs" for each floor above or below the ground floor (except for sales amounting to less than ¼ ton). The charge shall be in addition to any charge for "carry" or "wheel": $0.75 per net ton; $0.45 per net ½ ton; $0.30 per net ¼ ton.

(2) *"Yard sales".* For sales of anthracite of the sizes and in the quantities specified:

| Size | Per net ton for sales of ½ ton or more | Per 100 lbs. for sales of 100 lbs. or more, but less than ½ ton |
|---|---|---|
| Broken, egg, stove, nut | $14.85 | $0.80 |
| Pea | 12.65 | .70 |
| Buckwheat | 9.70 | .60 |
| Rice | 8.75 | ---------- |
| Barley | 7.80 | ---------- |
| Screenings | 3.85 | ---------- |

*Required discounts.* You shall deduct from the prices set forth in Table (2) of this schedule, on sales and deliveries of Broken, Egg, Stove, Nut and Pea sizes, a discount of 75¢ per net ton, and 40¢ per net ½ ton, where payment is made within 10 days after delivery. For sales of Buckwheat, Rice and Barley sizes, you shall deduct a discount of 25¢ per net ton where payment is made within ten days after delivery. Nothing herein requires you to sell on other than a cash basis.

(h) *Schedule V.* Schedule V establishes specific maximum prices for cer-

tain sizes of anthracite, in certain specific quantities, delivered to or at any point within Zone 5. There is a separate table of prices for "Direct-Delivery" sales and "Yard Sales".

(1) *Sales on a "direct-delivery" basis.* For sales of anthracite of the sizes and in the quantities specified:

| Size | Per net ton | Per net ½ ton | Per net ¼ ton | Per 100 lbs. (for sales of 100 lbs. or more but less than ¼ ton) | Per 50 lb. bag |
|---|---|---|---|---|---|
| Broken, egg, stove, nut | $15.30 | $7.90 | $4.10 | $1.00 | $0.55 |
| Pea | 13.05 | 6.80 | 3.60 | .90 | .50 |
| Buckwheat | 10.90 | 5.70 | 3.00 | .80 | .45 |
| Rice | 9.80 | 5.15 | 2.70 | .75 | ------ |
| Barley | 8.55 | ------ | ------ | ------ | ------ |
| Screenings | 4.85 | ------ | ------ | ------ | ------ |

*Required discounts.* You shall deduct from the prices set forth in Table (1) of this schedule on sales and deliveries of all sizes except screenings, in quantities of one ton or more, a discount of 50¢ per net ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

MAXIMUM AUTHORIZED SERVICE CHARGES

*Special Service Rendered at the Request of the Purchaser*

"Carry" or "Wheel" (except for sales amounting to less than 1 ton): $0.50 per net ton.

Carrying upstairs or downstairs for each full flight above or below the ground floor (except for sales amounting to less than 1 ton). This charge shall be in addition to any charge for "carry" or "wheel": $0.50 per net ton.

For deliveries involving hauling beyond 5 miles from the dealer's yard (in quantities of 1 ton or more): $0.50 for each 5 miles or fraction thereof beyond 5 miles from the dealer's yard.

(2) *"Yard sales".* For sales of anthracite of the sizes and in the quantities specified:

| Size | Per net ton for sales of ½ ton or more | Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton | Per 50 lb. bag |
|---|---|---|---|
| Broken, egg, stove, nut | $14.30 | $0.90 | $0.50 |
| Pea | 12.05 | .80 | .45 |
| Buckwheat | 9.90 | .70 | .40 |
| Rice | 8.80 | .65 | ------ |
| Barley | 7.75 | ------ | ------ |
| Screenings | 3.85 | ------ | ------ |

You shall deduct from the prices set forth in Table (2) of this schedule on sales and deliveries of all sizes except screenings, in quantities of one ton or more, a discount of 50¢ per net ton, where payment is made within 10 days after delivery. Nothing in this sub-paragraph requires you to sell on other than a cash basis.

(i) *Schedule VI.* Schedule VI establishes specific maximum prices for certain sizes of anthracite, in certain specific quantities, delivered to or at any point within Zone 6. There is a separate table of prices for "direct-delivery" sales and "yard sales".

(1) *Sales on a "direct-delivery" basis.* For sales of anthracite of the sizes and in the quantities specified:

| Size | Per net ton | Per net ½ ton | Per net ¼ ton | Per 100 lbs. for sales of 100 lbs. or more but less than ¼ ton | Per 50 lb. bag |
|---|---|---|---|---|---|
| Broken, egg, stove, nut | $15.45 | $8.00 | $4.10 | $1.00 | $0.55 |
| Pea | 13.30 | 6.90 | 3.60 | .90 | .50 |
| Buckwheat | 11.05 | 5.80 | 3.00 | .80 | .45 |
| Rice | 9.85 | 5.20 | 2.70 | .75 | ------ |
| Barley | 8.60 | ------ | ------ | ------ | ------ |
| Screenings | 4.85 | ------ | ------ | ------ | ------ |

*Required discount.* You shall deduct from the prices set forth in Table (1) of this schedule on sales and deliveries of all sizes except screenings, in quantities of one ton or more, a discount of 50¢ per net ton where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

MAXIMUM AUTHORIZED SERVICE CHARGES

*Special Service Rendered at the Request of the Purchaser*

"Carry" or "Wheel" (except for sales amounting to less than 1 ton): $0.75 per net ton.

Carrying upstairs or downstairs for each full flight above or below the ground floor (except for sales amounting to less than 1 ton). This charge shall be in addition to any charge for "carry" or "wheel": $0.75 per net ton.

For deliveries involving hauling beyond 5 miles from dealer's yard (in quantities of 1 ton or more): $0.50 per net ton for each 5 miles or fraction thereof beyond 5 miles from dealer's yard.

(2) *"Yard sales".* For sales of anthracite of the sizes and in the quantities specified:

| Size | Per net ton for sales of ½ ton or more | Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton | Per 50 lb. bag |
|---|---|---|---|
| Broken, egg, stove, nut | $14.45 | $0.90 | $0.50 |
| Pea | 12.30 | .80 | .45 |
| Buckwheat | 10.05 | .70 | .40 |
| Rice | 8.85 | .65 | ------ |
| Barley | 7.60 | ------ | ------ |
| Screenings | 3.85 | ------ | ------ |

*Required discounts.* You shall deduct from the prices set forth in Table (2) of this schedule, on sales and deliveries of all sizes except screenings, in quantities of one ton or more, a discount of 50¢ per net ton where payment is made within 10 days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(j) *Schedule VII.* Schedule VII establishes specific maximum prices for certain sizes of anthracite, in certain specific quantities, delivered to or at any point within *Zone 7.* There is a separate table of prices for "direct-delivery" sales and "yard sales".

(1) *Sales on a "direct-delivery" basis.* For sales of anthracite of the sizes and in the quantities specified:

| Size | Per net ton | Per net ½ ton | Per net ¼ ton | Per 100 lbs. for sales of 100 lbs. or more but less than ¼ ton | Per 50 lb. bag |
|---|---|---|---|---|---|
| Broken, egg, stove, nut | $15.05 | $8.05 | $4.15 | $1.00 | $0.55 |
| Pea | 12.70 | 6.85 | 3.55 | .90 | .50 |
| Buckwheat | 10.45 | 5.75 | 3.00 | .80 | .45 |
| Rice | 9.55 | 5.30 | 2.75 | .75 | ------ |
| Barley | 8.30 | ------ | ------ | ------ | ------ |
| Screenings | 4.85 | ------ | ------ | ------ | ------ |

MAXIMUM AUTHORIZED SERVICE CHARGES

Special service rendered at the request of the purchaser:

"Carry" or "wheel" (except for sales amounting to less than ¼ ton): $1 per net ton; $0.50 per net ½ ton; $0.25 per net ¼ ton.

Carrying upstairs or downstairs for each full flight above or below the ground floor (except for sales amounting to less than ¼ ton). This charge shall be in addition to any charge for "carry" or "wheel": $1 per net ton; $0.50 per net ½ ton; $0.25 per net ¼ ton.

Extra chute (where 4 chutes or extra man required): $1 per net ton.

Trimming (where extra man is required): $1 per net ton.

For deliveries involving hauling beyond 5 miles from the dealer's yard (in quantities of 1 ton or more): $0.50 per net ton for each 5 miles or fraction thereof beyond 5 miles from the dealer's yard.

(2) *"Yard sales".* For sales of anthracite of the sizes and in the quantities specified:

| Size | Per net ton for sales of ½ ton or more | Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton | Per 50 lb. bag |
|---|---|---|---|
| Broken, egg, stove, nut | $14.05 | $0.90 | $0.50 |
| Pea | 11.70 | .80 | .45 |
| Buckwheat | 9.45 | .70 | .40 |
| Rice | 8.55 | .65 | ------ |
| Barley | 7.30 | ------ | ------ |
| Screenings | 3.85 | ------ | ------ |

(k) *Commingling.* If you sell one size of anthracite, commingled with another size of anthracite, your maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, whether the sale be a "Direct-Delivery" sale or "Yard Sale", except in the following situation. Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if these sizes are separately weighed at the point of loading, or when bagged, the dealer may commingle those sizes in the truck or other vehicle, or in the bags, in which the delivery is made. The price for anthracite so commingled shall be calculated on the basis of the applicable per net ton price, or, in the case of bagged coal, on the basis of the applicable bagged price, for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(l) *Ex Parte 148; freight rate increase.* Since the Ex Parte 148 Freight Rate Increase has been rescinded by the Interstate Commerce Commission, dealers' freight rates are the same as those of December, 1941. Therefore, you may not increase any schedule price on account of freight rates.

(m) *Addition of increase in suppliers' maximum prices prohibited.* You may not increase the specific maximum prices established by this order to reflect, in whole or in part, any subsequent increase to you in your supplier's maximum

price for the same fuel. The specific maximum prices already reflect increases to you in your supplier's maximum prices occurring up to the effective date of this order. If increases in your supplier's maximum prices should occur after such date, as the result of any amendment to or revision of a maximum price regulation issued by the Office of Price Administration governing sales and deliveries made by such suppliers, the Regional Administrator will, if he then deems it to be warranted, take appropriate action to amend this order to reflect such increases.

(n) *Taxes.* If you are a dealer subject to this order you may collect, in addition to the specific maximum prices established herein, provided you state it separately, the amount of the Federal tax upon the transportation of property imposed by Section 620 of the Revenue Act of 1942 actually paid or incurred by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased. On sales to the United States or any agency thereof, or to the State of New York or any political subdivision thereof, you need not state this tax separately.

(o) *Adjustable pricing.* You may not make a price adjustable to a maximum price which will be in effect at some time after delivery of the anthracite has been completed; but the price may be adjustable to the maximum price in effect at the time of delivery.

(p) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the Regional Administrator and acted upon by him.

(q) *Right of amendment or revocation.* The Regional Administrator or the Price Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(r) *Applicability of other regulations.* If you are a dealer subject to this order you are governed by the licensing provisions of Licensing Order 1. Licensing Order 1 provides, in brief, that a license is required of all persons making sales for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If your license is suspended, you may not sell any such commodity during the period of suspension.

(s) *Records.* If you are a dealer subject to this order, you shall preserve, keep and make available for examination by the Office of Price Administration, a record of every sale of anthracite hereunder, showing the date, the name and address of the buyer, if known, the per net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also state separately each service rendered and the charge made for it.

(t) *Posting of maximum prices; sales slips and receipts.* (1) If you are a dealer subject to this order, you shall post all your maximum prices (as set forth in the applicable table and schedule of this order) in your place of business in a manner plainly visible to and understandable by the purchasing public.

(2) If you are a dealer subject to this order, you shall, except for a sale of less than one-half ton, give each purchaser an invoice, sales slip, or receipt, showing your name and address, the kind, size, and quantity of the anthracite sold to him, the date of the sale or delivery and the price charged, separately stating the amount, if any, of the required discounts which must be deducted from, and the authorized service charges and the taxes, which may be added to the specific maximum prices prescribed herein.

In the case of all other sales, you shall give each purchaser a sales slip or receipt containing the information described in the foregoing paragraph, if requested by such purchaser.

(u) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Buffalo District Office of the Office of Price Administration or with the Price Panel of the appropriate War Price and Rationing Board.

(v) *Definitions and explanations.* When used in this Order No. G-67, the term:

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

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "Sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser", shall be construed accordingly.

(3) "Dealer" means any person selling anthracite of the sizes set forth in the schedules herein, and does not include a producer or distributor making sales at or from a mine, a preparation plant operated as an adjunct of any mine, or a briquette plant.

(4) "Pennsylvania anthracite" means all coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(5) The sizes of "Pennsylvania anthracite" described as broken, egg, stove, nut, pea, buckwheat, rice, barley, and screenings shall refer to the same sizes of the same fuel as were sold and delivered in the State of New York—Coal Area XIII with such designations during December 1941. Under no circumstances, however shall the anthracite contain an ash content in excess of the limits specified by Amendment No. 1 to Solid Fuels Administration for War Regulation No. 9.

(6) "Direct-delivery" means delivery to the buyer's bin or storage space.

(7) "Carry" and "wheel" refer to the movement of coal to buyer's bin or storage space in baskets or other containers, or by wheelbarrow or barrel, from seller's truck or vehicle, or from the point nearest and most accessible to the buyer's bin or storage space at which the coal is discharged from the seller's truck in the course of "direct-delivery".

(8) "Trimming" refers in general to the movement of coal by shovel in bin or storage space, usually for the purpose of making room for more coal to be delivered.

(9) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the yard, dock, barge, car or at a place of business of the seller other than at seller's truck or vehicle.

(10) Except as otherwise provided herein, or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to terms used herein.

(w) *Effect of order on Revised Maximum Price Regulation No. 122.* This order shall supersede Revised Maximum Price Regulation No. 122, except as to any sales or deliveries of solid fuels not specifically subject to this order.

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

This Order No. G-67 shall become effective as of November 1st, 1945.

(56 Stat. 23, 765; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued this 29th day of October 1945.

LEO F. GEITNER,
*Acting Regional Administrator.*

[F. R. Doc. 45-22345; Filed, Dec. 26, 1945; 4:26 p. m.]

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[Birmingham Rev. Order G-1 Under Gen. Order 50]

MALT AND CEREAL BEVERAGES IN JEFFERSON COUNTY, ALA.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director in Birmingham, Alabama, District Office of Region IV of the Office of Price Administration by General Order No. 50, issued by the Administrator of the Office of Price Administration and Region IV Revised Delegation Order No. 17, issued May 5, 1944, it is hereby ordered:

SECTION 1. *Purpose of order.* Order No. G-1 under General Order 50 issued by the District Director of the Birmingham District Office of the Office of Price Administration on the twenty-sixth day of July, 1944, was issued for the purpose of establishing specific maximum prices for malt and cereal beverages, including those commonly known as ale, beer, and near-beer, either in containers or on

draught when sold or offered for sale at retail by any eating or drinking establishment, either for consumption on the premises or when carried away. Order No. G-1 under General Order 50 redesignated Revised Order No. G-1 under General Order No. 50 and is revised and amended as herein set forth for the same purpose, except that specific maximum prices are established only for on-premises sales, and for the purpose of clarifying and strengthening the order.

SEC. 2. *Geographical applicability.* The provisions of this order extend to all eating and drinking places or establishments located within the limits of Jefferson County, Alabama.

SEC. 3. *Ceiling prices.* (a) On and after July 29, 1944, if you operate an eating or drinking establishment, you may not sell, or offer for sale any beverage subject to this order at prices higher than the applicable ceiling prices listed in the appendices hereof. You may, of course, charge lower prices at any time.

(b) If you sell any beverage subject to this order which is not specifically listed herein, and if you believe that the maximum price specified herein for such beverage is not appropriate to such beverage, you may make application to the Birmingham District Office of the Office of Price Administration requesting that such beverage be specifically included in the appendices hereof.

With or without such application, the Birmingham District Office of the Office of Price Administration may, at any time, and from time to time, add new or unlisted beverages, brands, types or sizes together with maximum prices for same to the lists sets forth in the appendices hereof.

(c) You may not add any taxes to your ceiling prices set forth in the appendices hereof except those specifically provided therein, as all other taxes were taken into consideration in establishing the ceiling prices for each group of sellers.

SEC. 4. *How to figure your ceiling prices.* (a) This order divides eating and drinking establishments into three different groups and gives each group a different ceiling price. The group to which you belong depends on your legal ceiling prices in effect during the base period of April 4-10, 1943. You must figure the group to which you belong on the basis of your correct legal ceiling prices for that period.

(b) The group to which you belong depends on your legal ceiling prices for the beverages subject to this order in effect during the base period of April 4-10, 1943. If your legal ceiling prices for various brands and types of beverages subject to this order vary so that your ceiling prices on some brands or types seem to place you in on particular group and ceiling prices on others seem to classify you into a different group, you must classify yourself into the particular group representative of the prices at which the greater number of your sales were made. For the purpose of determining your classification as herein provided, no consideration may be given to sales of beverages listed in appendices other than Appendix A hereof. You must figure the group to which you belong as follows:

(1) *Group 1-B.* Your establishment belongs to Group 1-B if, during the base period of April 4-10, 1943, your legally established ceiling prices for beverages subject to this order were the same as, or more than, the prices listed in Appendix A hereof for Group 1-B establishments.

(2) *Group 2-B.* Your establishment belongs to Group 2-B if, during the base period of April 4-10, 1943, your legally established ceiling prices for beverages subject to this order were the same as, or more than, the prices listed in Appendix A hereof for Group 2-B establishments, but were less than those provided in Appendix A for Group 1-B establishments.

(3) *Group 3-B.* Your establishment belongs to Group 3-B if, during the base period of April 4-10, 1943, your legally established ceiling prices for beverages subject to this order were less than the prices listed in Appendix A hereof for Group 2-B establishments. All establishments not in operation during the base period of April 4-10, 1943, and all establishments which begin operating after the effective date of this order also belong to Group 3-B.

(c) If your eating or drinking establishment was not in operation during the base period of April 4-10, 1943, but was in operation prior to the effective date of this order, and, if the nearest similar eating or drinking establishment of the same type is one which is properly classified in Group 1-B or Group 2-B, you may, but not later than the first day of October 1944, file an application with the Birmingham District Office of the Office of Price Administration, requesting that your establishment be reclassified into the same group to which its nearest similar eating or drinking establishment of the same type belongs. Until your application is acted upon, and unless your establishment is reclassified, it must retain the classification of a Group 3-B seller, and must observe the ceiling prices as provided for that group in the appendices hereof. All such applications for reclassification must contain the following information:

1. Name and address of the establishment and of its owner or owners.
2. A description of the establishment showing its type (such as night club, hotel, restaurant, tavern) and the date it began operating.
3. The selling prices by brand name of all beverages sold since the beginning of its operation.
4. The name of the three nearest eating and drinking establishments of the same type, and their group number as determined under this order.
5. Any other information pertinent to such application or which may be requested by the Office of Price Administration.

(d) If your eating and drinking establishment begins operation after the effective date of this order, you are classified as a Group 3 seller and may not sell or offer for sale beverages subject to this order at prices higher than those set forth for Group 3-B sellers in the appendices hereof. However, if your nearest eating and drinking establishment of the same type is one which is properly classified as a Group 1-B or Group 2-B seller, you may, within and not later than 30 days from the time you begin operating, file an application with the Birmingham District Office, requesting that your establishment be reclassified into the same group in which its nearest eating and drinking establishment of the same type belongs. Until your application is acted upon and unless your establishment is reclassified, it must retain the classification of Group 3-B and must observe the ceiling prices as provided for that group in the appendices hereof. All such applications for reclassification must contain the same information required by paragraph (c) of this section.

(e) After you have figured your proper group number under this section and have filed the required statement with your War Price and Rationing Board as provided in Section 5, you may not change your group classification except as otherwise provided by this order.

SEC. 5. *Filing with War Price and Rationing Board.* (a) When you have figured your proper group under section 4 above, you must, on or before July 29, 1944, file with your War Price and Rationing Board a signed statement with the name and address of your establishment, its type (such as night club, hotel, restaurant, tavern) and the group to which it belongs. Thereupon the War Price and Rationing Board will send you a card bearing your group number. If you begin operating your establishment after the effective date of this order, you must likewise file said signed statement in this manner as soon as you begin operating.

(b) If you are now in operation and have not filed the signed statement showing the group number to which you belong as provided in paragraph (a) above, you must do so immediately. If you have failed to file said signed statement as herein required, you are hereby classified as a Group 3-B seller and you may not sell or offer for sale any beverage subject to this order at prices higher than the applicable ceiling prices listed for Group 3 sellers in the appendices hereof. Failure to file said signed statement as herein provided is a violation of this order and also subjects you to the other penalties herein provided.

SEC. 6. *Modification of prices.* After you have determined your group and have put into effect the ceiling prices provided in this order for that group, the Office of Price Administration District Director for the District in which your establishment is located may direct you to charge lower ceiling prices:

(a) If, on the basis of your April 4-10, 1943 legal ceiling prices, this order, properly applied, requires you to be placed into a group with lower ceiling prices.

(b) If, as a result of speculative, unwarranted, or abnormal increases, contrary to the purposes of the Emergency Price Control Act, as amended, your legal ceiling prices on April 4-10, 1943 were excessive in relation to the legal ceiling prices of other comparable establishments in the District.

SEC. 7. *Exempt sales.* The following sales are exempt from the operation of this order. However, unless they are otherwise exempt from price control, they shall remain subject to the appropriate maximum price regulation or order:

(a) Sales by persons on board common carriers (when operated as such), including railroad dining cars, club cars, bar cars, and buffet cars, or sales otherwise governed by Restaurant Maximum Price Regulation 1 (Dining Car Regulation).

(b) Sales by public and private hospitals insofar as they serve to patients.

(c) Sales by eating cooperatives formed by members of the Armed Forces (as, for example, officers' mess) operated as a non-profit cooperative (where no part of the net earnings inures to the benefit of any individual) which sells food items or meals on a cost basis (or as near thereto as reasonable accounting methods will permit), and substantially all sales of which are made to members of the Armed Forces who are members of the cooperative.

(d) Sales where the beverages subject to this order are included in, and sold as part of, a meal and where the price of such beverage is included in the price of the meal. (Such sales remain under Restaurant Maximum Price Regulation 2).

(e) Sales by the War Department or the Department of Navy of the United States through such Departments' sales stores, including commissaries, ships' stores ashore, and by stores operated as army canteens, post exchanges, or ships' activities.

(f) Bona fide private clubs insofar as such clubs sell only to members or bona fide guests of members. Whenever such clubs sell to persons other than members or bona fide guests of members, such clubs shall be considered for all sales an eating or drinking establishment and subject to this order. No club shall be considered to be exempt as a private club, within the meaning of this subparagraph, unless such club is a non-profit organization and is recognized as such by the Bureau of Internal Revenue and unless its members pay dues (more than merely nominal in amount), are elected to membership by a governing board, membership committee or other body, and unless it is otherwise operated as a private club.

No club organized after the effective date of this order shall be exempt unless and until it has filed a request for exemption with the District Office of the Office of Price Administration of the area in which it is located, furnishing such information as may be required, and has received a communication from such office authorizing exemption as a private club.

SEC. 8. *Evasion.* If you are an operator of an eating or drinking establishment, you must not evade the ceiling prices established by this order by any type of scheme or device; among other things (this is not an attempt to list all evasive practices) you must not:

(a) Institute any cover, minimum, bread and butter, service, corkage, entertainment, check-room, parking or other special charges which you did not have in effect on any corresponding day during the seven-day period from April 4–10, 1943, or

(b) Increase any cover, minimum, bread and butter, service, corkage, entertainment, check-room, parking or other special charges which you did not have in effect on any corresponding day during the seven-day period from April 4–10, 1943, or

(c) Require as a condition of sale of a beverage the purchase of other items or meals, except that during the hours from 11:30 a. m. to 1:30 p. m. and the hours from 6:00 p. m. to 8:00 p. m., any eating or drinking establishment which derives not less than 70% of its gross revenue from the sales of prepared food items (not including beverage items) sold for consumption on the premises may refuse to sell beverages subject to this order for consumption on the premises during those hours to persons who do not also purchase food items.

SEC. 9. *Records and menus.* If you are an operator of an eating or drinking establishment subject to this order, you must observe the requirements of General Order 50, as well as Restaurant Maximum Price Regulation No. 2, either as revised and amended or as may be revised and amended, with reference to the filing and keeping of menus and the preservation and keeping of customary and future records. Among other provisions of General Order 50, are the following:

(a) Preserve all existing records relating to prices, cost and sales of food items, meals and beverages;

(b) Continue to prepare and maintain such records as have been ordinarily kept;

(c) Keep for examination by the Office of Price Administration two copies of each menu used by the establishment each day, or a daily record in duplicate of the prices charged for food items, beverages and meals. If the establishment has customarily used menus, it must continue to do so.

SEC. 10. *Posting of prices.* (a) If you own or operate an eating or drinking establishment offering malt beverages subject to this order you must comply with the provisions of Order No. 2 issued under Restaurant Maximum Price Regulation No. 2 on March 10, 1945 and effective the same date, either as heretofore or hereafter revised and amended, which order provides in part that you must on or before April 16, 1945, show on a poster to be supplied by the Office of Price Administration your lawful ceiling prices for all beer and other malt beverages which you offer for consumption on the premises.

(b) If you begin operating your establishment after April 16, 1945, you must obtain the price poster applicable to your establishment from your local War Price and Rationing Board and post same immediately.

(c) No establishment which fails to comply with the posting requirements of Order No. 2 issued under Restaurant Maximum Price Regulation No. 2 on March 10, 1945, and effective the same date, either as heretofore or hereafter revised and amended, may sell any beverage subject to your order at higher prices than the prices provided for Group 3-B sellers as set forth in the appendices hereof during such time as such establishment is not in compliance with said order.

SEC. 11. *Posting of group number.* (a) If you operate an eating or drinking establishment selling at retail beverages subject to this order, you must post, and keep posted, in the premises a card or cards clearly visible to all purchasers showing the group number of your establishment as classified under this order. The card must read "OPA 1-B", "OPA 2-B", or "OPA 3-B", whichever is applicable. You may use the card or cards furnished you for this purpose by the War Price and Rationing Board.

(b) No establishment which fails to comply with the posting requirements of this section may sell any beverage subject to this order at a higher price than provided for Group 3 sellers in the appendices hereof during such time as such establishment is not in compliance with this section.

SEC. 12. *Receipts and sales slips.* Regardless of whether or not receipts have customarily been issued, upon request by any customer at the time of payment, a receipt containing a full description of the beverage sold and the price of same must be issued. Such receipts must show the date of issue and bear the signature of the person issuing same. If you have customarily issued receipts or sales slips, you may not now discontinue the practice.

SEC. 13. *Operation of several places.* If you own or operate more than one place selling beverages subject to this order, you must do everything required by this regulation for each place separately.

SEC. 14. *Enforcement.* If you violate any provision of this regulation, you are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspensions of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 15. *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 order. If you are a seller subject to this order, your licenses may be suspended for violation of the license or of the order. If your license is suspended, you may not, during the period of suspension, make any sale for which your license has been suspended.

SEC. 16. *Relation to other maximum price regulations.* This order supersedes the provisions of Maximum Price Regulation No. 259 and the General Maximum Price Regulation insofar as such provisions were applicable to sales at retail by eating and drinking establishments of beverages subject to this order. Sales of beverages subject to this order when sold as part of a meal and when the price of same is included in the price of the meal remain subject to the provisions of Restaurant Maximum Price Regulation No. 2.

SEC. 17. *Definitions.* (a) "Malt beverage" is any malt beverage produced within or without the continental United States, and includes those commonly designated as beer, lager beer, ale, porter and stout.

(b) "Cereal beverage" is any beverage produced from cereals either within or without the continental United States and commonly known as "near-beer".

(c) "On draught" means dispensed by a seller at retail from any container of ⅛ barrel or larger size.

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

(e) "Sale, selling, etc." includes the service of beer for a consideration, with a license to consume on the premises.

(f) "Eating and drinking establishments" mean any place in which meals, food items and beverages are sold and served primarily for consumption on or about the premises. The term includes, but is not limited to restaurants, hotels, cafes, cafeterias, delicatessens, soda fountains, boarding houses, catering establishments, athletic stadiums, field kitchens, lunch wagons, hot dog carts, etc.

(g) "On-premises sales" means those sales made for consumption by the customer either in, on, or about the premises of the seller, or in the immediate vicinity thereof, and includes curb service sales and sales made to customers served in automobiles located on or about the premises of the seller.

(h) "Other definitions." Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in § 1499.20 of the General Maximum Price Regulations, shall apply to the other terms used herein.

SEC. 18. *Transfers of business or stock in trade.* If the business assets, or stock in trade of any establishment are hereafter sold or otherwise transferred, or have been sold or transferred subsequent to April 10, 1943, and the transferee carries on the business or continues to sell malt beverages covered by this order in the same location, the maximum prices of the transferee shall be the same as those to which its transferor would have been subject if no such transfer had taken place, and its obligations to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record-keeping requirements of this order. If there is a lapse of business operations in connection with such a transfer for a period of sixty days, selling prices shall be determined as provided in section 4 for a new seller.

SEC. 19. *Changes in location.* If any establishment is hereinafter moved to a new location, the establishment shall be considered a new seller under this order and shall determine its ceiling prices under the provisions of section 4.

SEC. 20. *Petitions for amendment.* Any person dissatisfied with any of the provisions of this order may request the Office of Price Administration to amend the order. Such petition for amendment must be filed in pursuance of the provisions of Revised Procedural Regulation No. 1, except that the petition for amendment shall be directed to, filed with, and acted upon, by the District Director of the Birmingham District Office.

SEC. 21. *Revocation and amendment.* This order may be revoked, amended, or corrected at any time.

SEC. 22. *Effective date.* This order shall become effective November 1, 1945. (The Price Order which this order supersedes was issued on July 26, 1944 and was effective July 29, 1944.)

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

(56 Stat. 23, 765; 57 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; G.O. 50, 8 F.R. 4808)

Issued at Birmingham, Alabama this 25th day of October, 1945.

SAM J. WATKINS,
*District Director.*

APPENDIX A

PART I—BOTTLED BEERS AND ALES

| Brand or trade name | Maximum prices per bottle | | | | | |
|---|---|---|---|---|---|---|
| | Group 1-B | | Group 2-B | | Group 3-B | |
| | 12-oz. | 32-oz. | 12-oz. | 32-oz. | 12-oz. | 32-oz. |
| *Beer* | *Ct.* | *Ct.* | *Ct.* | *Ct.* | *Ct.* | *Ct.* |
| Barbarossa | 25 | 50 | 20 | 45 | 18 | 40 |
| Blätz Pilsner | 25 | 50 | 20 | 45 | 18 | 40 |
| Budweiser | 25 | 50 | 20 | 45 | 18 | 40 |
| Burger Brau | 25 | 50 | 20 | 45 | 18 | 40 |
| Commander | 25 | 50 | 20 | 45 | 18 | 40 |
| Gem Pilsner | 25 | 50 | 20 | 45 | 18 | 40 |
| Goebel | 25 | 50 | 20 | 45 | 18 | 40 |
| Keeley Half & Half | 25 | 50 | 20 | 45 | 18 | 40 |
| Lambic | 25 | 50 | 20 | 45 | 18 | 40 |
| Old Brew | 25 | 50 | 20 | 45 | 18 | 40 |
| Pabst Blue Ribbon | 25 | 50 | 20 | 45 | 18 | 40 |
| Premo | 25 | 50 | 20 | 45 | 18 | 40 |
| Carlings Red Cap Ale | 25 | 50 | 20 | 45 | 18 | 40 |
| Red Top Ale | 25 | 50 | 20 | 45 | 18 | 40 |
| Schlitz | 25 | 50 | 20 | 45 | 18 | 40 |
| Spearmans English Ale | 25 | 50 | 20 | 45 | 18 | 40 |
| Victory | 25 | 50 | 20 | 45 | 18 | 40 |
| Zeigler 5-20 | 25 | 50 | 20 | 45 | 18 | 40 |
| Van Wyke | 30 | 55 | 25 | 50 | 20 | 45 |
| Burger Ale | 20 | 45 | 15 | 40 | 13 | 35 |
| Chevy Ale | 20 | 45 | 15 | 40 | 13 | 35 |
| Four X | 20 | 45 | 15 | 40 | 13 | 35 |
| Hi-Cliff | 20 | 45 | 15 | 40 | 13 | 35 |
| Hudepohl | 20 | 45 | 15 | 40 | 13 | 35 |
| Sterling | 20 | 45 | 15 | 40 | 13 | 35 |

Any tax imposed after June 1, 1945, by any statute of the United States or by any statute or ordinance of any state or political sub-division thereof with respect to any malt or cereal beverages may be added to the above prices provided:

(1) That the amount thereof has been paid by the brewer or distributor or has accrued and will become payable by the brewer or distributor to the proper taxing authorities.

(2) Provided that the statute or ordinance permits the seller to, and the seller in fact does, state the tax separately. However, the amount of the tax permitted to be added may not, in no event, exceed that imposed by such statute or ordinance.

APPENDIX B

The brands listed herein are not to be used for the purpose of classification into groups, as provided in section 4 of the order.

| Brand or trade name | Maximum prices per bottle | | | | | |
|---|---|---|---|---|---|---|
| | Group 1-B | | Group 2-B | | Group 3-B | |
| | 12-oz. | 32-oz. | 12-oz. | 32-oz. | 12-oz. | 32-oz. |
| *Beer* | *Ct.* | *Ct.* | *Ct.* | *Ct.* | *Ct.* | *Ct.* |
| Bay State | 20 | 45 | 18 | 43 | 16 | 38 |
| Berghoff | 20 | 45 | 18 | 43 | 16 | 38 |
| Doerchuck | 20 | 45 | 18 | 43 | 16 | 38 |
| Dorquest | 20 | 45 | 18 | 43 | 16 | 38 |
| Lang's | 20 | 45 | 18 | 43 | 16 | 38 |
| Lemp Black Label (EMS) | 20 | 45 | 18 | 43 | 16 | 38 |
| Lion | 20 | 45 | 18 | 43 | 16 | 38 |
| Red Fox | 20 | 45 | 18 | 43 | 16 | 38 |
| Silver Fox Deluxe | 20 | 45 | 18 | 43 | 16 | 38 |

Any tax imposed after June 1, 1945, by any statute of the United States or by a statute or ordinance of any state or political sub-division thereof with respect to any malt or cereal beverages may be added to the above prices provided:

(1) That the amount thereof has been paid by the brewer or distributor or has accrued and will become payable by the brewer or distributor to the proper taxing authorities.

(2) Provided that the statute or ordinance permits the seller to, and the seller in fact does, state the tax separately. However, the amount of the tax permitted to be added may not, in no event, exceed that imposed by such statute or ordinance.

[F. R. Doc. 45-22940; Filed, Dec. 26, 1945; 4:25 p. m.]

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[Birmingham Rev. Order G-1 Under Gen. Order 50, Amdt. 1]

MALT AND CEREAL BEVERAGES IN JEFFERSON COUNTY, ALA.

Amendment No. 1 to Revised Order No. G-1 under General Order No. 50. Maximum prices for malt and cereal beverages in Jefferson County, Ala. Docket No. 41a-RO G1-GO 50-1.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the District Director of the Birmingham, Alabama, District Office of Region IV of the Office of Price Administration by General Order No. 50 issued by the Administrator of the Office of Price Administration, and Region IV Revised Delegation Order No. 17, issued May 5, 1944; *It is hereby ordered,* That Appendix A of Revised Order No. G-1 under General Order No. 50 which was issued by the Birmingham District Office on the 25th day of October 1945, is hereby amended by adding to the list of beverages set forth in the said Appendix the following brand of ale:

| Brand or trade name | Maximum prices per bottle | | | | | |
|---|---|---|---|---|---|---|
| | Group 1-B | | Group 2-B | | Group 3-B | |
| | 12-oz. | 32-oz. | 12-oz. | 32-oz. | 12-oz. | 32-oz. |
| Drewry's Old Stock Ale | *Cts.* 25 | *Cts.* 50 | *Cts.* 20 | *Cts.* 45 | *Cts.* 18 | *Cts.* 40 |

This amendment shall become effective immediately.

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

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681; G.O. 50, 8 F.R. 4808)

Issued at Birmingham, Alabama, this 9th day of November 1945.

SAM J. WATKINS,
*District Director.*

[F. R. Doc. 45-22941; Filed, Dec. 26, 1945; 4:25 p. m.]

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[Fargo-Moorhead Order G-1 Under Rev. SR 14B]

L. B. HARTZ BAKERY

ESTABLISHMENT OF MAXIMUM PRICES

For reasons set forth in the accompanying opinion and under the authority vested in the District Director of the Office of Price Administration under sections 10 (a) and 10 (b) of Revised Supplementary Regulation 14B of the General Maximum Price Regulation; *It is ordered:*

1. The maximum prices for sales of pan bread produced by L. B. Hartz, Harriet Z. Hartz, D. J. Hartz, Louise K. Hartz and Louise E. Hartz, Partners, doing business as L. B. Hartz Bakery of Thief River Falls, Minnesota, and sold in the area described in Section 2 of this order shall be:

| Item | Wholesale and delivered | Retail and undelivered |
|---|---|---|
| | *Cents* | *Cents* |
| 1½-pound loaf of white, rye, and whole wheat bread | 11 | 13 |
| 2-pound twin loaf of white, rye, and whole wheat bread | 14½ | 17 |

This bread shall be contained in a single waxed paper wrapping and will be branded "Hartz DeLuxe".

2. The provisions of this order shall apply to all wholesale and retail sales of white, rye and whole wheat bread produced by the L. B. Hartz Bakery at Thief River Falls, Minnesota, except those made in the Fargo, North Dakota, and Moorehead, Minnesota, wholesale and retail sales, and to all retail sales of bread produced by this bakery and sold within the counties of (a) Becker, Clay, Clearwater, Kittson, Mahnomen, Marshall, Norman, Ottertail, Pennington, Polk, Red Lake, Roseau, Wadena, and Wilkin, in Minnesota, except those retail sales made in Moorhead in Clay County, Minnesota; (b) Bottineau, Cavalier, Grand Forks, Nelson, Pembina, Ramsey, Rolette, Towner, Traill, and Walsh in North Dakota.

3. With the first delivery of white, rye, and whole wheat pan bread to retailers who purchase from them, the L. B. Hartz Bakery shall give the following written notice:

NOTICE TO RETAILERS

The OPA had permitted us to raise our maximum prices for sales to you of one and one-half pound loaves of white, rye and whole wheat "Hartz DeLuxe" pan bread with single wax paper wrapping from 10 cents to 11 cents and of two pound twin loaves of white, rye and whole wheat pan bread with single wax paper wrapping from 12 cents to 14½ cents. Your new ceiling price as established by OPA order for this bread is 13 cents for the one and one-half pound loaves and 17 cents for the two pound twin loaves.

L. B. Hartz Bakery,
Thief River Falls, Minnesota.

4. Unless the context otherwise requires, the definitions set forth in Section 302 of the Emergency Price Control Act, Revised Supplementary Regulation 14B, and the General Maximum Price Regulation, all as amended, shall apply to the terms used in this order.

5. This order shall become effective immediately, and may be revoked, amended, or modified at any time.

Issued: October 24, 1945.

J. S LAMB,
*District Director.*

[F. R. Doc. 45-22944; Filed, Dec. 26, 1945; 4:26 p. m.]

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[Region V Order G-2 Under RMPR 122]

SOLID FUELS IN KANSAS CITY, MO.-KANS., AREA

Pursuant to the authority vested in the Regional Administrator of Region V by § 1340.260 of Revised Maximum Price Regulation No. 122 and for reasons stated in the opinion issued herewith; it is ordered,

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels covered by Revised Maximum Price Regulation No. 122 in the Greater Kansas City, Missouri, and Kansas City, Kansas, metropolitan area. These are the highest prices that any dealer may charge when he sells or delivers any of such fuels at or to a point within the following described boundary line:

Beginning at the junction of U. S. Highway way 71 and U. S. Highway 69 in Clay County, Missouri; thence north and east along U. S. Highway 69 to junction with State Highway 33; thence straight south to the Missouri River and thence east along the north bank of the Missouri River to Highway 71 By-pass; thence south to Sugar Creek Road (4N); thence east along Sugar Creek Road (4N) to a common junction thereof with U. S. Highway 24 and an unnumbered highway; thence southeast over such unnumbered highway to its junction with Jones Road and south thereon and on Necessary Road to Holke Road; thence west thereon to Kiger Road; thence south thereon to Evans & Sheley Lane; thence west thereon to Noland Road (U. S. Highway 71 By-pass); thence south thereon to junction with U. S. Highway 40; thence west along U. S. Highway 40 and Alternate U. S. Highway 40 to Norfleet Road; thence south thereon to Smith Road (or an unnumbered highway representing an extension thereof); thence generally west thereon to Woodson Road; thence south on Woodson Road to junction with County Road (8E); thence west to Raytown South Road; thence south on Raytown South Road (5E) to Bannister Road; thence west on Bannister Road to Blue Ridge Boulevard Extension (County Road 4E); thence south on Blue Ridge Boulevard Extension to junction with U. S. Highway 71; thence south on U. S. Highway 71 to Outer Belt Road; thence west on Outer Belt Road to Missouri-Kansas State Line; thence south on Missouri-Kansas State Line to southern boundary of Johnson County, Kansas; thence west on Southern boundary of Johnson County to western boundary of Johnson County; thence north on western boundary of Johnson County to the Kansas River; thence along the southern bank of the Kansas River to a point north of Morris; thence north to Muncie; thence northeast from Muncie on State Highway 32 to its junction with Francis Road; thence generally north along Francis Road to its junction with U. S. Highway 40; thence east on U. S. Highway 40 to its junction with Brenner Heights Road; thence generally north on Brenner Heights Road to Parallel Avenue; thence west thereon to Mahan Road and north thereon to its junction with Dickenson Road; thence east on Dickenson Road to Nearman; thence north on an imaginary line across the Missouri River to State Highway 45 in Platte County, Missouri; thence east on State Highway 45 to State Highway 9; thence north on State Highway 9 to its junction with U. S. Highway 71; thence south and east on U. S. Highway 71 to its junction with U. S. Highway 69, the point of beginning (including all points and places within the limits of all points described as on said boundary). Boundary lines so described shall be construed as following the center of the public highways named.

(1) The territorial limits as outlined above are the boundary lines of the Kansas City, Missouri and Kansas City, Kansas trade areas as suggested by the retail coal dealers of that area.

(b) *Solid fuels not covered by this order.* There are a few kinds and sizes of solid fuels covered by Revised Maximum Price Regulation No. 122 sold and delivered in the area covered by this order which are not included in and for which prices are not established in this order. The maximum prices of such solid fuels when sold by any person covered by this order shall continue to be the maximum prices for such fuels established by Revised Maximum Price Regulation No. 122, as amended. Such sales shall in all respects be governed by the provisions of Revised Maximum Price Regulation No. 122, as amended.

(c) *What this order prohibits.* Regardless of any obligation no person shall:

(1) Sell, or in the course of trade or business buy, solid fuels at prices higher than the maximum prices set by this Order No. G-2; but less than the maximum prices may at any time be charged, paid or offered.

(2) Obtain higher than maximum prices by:

(i) Charging for a service unless such service is expressly requested by the buyer and unless specifically authorized to do so by this order;

(ii) Charging a price higher than the schedule price for a service;

(iii) Making a charge higher than the schedule charge authorized for the extension of credit;

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him; or

(v) Using any other device by which a higher than maximum price is obtained directly or indirectly.

(d) *Price schedule.* (1) Below and a part of this paragraph is the maximum price schedule which sets forth maximum prices for sales by direct delivery of specified sizes, kinds, and quantities of solid fuels. The sizes of coal and the size group numbers used in this schedule for District Nos. 14 and 15 are defined in paragraph (5) of this section.

MAXIMUM PRICE SCHEDULE

| Description of fuel | Maximum price per ton of 2,000 pounds | | |
|---|---|---|---|
| | Produced at— | | |
| | Underground mines | | Strip mines |
| | Machine cut | Solid shot | |
| I. High volatile bituminous coal produced at machine-loading mines in district No. 10 (Illinois): | | | |
| (A) Southern subdistrict (price groups 1, 2 and 8): | | | |
| (1) Lump; egg; all single-screened lump coals and all double-screened egg coals, bottom size larger than 2" (size groups 1, 2 and 3) | | | $9.75 |
| (B) Belleville and central subdistricts (price groups 10, 12, 13 and 16 through 23, inclusive): | | | |
| (1) Lump; egg; all single-screened lump coals and all double-screened egg coals, bottom size larger than 2" (size groups 1, 2 and 3) | | | 8.10 |
| (2) Lump; egg; stove; all single-screened lump coals, bottom size 2" or less; all double-screened egg and stove coals, top size larger than 1½" and bottom size larger than ⅜" but not exceeding 2" (size groups 4, 5, 6 and 8) | | | 7.75 |
| II. Low volatile bituminous coal produced in district No. 14 (Arkansas and Eastern Oklahoma): (Size Group descriptions will be found in section (d) (5)): | | | |
| (A) Production group 1—"Arkansas Anthracite" from mines in Pope County and the Spadra Field of Johnson County, Ark.: | | | |
| (1) Grate; furnace; egg (size groups 6, 7, and 8) | $13.00 | -------- | $12.40 |
| (2) Small egg; stove; nut (size groups 9, 10, and 11) | 13.50 | -------- | 12.60 |
| (3) Range; chestnut (size groups 12 and 13) | 12.00 | -------- | 11.45 |
| (B) Production groups 2 and 3—From mines in the Paris Basin and the Denning-Coal Hill and Altus fields of Logan, Franklin and Johnson Counties, Ark. | | | |
| (1) Lump (size groups 3, 3A, 4 and 5) | 13.45 | -------- | 11.25 |
| (2) Chestnut (washed); top size 1½", bottom size ⅞" or less | 10.25 | -------- | -------- |
| (3) Screenings (washed): (⅞" x 0) | 8.25 | -------- | -------- |
| (C) Production groups 4, 5, 6, 7, 8, and 9: From mines in the Panama, Bokoshe, Milton, Poteau, Wister, and Howe-Heavener fields of LeFlore County and the McCurtain field of Haskell County, Oklahoma; from mines in the Bates field of Scott County, the Charleston field of Franklin County, and from all mines in Sebastian County, Arkansas, except the sizes set forth in item 4 below from the Excelsior field of Production Group 5: | | | |
| (1) Lump (size groups 3, 3A, 4, and 5); grate; furnace; egg (size groups 6, 7, and 8) | 12.65 | $11.95 | 11.40 |
| (2) Nut (size group 11) | 11.15 | -------- | 10.45 |
| (3) Nut run; slack (screenings) (size groups 14, 15, and 16) | 8.50 | 8.50 | 7.85 |
| From mines in the Excelsior field of production group 5: | | | |
| (4) Lump, grate, furnace, egg (size groups 4, 5, 6, 7 and 8) | 12.70 | -------- | -------- |

| Description of fuel | Maximum price per ton of 2,000 pounds produced at— | |
|---|---|---|
| | Underground mines | Strip mines |
| III. High volatile bituminous coal from district No. 15 (Missouri, Kansas and Oklahoma)—(Size group descriptions will be found in Section (d) (5): | | |
| (A) Production group 1: From mines in Cherokee, Crawford, Bourbon, and Labette Counties, Kans.; and Barton, Jasper, Dade, Cedar and that portion of Vernon County lying south of an east and west line drawn through the town of Nevada, Mo.: | | |
| (1) Lump, egg (size groups 1, 2 and 3) | $8.85 | $7.82 |
| (2) Nut (size groups 13 and 14) | 8.10 | 7.32 |
| (3) Household stoker (size group 11) | 0.75 | 6.37 |
| (4) Screenings (size groups 13 and 14) | 6.70 | 5.72 |
| (B) Production groups 2 and 3: From mines in Linn County, Kans.; Bates, Henry, and St. Clair Counties, and that portion of Vernon County lying north of an east and west line drawn through the town of Nevada in Missouri, and from mines in Randolph, Macon, and Adair Counties, Mo., with the exception of those in the Novinger field in Adair County, set forth below under (5) and (6): | | |
| (1) Lump, egg (size groups 1, 2, and 3) | ---------- | 7.17 |
| (2) Nut (size groups 5 and 6) | ---------- | 0.72 |
| (3) Household stoker (size group 11) | ---------- | 6.17 |
| (4) Screenings (size groups 13 and 14) | ---------- | 5.47 |
| From mines in the Novinger field of Adair County, Mo.: | | |
| (5) Lump, egg (size groups 1, 2, and 3) | 8.20 | ---------- |
| (6) Nut (size groups 5 and 6) | 7.75 | ---------- |
| (C) Production groups 4 and 5: From mines in Ray, Clay, and Lafayette Counties, Mo., excepting those set forth under (2) and (3) below: | | |
| (1) Lump, egg (size groups 1, 2, and 3) | 7.45 | ---------- |
| Produced in Lafayette County by the Western Coal and Mining Co., Index No. 140: | | |
| (2) Lump, egg (size groups 1, 2, and 3) | 8.45 | ---------- |
| Produced in Ray County by the Elmira Coal Co., index No. 48: | | |
| (3) Lump, egg (size groups 1, 2, and 3) | 9.05 | ---------- |
| (D) Production group 9—From mines in Coal County, Oklahoma: | | |
| (1) Lump, egg (size groups 1, 2, and 3) | ---------- | 10.83 |
| (E) Production Group 10—From mines in Okmulgee County, Okla.: | | |
| (1) Lump, egg (size groups 1, 2, and 3) | 10.60 | ---------- |
| (2) Household stoker, (size group 11) | 7.00 | ---------- |
| (F) Production group 11—From mines in Craig, Roger, Tulsa, and Wagoner Counties, and that part of Muskogee County lying north of a line drawn straight east and west across Muskogee County, along the southern limits of the town of Porum (except that produced by Leavell Coal Co., Index No. 1695), all in Oklahoma: | | |
| (1) Lump, egg (size groups 1, 2, and 3) | ---------- | 8.83 |
| (2) Household stoker (size group 11) | ---------- | 7.27 |
| Produced by Leavell Coal Co., index No. 1695: | | |
| (3) Lump, egg (size groups 1, 2, and 3) | ---------- | 9.17 |
| IV. Briquettes: | | |
| (1) Standard briquettes produced in Kansas City, Mo., manufactured from district 14 coal | 12.55 | ---------- |
| (2) Above briquettes, sacked (25 pounds) | 14.55 | ---------- |
| V. Petroleum coke: | | |
| (1) Produced at refineries within a radius of 25 miles of Kansas City, Mo., and sold as plant run or still run | 10.00 | ---------- |
| (2) Produced by the Standard Oil Refinery at Neodesha, Kans., and sold as plant run or still run | 11.70 | ---------- |

(2) The prices set forth in the foregoing schedule are on a per net ton cash basis (2,000 pounds to the ton). Schedule prices are subject to the discounts and extra charges set forth below.

(i) "Cash" means payment on or before delivery. On sales involving the extension of credit no dealer in the area covered by this order, except in the area lying east of the city limits of Kansas City, Missouri, and north of U. S. Highway 40, which area includes Independence, Sugar Creek, Maywood, Fairmont, Englewood, and Fairland Heights, may charge more than 25¢ per ton in addition to the schedule prices. Dealers in the above excepted area may charge an additional amount for the extension of credit not to exceed 5% of the net per ton cash price.

(ii) The prices set forth in the foregoing schedule are for untreated coal. The dealer may charge an amount not to exceed 10¢ per ton in addition to the scheduled prices when the coal is thoroughly and adequately treated, chemically or with oil (see also section (k) of this order).

(iii) In sales involving quantities of one ton or more where the buyer loads the coal on to his conveyance at the dealer's yard or siding, the dealer shall apply a discount to the per net ton cash price of not less than $1.00 per ton.

(iv) On steam deliveries, as defined below, the dealer shall apply a discount of not less than 50¢ to the per net ton cash price of all high volatile bituminous coals from District 15, Production Groups 1, 2, and 3, except stoker. "Steam deliveries" refer to all deliveries to store buildings where one or more storerooms are heated by a central plant, apartments, hotels, schools, churches, lodge buildings, green houses, cleaning plants, garages, office buildings, industrial buildings, and duplexes using a central heating plant. (This is the meaning of the term in the greater Kansas City area as defined in an agreement between the retail coal dealers of Greater Kansas City and the Ice and Coal Handlers local Union No. 953 affiliated with the American Federation of Labor).

(3) The maximum price on all sales by the basket or sack or in quantities of less than a ton put into the buyer's car or other conveyance shall be 50¢ per hundredweight for high volatile fuel and 60¢ per hundredweight for low volatile fuel. In sales of this kind the buyer may be required to furnish the basket or sack. If the buyer does not possess a basket or a sack, the dealer may require a deposit charge equivalent to the replacement cost when such basket or sack is furnished by the dealer.

(4) On delivered sales involving quantities of less than one ton, the dealer may add an amount not to exceed 25¢ to the fractional per net ton cash price set out in the foregoing schedule for each such delivery.

(5) Description of Size Group Numbers used in section (d) (1) Price Schedule:

(i) Size Group numbers applicable to coals produced in District 14 (Arkansas and Oklahoma):

3A, 3—Lump; all single-screened lump coals produced by the solid-shot or strip methods of mining.

4, 5—Lump; all single-screened lump coals produced by the machine-cutting method of mining.

6, 7, 8—Grate; furnace; egg; all double-screened coals top size larger than 4". All double-screened coals top size larger than 3" but not exceeding 4" and bottom size larger than 2".

9, 10—Small egg; stove; all double-screened coals top size larger than 2½" but not exceeding 4" and bottom size not exceeding 2". All double-screened coals top size not exceeding 2½" and bottom size larger than 1½".

11—Nut; all double-screened coals top size larger than 1½" but not exceeding 2½" and bottom size larger than ⅞" but not exceeding 1½".

12, 13—Range; chestnut; all double-screened coals top size larger than 1¼" but not exceeding 2½" and bottom size not exceeding ⅞". All double-screened coals top size not exceeding 1¼" and bottom size larger than ⅜".

14, 15, 16—Nut Run; slack; all single-screened slack coals top size not exceeding 2½" x 0.

(ii) Size Group numbers applicable to coals produced in District No. 15 (Missouri, Kansas and Oklahoma).

1, 2, 3—Lump; egg; all single-screened lump coal. All double-screened egg coal top size larger than 3" and bottom size larger than 1¼".

5, 6—Nut, all double-screened coals top size larger than 2" but not exceeding 3".

11—Household stoker, all double-screened coals top size 1¼" and smaller, and bottom size larger than ¼" but not exceeding ⅜".

13—Washed screenings, top size not exceeding 1¼" x 0.

14—Raw screenings, top size larger than ¼" x 0, but not exceeding 1¼" x 0.

(e) *Service charges.* (1) Below and as a part of this section (e) is a schedule that sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales under section (d). These charges may be made only if the buyer requests such services of the dealer and only when the dealer renders the service.

(i) An amount not to exceed 50¢ per ton may be charged for the service of "pull back" or "trimming." This is the service of arranging the fuel in the buyer's bin and is necessary only when the bin is being filled to, or near to, capacity. This service charge may be applied only to the tonnage actually moved in the trimming process and not to the entire amount put into the consumer's bin.

(ii) "Carry in" is the service of carrying in solid fuel from the curb or point nearest and most accessible to the buyer's bin or storage space to the buyer's fuel bin window; it does not include the carrying of the fuel up or down stairs. No dealer subject to this order shall charge more than $1.00 per ton for the service of carrying in solid fuel. When additional carrying in is involved no dealer shall charge more for such service than he charged during December 1941.

(iii) A storage service charge not to exceed 75¢ per ton may be charged by the dealer and added to the per net ton cash price when a buyer, who has purchased solid fuel, leaves it or stores it in the dealer's yard: *Provided,* That no charge for storage may be made unless the dealer receives a written statement from the customer (which the dealer shall preserve for not less than two years) requesting such storage, the coal which is the subject of the charge is earmarked as that customer's coal and is stored separate and apart from all other coal owned by the dealer, or by other customers of the dealer prior to the beginning of the usual heating season, and the customer pays for all coal so stored upon its being placed in storage (except that when the same kind of coal is properly stored for the account of two or more customers, the coal so stored or earmarked may be mingled in one pile with a proper record kept of the respective amounts belonging to each customer).

(f) *Transportation tax; Missouri and Kansas State Sales Tax*—(1) *The transportation tax.* Only the transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set out by this order provided the dealer states it separately from the price of the fuel and lists it separately on any sales slip or receipt given to the buyer. This tax need not be stated separately on sales to the United States or any agency thereof. (See § 1340.265 (a), of Revised Maximum Price Regulation No. 122.) No part of this tax may be collected in addition to maximum prices on sales of ¼ ton or lesser quantities.

(2) *The Missouri and Kansas States Sales Tax.* The seller may add to the prices listed in the schedule in section (d) the sales tax required to be collected by the laws of the States of Missouri and Kansas. This tax shall be separately stated in the dealer's invoice, sales slip or receipt.

(g) *Addition of increase in supplier's prices prohibited.* (1) The maximum prices set out by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Regional Administrator.

(h) *Power to amend or revoke.* (1) The Price Administrator or the Regional Administrator of Region V may amend, revoke, or rescind this order, or any provision thereof, at any time.

(i) *Petitions for amendments.* (1) Any person seeking an amendment to this order may file a petition for amendment in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(j) *License.* (1) Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72. This provides in brief that a license is required of all persons selling at retail commodities for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license, but a dealer may later be required to register. The license may be suspended for violation in connection with the sale of any commodity for which maximum prices are established. If a dealer's license is suspended, he may not sell any such commodity during the period of suspension.

(k) *Sales slips and receipts; records.* (1) Every person selling solid fuels subject to this order shall, either at the time of, or within thirty days after the date of a sale or delivery of solid fuels governed by this order, give to his purchaser an invoice, sales slip or receipt, and shall keep an exact copy thereof for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, showing the following information: the name and address of the seller and the purchaser, the kind, size and quantity of the solid fuels sold, the date of the sale or delivery and the price charged. In addition, he shall separately state on each such invoice, sales slip or receipt, the amount, if any, of the required discounts, authorized service charges, credit charges, and taxes which must be deducted from or which may be added to the established maximum prices: *Provided,* That a dealer who is authorized to make a special service charge for chemical or oil treatment of coal need not separately state the amount of such service charge if he clearly indicates on the invoice that such coal is so treated; and further provided that the provisions of this paragraph shall not apply to sales of solid fuels in less than quarter ton lots unless requested by the purchaser.

(l) *Posting of maximum prices.* (1) Each dealer subject to this order shall post all of the maximum prices set by it for all types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel.

(m) *Enforcement.* (1) Persons violating any provisions of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Kansas City, Missouri or Wichita, Kansas District Office of the Office of Price Administration.

(n) *Definitions and explanations.* (1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States, or any agency thereof, or any other government, or any of its political sub-divisions or any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "buy," "purchase," and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or

storage space; but if this is unfeasible, because of the absence of a regular driveway free from all foreign matter which might damage trucks and tires, then direct delivery means discharging the solid fuel from the seller's truck directly at the street curb or at the point nearest and most accessible to the buyer's bin or storage space.

(5) "Production group," "price group" and their plurals, as used in this order, refer to the production groups and/or price groups within each producing district as established by the former Bituminous Coal Division of the Department of the Interior and incorporated and/or modified in Maximum Price Regulation No. 120 by the Office of Price Administration.

(6) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended, as they have been modified by the Bituminous Coal Division and as in effect at midnight, August 23, 1943.

(7) "High volatile bituminous coal" means coal produced in the high volatile sections of the producing districts specified herein.

(8) "Low volatile bituminous coal" means coal produced in the low volatile sections of the producing districts specified in this order.

(9) "Solid fuel" or "solid fuels" means all solid fuel except wood and wood products, including all kinds of anthracite and semi-anthracite; bituminous and semi-bituminous and cannel coal; lignite; all coke, including low temperature coke (except by-product foundry and blast furnace coke, and beehive oven furnace coke produced in the State of Pennsylvania); briquettes made from coke or coal; and pea coal used for foundry facings.

(10) The size group numbers used in the price schedule for coal from each producing district refer to the size groups of coal as numbered and defined in the appendix to Maximum Price Regulation No. 120 which relates to each such producing district.

(11) "Deep mine" or "underground mine" means a mine from which the coal is taken only from underground seams from which the overburden is not removed, and does not include a mine from which coal is taken by the stripping method.

(12) "Strip mine" means a mine producing coal by the stripping method and taking its entire production from the ground after removing all overburden.

(13) "Machine-cut coal" is coal produced from an underground mine which is cut mechanically by the use of a "cutting machine" before the coal is dislodged for loading either by hand or by mechanical means.

(14) "Solid-shot coal" is coal produced from an underground mine which is shot from the solid and is not cut mechanically by the use of a "cutting machine" before the coal is dislodged for loading.

(15) "Arkansas anthracite" as used in this order, is coal whose analysis and non-coking characteristics are similar to Anthracite produced in the Pennsylvania Field.

(16) Except as otherwise specifically provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Maximum Price Regulation No. 122, as amended, shall apply to the terms used herein.

(o) *Effect of this order on Revised Maximum Price Regulation No. 122.* (1) To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

(2) This Order No. G-2 shall become effective the 24th day of January, 1944.

NOTE: This order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

(Collated to include Amendments 1 through 9, this 5th day of December, 1945.)

Issued this the 18th day of January, 1944.

W. A. ORTH,
*Regional Administrator.*

[F. R. Doc. 45-22533; Filed, Dec. 17, 1945; 2:10 p. m.]

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[Birmingham Rev. Order G-1 Under Gen. Order 50, Amdt. 2]

MALT AND CEREAL BEVERAGES IN JEFFERSON COUNTY, ALA.

Amendment No. 2 to Revised Order No. G-1 under General Order No. 50. Maximum prices for malt and cereal beverages in Jefferson County, Alabama. Docket No. 41a-RO G1-GO 50-2.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the District Director of the Birmingham, Alabama District Office of Region IV of the Office of Price Administration, and Region IV Revised Delegation Order No. 17, issued May 5, 1944: *It is ordered,* That Appendix B of Revised Order No. G-1 under General Order No. 50 which was issued by the Birmingham District Office on the 25th day of October 1945, be and the same is hereby amended by adding to the list of beverages set forth in the said appendix the following brands of beer:

| Brand or trade name | Maximum prices per bottle | | | | | |
|---|---|---|---|---|---|---|
| | Group 1-B | | Group 2-B | | Group 3-B | |
| | 12-oz. | 32-oz. | 12-oz. | 32-oz. | 12-oz. | 32-oz. |
| American Pilsner Beer | 20 | 45 | 18 | 43 | 16 | 38 |
| Horse Head Beer | 20 | 45 | 18 | 43 | 16 | 38 |
| Perplies Beer | 20 | 45 | 18 | 43 | 16 | 38 |

This amendment shall become effective immediately.

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

(56 Stat. 23, 765; 57 Stat. 566, Pub. Law 383, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328; 8 F.R. 4681; G.O. 50, 8 F.R. 4808)

Issued at Birmingham, Alabama, this 26th day of November 1945.

SAM J. WATKINS,
*District Director.*

[F. R. Doc. 45-22942; Filed, Dec. 26, 1945; 4:25 p. m.]

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[Roanoke Rev. Order G-1 Under Gen. Order 50, Amdt. 5]

MALT AND CEREAL BEVERAGES IN ROANOKE, VA., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Roanoke (Virginia) District Office, Region IV, by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, Executive Orders 9250 and 9328, General Order No. 50, issued by the Administrator of the Office of Price Administration, and Region IV Regional Delegation Order No. 17, issued May 5, 1944, *It is hereby ordered:*

That Revised Order No. G-1 under General Order 50, issued December 21, 1944, effective January 1, 1945, as heretofore amended, be, and it is hereby amended as follows:

By striking therefrom Appendix A thereto, as heretofore amended, and inserting in lieu thereof and as Appendix A to said order and as a part thereof the following:

APPENDIX A

| Brand or trade name | Maximum prices in cents per bottle | | |
|---|---|---|---|
| | Group 3-B, 12-32 ounces | Group 2-B, 12-32 ounces | Group 1-B, 12-32 ounces |
| *Beer* | | | |
| Ambassador-Kruegers | | | |
| Barbarossa | | | |
| Blatz | | | |
| Blue Ribbon | | | |
| Budweiser | | | |
| Camden | | | |
| Canadian Ace | | | |
| Ebling | | | |
| Erlanger | | | |
| Heirloom | | | |
| Holland | 17-42 | 20-45 | 25-50 |
| Krueger | | | |
| Kuebler-Premium | | | |
| Lambic | | | |
| Loewers | | | |
| Millers High Life | | | |
| National Premium | | | |
| Old Shay Deluxe | | | |
| Piels | | | |
| Schlitz | | | |
| Tru-Blu—Old Fashioned Premium | | | |
| Edelbrew [1] | [1] 11 | [1] 13 | [1] 15 |
| *Bottled ale* | | | |
| Champ Ale | 22 | 25 | 30 |
| Ballantine | | | |
| Canadian Ace | | | |
| Old Shay Deluxe | 17-42 | 20-45 | 25-50 |
| Red Top | | | |
| '76 | | | |

[1] 7-oz. net.

APPENDIX A—Continued

| Brand or trade name | Maximum prices in cents per bottle | | |
|---|---|---|---|
| | Group 3-B, 12-32 ounces | Group 2-B, 12-32 ounces | Group 1-B, 12-32 ounces |
| *Intermediate beer* | | | |
| Bay State | 15-37 | 18-42 | ------- |
| Edelbrew | | | |
| Gold Medal—Tivoli | | | |
| Horlachers | | | |
| Koenig Bräu | | | |
| Lion | | | |
| Morlein Premium | | | |
| Namar Premium | | | |
| New England | | | |
| Oxford | | | |
| Philadelphia Old Stock | | | |
| Renners | | | |
| Silver Fox Deluxe | | | |
| Supreme (S. Bethlehem Brg. Co.) | | | |
| *Intermediate ale* | | | |
| Bay State | 15-37 | 18-42 | ------- |
| Gold Medal—Tivoli | | | |
| New England | | | |
| Oxford | | | |
| Renners | | | |
| Silver Fox Deluxe | | | |
| All other brands not listed above, including beer or ale not bearing a brand at time of sale | 13-35 | 15-37 | 20-45 |

| | Group 3-B | Group 2-B | Group 1-B |
|---|---|---|---|
| *Draught beer* | *Cents* | *Cents* | *Cents* |
| 6-oz. glass | 8 | 8 | 10 |
| 8-oz. glass | 10 | 10 | 12 |
| 10-oz. glass | 12 | 12 | 14 |
| 12-oz. glass | 14 | 14 | 16 |
| All other sizes, 1 cent per ounce in excess of 12 ounces. | | | |

Sellers required to pay a Federal Excise Amusement Tax may add same to above prices if such tax is separately stated and collected.

This Amendment No. 5 becomes effective November 14, 1945.

(56 Stat. 23, 765; 57 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681, G.O. 50, 8 F.R. 4808)

Issued this 7th day of November 1945.

BERNARD C. GOODWIN,
*District Director.*

[F. R. Doc. 45-22943; Filed, Dec. 26, 1945; 4:26 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-42, 54-69, 59-65]

CENTRAL STATES UTILITY CORP., ET AL.

ORDER OVERRULING CLOSING OF RECORD BY TRIAL EXAMINER AND APPROVING AMENDMENT TO LIQUIDATION PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of December, A. D. 1945.

In the matter of Central States Utilities Corporation, Central States Power & Light Corporation, Ogden Corporation, et al., File No. 54-42; Ogden Corporation and subsidiary companies, File No. 54-69; Ogden Corporation and Subsidiary companies, File No. 59-65.

Ogden Corporation, a registered public utility holding company, and certain of its subsidiary companies, having filed an application under section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a plan of compliance with the provisions of section 11 (b) of the act, said plan providing for, among other things, the liquidation and dissolution of Central States Power & Light Corporation, and the Commission having on May 20, 1943 entered an order approving said plan;

Applications, and amendments thereto, pursuant to said act, having been filed relating to a plan of liquidation and dissolution of Central States Power & Light Corporation, and providing, among other things, for successive extensions of the maturity date of Central States' 5% Debentures from January 1, 1944, to January 1, 1945, and from January 1, 1945, to January 1, 1946; and the Commission having by orders dated December 3, 1943, and December 8, 1944, approved such applications and the said extensions having been approved and enforced by the District Court of the United States for the District of Delaware;

There now having been filed an amendment to the afore-mentioned plan of liquidation requesting that the Commission approve, among other matters, a proposed payment of 30% of the principal amount of Central States Power & Light Corporation's 5% Debentures held by persons other than Ogden Corporation and the setting aside of a sum equal to 30% of the principal amount of such debentures held by Ogden Corporation, (which proposal will hereinafter be referred to as the "30% Proposal;")

There now having been filed an amendment to the said liquidation plan requesting the Commission to approve a proposed extension of the maturity date of Central States Power & Light Corporation's 5% Debentures from January 1, 1946, to January 1, 1947, and the payment, escrowing, or such other treatment as we might direct with respect to interest accruing on Central States Power & Light Corporation's 5% Debentures held by others than Ogden Corporation during the period of extension (which proposal will hereinafter be referred to as "the Maturity Extension Proposal"); and the Commission being requested to apply to the District Court of the United States for the District of Delaware, pursuant to the provisions of section 11 (e) of the act, to enforce and carry out, in accordance with the provisions of section 18 (f) of the act, the terms and provisions of the Maturity Extension Proposal;

Hearings on the matters contained in said amendments having been held after appropriate notice; holders of Central States Power & Light Corporation's debentures and preferred stock having appeared at said hearings and presented their views on the above proposals; after the receipt of certain evidence the record as to the 30% Proposal having been closed by the trial examiner on motion of the staff of the Public Utilities Division of the Commission and over the objection of representatives of holders of Central States Power & Light Corporation's preferred stock; briefs having been filed, oral argument having been waived; and

The Commission having considered the questions raised, and having this day issued its findings and opinion herein; on the basis of said findings and opinion, *It is ordered,*

(1) That the trial examiner's action closing the record on the said 30% Proposal be and it is hereby overruled and that said proposal be not at this time approved;

(2) That the Maturity Extension Proposal be and it is hereby approved insofar as it provides for the extension of the maturity date of Central States Power & Light Corporation's 5% Debentures from January 1, 1946, to January 1, 1947, for the placing in escrow of the interest accruing during that period on debentures held by others than Ogden Corporation pending determination of the persons entitled to receive such interest, and for the conditional waiver by Ogden Corporation of interest on debentures held by it pending the determination of its right to receive payment of interest on and principal of those debentures, and such approval is hereby made subject to the following conditions:

(a) That Central States Power & Light Corporation shall mail to each of its known debenture holders a copy of the findings and opinion filed herein, such mailing to be made at the same time as the mailing of the first notice of a hearing which the court may require in connection with the proceeding for the enforcement of the Maturity Extension Proposal;

(b) That the Commission hereby reserves jurisdiction to consider such further matters, including the disposition and allocation of the balance of the assets of Central States Power & Light Corporation, enter such further orders, and make such other findings, and to take such other action as may be appropriate in the premises;

(c) That this order shall not be operative to authorize the consummation of the transactions proposed in the Maturity Extension Proposal until the District Court of the United States for the District of Delaware upon application thereto, shall enter an order enforcing such plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 45-23019; Filed, Dec. 28, 1945; 11:11 a. m.]

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[File Nos. 54-116, 54-66, 59-61]

SCRANTON-SPRING BROOK WATER SERVICE CO. ET AL.

NOTICE OF FILING OF AMENDED PLAN, ORDER RECONVENING HEARING AND NOTICE OF RECONVENED HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Penn-

sylvania, on the 21st day of December, A. D. 1945.

In the matters of Scranton-Spring Brook Water Service Company, Pennsylvania Water Service Company, Federal Water and Gas Corporation, File No. 54-116; Federal Water and Gas Corporation and subsidiary companies, File No. 54-66; Federal Water and Gas Corporation and subsidiary companies, File No. 59-61.

I. Notice is hereby given that Scranton-Spring Brook Water Service Company ("Scranton"), its parent company, Pennsylvania Water Service Company ("Pennsylvania"), and the latter's parent company, Federal Water and Gas Corporation ("Federal"), a registered holding company, have filed, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, an Amended Plan for the recapitalization of Scranton and the liquidation of Pennsylvania.

All interested persons are referred to said Amended Plan, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Scranton, a Pennsylvania corporation, operates water and gas utility properties, and, in addition, owns all of the common stocks of Carbondale Gas Company, Wyoming Gas Company, Scranton-Spring Brook Railroad Company, an inactive subsidiary, and 50% of the common stock of the Winton Water Company.

The following tabulation shows the outstanding securities of Scranton at August 31, 1945, and their ownership by its parent companies, and by others:

| | Principal amount or stated value | Owned by— | | |
|---|---|---|---|---|
| | | Penna. | Federal | Others |
| Long-term debt: | | | | |
| First mortgage and refunding bonds, 5%: | | | | |
| Series A, due 1967 | $12,939,500 | | | $12,939,500 |
| Series B, due 1961 | 2,038,500 | | | 2,038,500 |
| Scranton Gas & Water Co.: First mortgage 4½% bonds, due 1958 (assumed) | 10,961,000 | | | 10,961,000 |
| The Spring Brook Water Supply Co.: First refunding mortgage, 5% bonds, due 1965 (assumed) | 7,800,000 | | | 7,800,000 |
| Total long-term debt | 33,739,000 | | | |
| Special loan from Federal | 1,446,502 | | $1,446,502 | |
| Preferred stocks:[1] | | *Shares* | *Shares* | *Shares* |
| $5 cumulative, no p. v., 12,075 shs | [2] 1,207,500 | | | 12,075 |
| $6 cumulative, no p. v., 56,551 shs | [2] 5,655,100 | 979 | 16,033 | 39,539 |
| | 6,862,600 | | | |
| Common stock, no par value, 100,000 shs | 5,000,000 | 100,000 | | |

[1] As of Dec. 31, 1945, accumulated and unpaid dividends will aggregate $852,797 or $70,625 per share on the $5 preferred stock and $4,792,697 or $84.75 per share on the $6 preferred stock.
[2] Stated at involuntary liquidation preference of $100 per share.

The only other asset of Pennsylvania, a Pennsylvania corporation, except for the above indicated holdings of Scranton's securities, is a nominal amount of cash. Pennsylvania has outstanding 979 shares of $6 cumulative preferred stock, no par value, having an involuntary liquidation preference of $100 per share and accrued dividends (as of December 31, 1945 dividend arrears will amount to $84.75 per share), and 123,000 shares of no par value common stock. Pennsylvania's entire outstanding common stock and 200 shares of its preferred stock are owned by Federal. Pennsylvania's only indebtedness is an amount of $91,500 due to Federal.

The Amended Plan proposes, in general, the redemption of Scranton's long term debt, the elimination of the Special Loan from Federal and of Scranton's present preferred and common stock, the issuance by Scranton of new bonds, preferred and common stocks and a bank loan, and the elimination of Pennsylvania. To achieve these objectives, the following steps are proposed:

1. Scranton proposes to issue the following securities:

(a) $23,500,000 principal amount of ___% 30-Year First Mortgage Bonds with a sinking fund calculated to retire $100,000 of such bonds during the first year, and $4,500,000 of such bonds by maturity;

(b) $10,000,000 par value of ____% Cumulative Preferred Stock, represented by 100,000 shares of the par value of $100 per share;

(c) $1,000,000 two-year 2% Bank Loan, which it is stated is to be repaid from the income tax savings incident to the refunding of Scranton's long term debt.

The interest rate on the above new bonds, and the dividend rate on the above new preferred stock, together with the sales prices thereof, are to be fixed by competitive bidding for such securities.

2. Scranton's presently outstanding mortgage bonds will be retired at their redemption prices out of the proceeds realized from the sale of the new securities described in paragraph 1 above, and, to the extent necessary, from treasury funds.

3. Scranton also proposes to issue 1,000,000 shares of no par value common stock. Such new common stock will have a pro forma book value of $13,792,615, of which $10,000,000 will be reflected on the pro forma balance sheet of Scranton as stated value and $3,792,615 as capital surplus. The new common stock will be issued on the following basis:

(a) Each share of the 40,318 shares of Scranton's $6 Preferred Stock held by the public (including 779 shares held by Pennsylvania) is to be exchanged for 13½ shares of new common stock. Pursuant to this provision, 544,293 shares (54.43%) of new common stock will be issued. Fractional shares of new common stock will be issued, where necessary, in exchange for the $6 Preferred Stock.

(b) Each share of the 12,075 shares of Scranton's $5 Preferred Stock will be exchanged for 11.995695 shares of new common stock. Pursuant to this provision, 144,845 shares (14.48%) of new common stock will be issued. No fractional shares of new common stock will be issued in exchange for the $5 Preferred Stock, but a cash adjustment will be made based upon a value for the new common stock of $13.685 per share. It is estimated that the total cash adjustments to be made in conversion of the $5 Preferred Stock will amount to $41.29.

(c) In consideration for its direct and indirect interests in Scranton, Federal will receive 310,862 shares (31.09%) of the new common stock.

It is stated that each share of new common stock is treated for the purposes of the Amended Plan as having a value of $13.685 per share, and that since each share of Scranton's $6 Preferred Stock publicly-held will be exchanged for 13½ shares of new common stock, the public holders of such $6 preferred stock will receive in value on this basis 13½ times $13.685 or $184.7475 per share, as compared with each $6 preferred share's claim of $184.75 ($100 plus arrears in dividends computed to December 31, 1945). The shares of $5 Preferred Stock of Scranton are equated to a $6 Preferred Stock basis by treating each share of $5 Preferred Stock as equivalent for the purposes of the plan to 0.88857 of a share of $6 Preferred Stock, on which basis the exchange of 11.995695 shares of new common stock for each share of $5 Preferred Stock has been computed.

4. Upon the consummation of the sale of the new Bonds and new Preferred Stock of Scranton, referred to in paragraphs 1 (a) and 1 (b) above, Federal proposes to send a notice addressed to all holders of the $6 and $5 Preferred Stock of Scranton and to the holders of the $6 Preferred Stock of Pennsylvania, designating a 15-day period within which they may, if they so desire, sell the new common stock, to be acquired by them, to Federal at $13.685 per share. Federal will purchase all shares so tendered at $13.685 per share within such designated period. However, in the event that Scranton is unable to sell the new Bonds and the new Preferred Stock provided in the Amended Plan on a satisfactory basis, which for the purpose of the Amended Plan shall be deemed to be an interest cost of not more than 3% on the new Bonds, and a dividend cost of not more than 4¼% for the new Preferred Stock, then Federal shall be under no obligation to make such offer to purchase shares of the new Common Stock.

5. If Federal fails to make the aforesaid offer to purchase shares of the new Common Stock of Scranton, the 689,138 shares of new Common Stock proposed to be allocated to the publicly-held $6 and $5 Preferred Stock will be distributed to such stockholders upon the surrender of their Preferred Stock certificates, and the 310,862 shares of new Common Stock proposed to be allocated

to Federal will not be issued until a final determination of the Commission and, if necessary, the United States District Court, as to whether this allocation to Federal is proper or should be modified, and if so the extent of such modification. Federal and Scranton stipulate that they will accept any order of the Commission reallocating such shares, and will not appeal therefrom or contest any enforcement proceedings with respect thereto.

6. Federal proposes to secure and commitment from one or more banks to loan to Federal a sum not in excess of $6,700,000 to bear interest at a rate not in excess of 2½%, to mature in one year, with the right of extension for an additional year, and to be secured by the new common stock of Scranton owned or to be acquired by Federal pursuant to the offer described in paragraph 4 above, in order to provide Federal with the necessary funds to make such offer. Federal proposes to sell such part of the new common stock of Scranton which it may receive through purchase from Scranton stockholders, as may be necessary to provide funds with which to repay the bank loan herein provided, and Federal proposes to sell, or distribute to its stockholders, any remainder of such new common stock of Scranton which Federal may receive under the Amended Plan.

7. Pennsylvania will be eliminated either through dissolution or by merger into Federal.

8. Scranton will pay such fees and reimburse such expenses incurred or to be incurred in connection with the Amended Plan, the transactions incident thereto, and the consummation thereof, as are approved, allocated or awarded by order or orders of the Commission.

In respect of the issuance and sale by Scranton of new bonds and preferred stock, applicants apply for an exemption from sections 6 (a) and 7 of the act, pursuant to section 6 (b) thereof.

II. Proceedings instituted by the Commission pursuant to Sections 11 (b), 15 (f) and 20 (a) of the act directed to Federal and its subsidiary companies (File No. 59-61), and proceedings in respect of a plan pursuant to section 11 (e) of the act filed by Federal and its subsidiary companies (File No. 54-66) have heretofore been consolidated.

By order dated February 10, 1943 (Holding Company Act Release No. 4113), the Commission, in said consolidated proceedings under section 11 of the act, among other things, (1) directed that Scranton shall take such steps as may be necessary to recapitalize so as fairly and equitably to distribute voting power among its security holders; that Federal and Pennsylvania shall take such action as may be necessary to cause Pennsylvanias liquidation; and that Federal shall take such steps as may be necessary to divest itself of all interests held by it, directly and indirectly, in Scranton, providing that such divestment shall not be effected through the sale of securities owned by Federal prior to the recapitalization of Scranton in such manner as to provide for a fair and equitable distribution of voting power among Scranton's security holders, and (2) approved a plan filed by Federal and its subsidiary companies, which provided, among other things, that Scranton would be recapitalized in the event that its assets are not disposed of by sale.

Scranton, Pennsylvania and Federal have heretofore filed a plan pursuant to section 11 (e) of the act, providing for the recapitalization of Scranton and the liquidation of Pennsylvania (File No. 54-116; Holding Company Act Release No. 5541); the proceeding in respect of said plan has heretofore been consolidated with the consolidated proceedings relating to Federal and its subsidiary companies (File Nos. 54-66 and 59-61); and hearings were held in these consolidated proceedings (File Nos. 54-116, 54-66 and 59-61) and were continued subject to call of the trial examiner.

It appearing to the Commission that notice should be given and that the hearings herein previously continued should be reconvened for the purpose of taking testimony in respect of said Amended Plan;

*It is ordered,* That the hearings herein be reconvened under the applicable provisions of the act and the rules of the Commission thereunder on January 10, 1946, at 10:00 a. m., e. s. t., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On that date, the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held.

*It is further ordered,* That Allen MacCullen or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings. The officer so designated to preside at the hearings is hereby authorized to exercise all powers granted to the Commission under section 18 of the act and to a trial examiner under the Commission's rules of practice.

Notice is hereby given of said reconvened hearings to the above named applicants, to the Pennsylvania Public Utility Commission, to the New York Trust Company, Trustee under the indentures securing Scranton-Spring Brook Water Service Company's First Mortgage and Refunding 5% Series "A" and "B" Bonds, to The First National Bank of the City of New York, Trustee under the indentures securing the Scranton Gas & Water Company First Mortgage 4½% Bonds and The Spring Brook Water Supply Company First Refunding Mortgage 5% Bonds, to the Committee for Preferred Stock of Scranton-Spring Brook Water Service Company, and to all interested persons, said notice to be given to said applicants and to the Pennsylvania Public Utility Commission, the New York Trust Company, Trustee, the First National Bank of the City of New York, Trustee, and the Committee by registered mail, and to all other persons by publication of this notice and order in the FEDERAL REGISTER. It is requested that any persons so desiring to be heard in these proceedings shall file with the Secretary of this Commission on or before January 7, 1946 an appropriate request or application to be heard, as provided by Rule XVII of the Commission's Rules of Practice.

*It is further ordered,* That Scranton and Pennsylvania shall give additional notice of said hearing to all of their stockholders of record by mailing to each of said persons a copy of this notice and order at his last known address at least fourteen days prior to the date of said hearing.

*It is further ordered,* That without limiting the scope of the issues presented by said Amended Plan, attention will be directed at said hearings to those issues cited in the Commission's notice and order of January 8, 1945 (Holding Company Act Release No. 5541) in respect of the original plan filed by the said applicants, insofar as such issues may also be applicable to said Amended Plan, and particular attention will be directed to the following matters and questions:

1. Whether the Amended Plan as proposed, or as it may be hereafter modified, is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby;

2. Whether the proposed allocations of new common stock of Scranton to the public holders of Scranton's $5 and $6 preferred stocks, to the public holders of Pennsylvania's $6 preferred stock; and to Federal, are fair and equitable, and, if not, what allocations thereof would be fair and equitable;

3. Whether the securities to be issued by Scranton in connection with the proposed Amended Plan are appropriate in nature and reasonably adapted to the security structure and earning power of Scranton and whether any terms and conditions should be imposed in connection therewith;

4. Whether Federal should be permitted to acquire the new common stock of Scranton pursuant to the tender offer, and, if so, whether the terms and conditions of the offer of Federal to acquire such new common stock are in conformity with the applicable provisions of the act and the rules thereunder;

5. Whether the terms and conditions of the bank loan which Federal proposes to incur meet the applicable provisions of the act and the rules thereunder;

6. In what amounts fees and expenses should be approved, allocated or awarded;

7. Whether the accounting entries proposed to be made in connection with the Amended Plan are proper and in accordance with sound accounting principles;

8. Whether, in the event that the Commission shall approve such Amended Plan as filed or as modified, the Commission shall approve such Amended Plan for purposes of section 11 (d) of the act (as well as section 11 (e)) so as to permit the Commission of its own motion and irrespective of any request therefor on the part of Scranton, Pennsylvania and Federal, to apply to a court for the enforcement of such Amended Plan pursuant to section 11 (d);

9. Whether, in the event that the Commission shall not approve such Amended Plan as filed or as modified, the Commission shall itself propose and approve a plan for purposes of section 11 (d) or shall approve for purposes of section 11 (d) any plan that may be pro-

posed by any person having a bona fide interest in the reorganization of Scranton or in the liquidation of Pennsylvania;

10. To what extent, if any, the proposed Amended Plan should be modified or amended to render it feasible and fair and equitable to the persons affected and what terms and conditions, if any, should be imposed in the public interest or for the protection of investors and consumers.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-23020; Filed, Dec. 28, 1945; 11:11 a. m.]

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[File Nos. 70-1205, 70-1198]

PENNSYLVANIA ELECTRIC CO., ET AL.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held in its office in the City of Philadelphia, Pa., on the 19th day of December 1945.

In the matters of Pennsylvania Electric Company, Associated Electric Company, File No. 70-1205; John H. Ware, 3rd, File No. 70-1198.

The Commission having, on December 14, 1945, issued its notice of filing and order for consolidation and hearing in the above matters involving the declaration of Pennsylvania Electric Company and Associated Electric Company and the application of John H. Ware, 3rd; and said notice and order directing that a hearing in such consolidated proceedings be held on January 7, 1946; and

Counsel for the applicant having requested that the hearing in such consolidated proceedings be postponed until January 17, 1946, and the Commission having been advised that counsel for the declarants joins in such request; and the Commission deeming it appropriate that said request be granted:

*It is ordered,* That the hearing in such consolidated proceedings heretofore scheduled to be held on January 7, 1946, be, and hereby is, postponed to January 17, 1946, at the same time and place and before the same trial examiner as heretofore designated.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-23021; Filed, Dec. 28, 1945; 11:11 a. m.]

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[File No. 70-1063]

NY PA NJ UTILITIES CO. ET AL.

ORDER MODIFYING CONDITIONS AND GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of December 1945.

In the matter of NY PA NJ Utilities Company, Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation; File No. 70-1063.

Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation ("Agecorp"), a registered holding company, and NY PA NJ Utilities Company ("NY PA NJ"), a registered holding company and a subsidiary of Agecorp, having filed declarations, as amended, pursuant to sections 6 (a) (2), 7, 12 (b) and 12 (c) of the Public Utility Holding Company Act of 1935 ("Act"), and the rules and regulations promulgated thereunder, wherein, among other things, it is proposed that:

Subject to the obtaining by NY PA NJ and Stanley Clarke, as Trustee of Associated Gas and Electric Company, of an acceptable ruling by, or closing agreement with, the Commissioner of Internal Revenue, Agecorp would donate to NY PA NJ, for cancellation and as a contribution to its capital, the following obligations of NY PA NJ owing to Agecorp, together with all interest accrued and unpaid, or to accrue, thereon:

| *Obligations* | | |
|---|---|---|
| Convertible obligation, due March 1, 1963: | | |
| Interest bearing, 1% to the extent of "available net income" | $196,725,000.00 | |
| Non-interest bearing | 5,275,000.00 | $202,000,000.00 |
| Advances: | | |
| Open account, 2% interest bearing | 24,478,251.18 | |
| Open account, noninterest bearing | 956,234.04 | 25,434,485.22 |
| Total | | 227,434,485.22 |

In connection with, and contingent upon, the above donation by Agecorp of the convertible obligation and open account advances, NY PA NJ would, among other things, restate the carrying amounts for certain of its investments, and create a reserve, in the absence of a revaluation of assets, against the carrying amounts for investments in the common stocks of majority-owned subsidiaries, approximately equivalent to the excess of such carrying amounts over the related adjusted combined net assets of such subsidiaries as at the effective date of the restatement of its investments.

The Commission having by order dated August 8, 1945 (Public Utility Holding Company Act Release No. 5975), permitted the declarations, as amended, to become effective, subject to the terms and conditions prescribed in Rule U-24; and

Declarants not having received an acceptable ruling by the Commissioner of Internal Revenue until December 17, 1945, and having now requested that the time within which to consummate the transactions as set forth in the declarations, as amended, be extended until January 31, 1946; and

The Commission having considered such request and deeming it appropriate that it be granted:

*It is hereby ordered,* That the conditions contained in said order of August 8, 1945, be, and hereby are, modified to the extent necessary to extend to January 31, 1946 the time within which such transactions may be consummated.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-23022; Filed, Dec. 28, 1945; 11:12 a. m.]

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[File No. 70-1161]

FLORIDA POWER CORP., AND GENERAL GAS AND ELECTRIC CORP.

ORDER RELEASING JURISDICTION OVER LEGAL FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of December 1945.

The Commission having by order dated October 11, 1945, permitted declarations to become effective filed by General Gas and Electric Corporation and Florida Power Corporation pursuant to sections 6 (a), 7 and 12 of the Public Utility Holding Company Act of 1935, with respect to the sale by General Gas and Electric Corporation of 396,383.8 shares of Florida Power Corporation reclassified common stock, $7.50 par value, and the issue and sale by Florida Power Corporation of 142,857 shares of its reclassified common stock, or a total of 539,240.8 shares, in accordance with the competitive bidding requirements of Rule U-50; and having by said order reserved jurisdiction over the legal fees and expenses of all counsel in connection with the proposed transactions; and

Counsel concerned having filed statements with respect to services performed in connection with the transactions, and it appearing to the Commission that the fee of Winthrop, Stimson, Putnam and Roberts, counsel for the underwriters, in the amount of $7,500, and the fee of Cook, Harris, Barrett, McClothlin and Dew, counsel for Florida Power Corporation, in the amount of $7,500 are not unreasonable, and that jurisdiction over such matters should be released:

*It is ordered,* That jurisdiction heretofore reserved over the payment of the legal fees and expenses of counsel in connection with the above transaction be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-23023; Filed, Dec. 28, 1945; 11:12 a. m.]

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[File Nos. 59-17, 59-11, 54-25]

UNITED LIGHT AND POWER CO. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

In the matter of The United Light and Power Company, The United Light and Railways Company, American Light & Traction Company, Continental Gas & Electric Corporation, United American Company, and Iowa-Nebraska Light and Power Company, respondents, File No. 59-17; The United Light and Power Company and its subsidiary companies, re-

spondents, File No. 59-11; The United Light and Power Company, applicant, File No. 54-25; Application No. 26.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of December A. D. 1945.

Notice is hereby given that American Light & Traction Company ("American Light"), a registered holding company, and its subsidiary, Madison Gas and Electric Company ("Madison"), have filed a joint application and declaration pursuant to the Public Utility Holding Company Act of 1935.

All interested persons are referred to said joint application and declaration which is filed in the offices of the Securities and Exchange Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Madison proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50 promulgated under the Act, $4,500,000 principal amount of thirty-year 3% First Mortgage Bonds to be dated January 1, 1946 and to be issued under an indenture of Mortgage and Deed of Trust and an Indenture supplemental thereto, the interest rate of said bonds and the price to be received by Madison (to be not less than 100% and not in excess of 102¾% of the principal amount) to be determined by the competitive bidding.

Madison proposes to use the proceeds from the sale of the bonds to redeem (1) its outstanding First Mortgage Bonds, 4% Series due 1960, in the principal amount of $3,400,000, at the redemption price of 104.5% of the principal amount of such bonds, plus accrued interest, (2) redeem its outstanding 5,000 shares of 6½% Preferred Stock, Series A, par value $100 per share at the redemption price of $105 per share, plus accrued dividends, and (3) provide additional funds for expansion of its facilities.

Madison also proposes to amend its Articles of Incorporation by changing its authorized Common Stock from 30,000 shares, par value $100 per share, to 300,000 shares, par value $16 per share, and thereafter issue 187,500 shares of the new Common Stock in exchange for the 30,000 shares of Common Stock now outstanding. American Light presently owns 29,992 of such shares and proposes to acquire the remaining eight shares heretofore issued as directors' qualifying shares. Madison further proposes to issue and to distribute to American Light as a stock dividend 89,305 shares of the new Common Stock by capitalizing $1,428,880 of earned surplus. Such reclassification of the Common Stock of Madison and the transactions in connection therewith are for the stated purpose of facilitating the distribution of Madison's Common Stock to the common stockholders of American Light in accordance with its pending plan of liquidation and distribution of assets.

The applicants-declarants have designated sections 6, 7, 9, 10 and 12 of the act and Rules U-42, U-43 and U-50 thereunder as being applicable to the proposed transactions.

It further appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said application-declaration and that said application-declaration should not be granted or permitted to become effective except pursuant to further order of this Commission:

*It is ordered,* That a hearing on said application-declaration, under the applicable provisions of said act and the rules of the Commission promulgated thereunder be held at 10:00 a. m., e. s. t., on the 8th day of January 1946, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date, the hearing room clerk in room 318 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of the Commission on or before January 7, 1946 his request or application therefor as provided by Rule XVII of the Commission's Rules of Practice.

*It is further ordered,* That Henry C. Lank, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Trial Examiner under the Commission's Rules of Practice.

*It is further ordered,* That without limiting the scope of the issues presented by such filing, particular attention will be directed at such hearing to the following matters and questions:

1. Whether the proposed issue and sale of the new bonds are solely for the purpose of financing the business of Madison and have been expressly authorized by the State commission of the State in which it is organized and doing business.

2. Whether the proposed change in the par value of the common stock of Madison and the issue, exchange and distribution of the new Common Stock of Madison comply with the applicable standards and requirements of sections 6 and 7 of the act.

3. Whether the redemption of the outstanding shares of preferred stock of Madison complies with the applicable provisions of the act and the rules thereunder.

4. Whether the acquisition by American Light of the shares of new common stock of Madison and of the directors' qualifying shares of common stock of Madison complies with the applicable provisions of the act and the rules thereunder.

5. Whether the fees, commissions or other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

6. What terms or conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers.

7. Generally, whether the proposed transactions comply with the applicable provisions of the act and the rules, regulations and orders promulgated thereunder.

*It is further ordered,* That the Secretary of the Commission shall serve a copy of this order by registered mail on the applicants-declarants herein, on the Public Service Commission of Wisconsin, and on the Mayor and/or the City Solicitor of the City of Madison, Wisconsin; and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-23024; Filed, Dec. 23, 1945; 11:12 a. m.]

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[File No. 70-1203]

NORTHERN STATES POWER CO. (DEL.) AND NORTHERN STATES POWER CO. (MINN.)

ORDER PERMITTING JOINT DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of December 1945.

Northern States Power Company (Delaware), a registered holding company, and its subsidiary, Northern States Power Company (Minnesota), also a registered holding company, having filed a joint declaration and amendment thereto pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 of the general rules and regulations promulgated thereunder, regarding a proposal to postpone until December 31, 1946 the payment of $1,728,250.91, the balance of the installments due on or before December 31, 1945 on the principal of an open account indebtedness (now in the amount of $7,530,852.08) owing by Northern States Power Company (Delaware) to Northern States Power Company (Minnesota); and

It appearing from said declaration that a plan, as amended, has been filed by Northern States Power Company (Delaware) pursuant to section 11 (e) of said act for its liquidation and dissolution, which plan, the proceedings on which are still pending, provides for the disposition of said indebtedness primarily by the surrender to Northern States Power Company (Minnesota) of certain shares of the common stock of the last-mentioned company (all of which is owned by Northern States Power Company (Delaware)) and for a distribution

of the remaining shares of the common stock of Northern States Power Company (Minnesota) among the stockholders of Northern States Power Company (Delaware); and it appearing that a reduction in the indebtedness would necessitate an alteration in the allocations proposed by the said plan and serve no useful purpose; and

Northern States Power Company (Minnesota) having agreed in said declaration that, pending the consummation of the plan, as amended, and until December 31, 1946, or the date of such consummation (whichever shall be earlier), it will continue to segregate on its books $1,728,250.91 of its earned surplus as not being available for the declaration of dividends on its common stock; and declarants having further requested that Northern States Power Company (Minnesota) be permitted to waive all interest due on said indebtedness for the period from December 31, 1945 to December 31, 1946; and

Said joint declaration having been filed on December 3, 1945, and declarants having requested that the Commission issue an order approving said declaration on or before December 31, 1945, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said act and the Commission not having received a request for a hearing with respect to said declaration within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that all applicable statutory requirements are satisfied and that action upon said declaration should be accelerated, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective;

*It is hereby ordered,* Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 and to the agreement with respect to the segregation of earned surplus by Northern States Power Company (Minnesota) set forth in said joint declaration, that the said declaration be and the same is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-23025; Filed, Dec. 28, 1945; 11:12 a. m.]

[File Nos. 59-76, 54-126]

EASTERN GAS AND FUEL ASSOCIATES

ORDER RELEASING JURISDICTION WITH RESPECT TO LEGAL FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 26th day of December A. D. 1945.

The Commission having by orders dated July 27 and August 7, 1945 approved an application filed by Eastern Gas and Fuel Associates ("Eastern"), a registered holding company, regarding the issue and sale, subject to the competitive bidding requirements of Rule U-50, of $40,000,000 principal amount of First Mortgage and Collateral Trust Bonds, 3½% Series, due 1965, and the issue and sale privately to banks of $15,000,000 principal amount of 2⅛% installment notes, due 1946-1955; and the Commission having by said orders reserved jurisdiction over the payment of fees and expenses of counsel for the company and for prospective underwriters and over fees of financial advisers incurred in connection with the said financing;

A supplemental application having been filed containing various data with respect to the legal services performed in connection with the transactions and a statement of legal fees and expenses incurred in the total amount of $64,042.18, such total including $30,754 to Ropes, Gray, Best, Coolidge and Rugg and $16,126.78 allocated between 17 other law firms, all acting as counsel for the company in connection with said financing, and $17,161.70 to Choate, Hall & Stewart, counsel for the successful bidders;

It appearing to the Commission that such legal fees are not unreasonable and that jurisdiction over them should now be released; and

It appearing also to the Commission that the record is incomplete with respect to a fee of $40,000 for advisory services rendered to Eastern by the First Boston Corporation in connection with the refinancing and that jurisdiction with respect to the reasonableness of said fee should be reserved:

*It is hereby ordered,* That the jurisdiction heretofore reserved with respect to the fees and expenses of counsel for the company and for prospective underwriters incurred in connection with the said transaction be, and the same is hereby, released.

*It is further ordered,* That jurisdiction is reserved with respect to the fee for advisory services rendered in connection with the said transactions by the First Boston Corporation.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-23026; Filed, Dec. 28, 1945; 11:12 a. m.]

## UNITED STATES COAST GUARD.

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4481, 4488 and 4491, as amended, 35 Stat. 428, 49 Stat. 1544 (46 U.S.C. 375, 391a, 404, 474, 481, 489, 396, 367), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following approval of equipment is prescribed, effective upon the date of publication in the FEDERAL REGISTER:

FIRING ATTACHMENT FOR LINE-THROWING GUN

Mechanical firing attachment for a 2½-inch bore line-throwing guns, Model F-100A, Dwg. No. F-100A, dated 30 September 1945, manufactured by Naval Company, Doylestown, Pa.

LIFEBOATS

22 x 7.5 x 3.167 foot steel oar-propelled lifeboat, 31-person capacity, General Arrangement Dwg. No. G-240-C, dated 5 November 1945, submitted by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Supersedes approval 8 December 1944, 9 F.R. 14416, insofar as new construction is concerned.)

24 x 7.75 x 3.33 foot steel oar-propelled lifeboat, 37-person capacity, General Arrangement Dwg. No. G-126-K, dated 16 October 1945, submitted by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Supersedes approval 24 March 1945, 10 F.R. 3162, insofar as new construction is concerned.)

24 x 8 x 3.5 foot steel oar-propelled lifeboats, 40-person capacity, General Arrangement Dwg. No. G-126-M, dated 23 October, 1945, submitted by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Supersedes approval 24 March, 1945, 10 F.R. 3162, insofar as new construction is concerned.)

Dated: December 27, 1945.

L. T. CHALKER,
*Rear Admiral, U. S. C. G.,*
*Acting Commandant.*

[F. R. Doc. 45-23030; Filed, Dec. 28, 1945; 11:28 a. m.]