



# FEDERAL REGISTER

VOLUME 18 NUMBER 38

Washington, Thursday, February 26, 1953

## TITLE 3—THE PRESIDENT

### PROCLAMATION 3005

CHILD HEALTH DAY, 1953

BY THE PRESIDENT OF THE UNITED STATES  
OF AMERICA  
A PROCLAMATION

WHEREAS the Congress, by a joint resolution of May 18, 1928 (45 Stat. 617) authorized and requested the President of the United States to issue annually a proclamation setting apart May 1 as Child Health Day and

WHEREAS the health and wholesome development of our children are matters of the deepest concern to all Americans; and

WHEREAS the stresses and strains of our times create many problems bearing on the spiritual and emotional health of our children and are reflected notably in juvenile delinquency and

WHEREAS we have made tremendous advances in overcoming the most severe physical hazards of childhood, and are now striving to make equally significant progress in understanding the nature of emotional health, in order that our children may grow into mature, responsible citizens of a democracy

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the first day of May, 1953, as Child Health Day and I urge all parents and young people, and all other individuals, as well as agencies and organizations interested in the well-being of children, to increase their understanding of the emotional, social, and spiritual growth of children, so as to apply this understanding in their day-to-day relations with the rising generation.

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 20th day of February in the year of our Lord nineteen hundred and [SEAL] fifty-three, and of the Independence of the United States

of America the one hundred and seventy-seventh.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,  
Secretary of State.

[F. R. Doc. 53-1868; Filed, Feb. 25, 1953;  
10:18 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

#### PART 643—OILSEEDS

SUBPART—1953-CROP CASTOR BEAN PRODUCTION AND PROCUREMENT PROGRAM

§ 643.835 1953-crop castor beans. (a) In order to obtain increased quantities of castor beans and castor oil for national defense purposes, the Secretary of Agriculture has authorized the Commodity Credit Corporation (referred to in this section as "CCC") to carry out a program for the domestic production and procurement of 1953-crop castor beans. It is contemplated that castor beans will be produced under the program by harvesting about 125,000 acres in areas for which adapted seed is available within the States of Arizona, Arkansas, California, New Mexico, Oklahoma, and Texas. The program will be available to producers who enter into contracts with CCC or with private companies, producers cooperative associations, or other persons who contract with CCC to arrange for castor bean production in specified areas within such States. Such producer contracts will contain the detailed terms and conditions under which castor beans will be grown by and purchased from producers. Insofar as possible, contracts will be offered to producers within concentrated production areas, so that maximum use can be made of harvesting machinery and receiving, hulling, and storage facilities. In general, the base price to be paid to producers will be the higher of nine cents per pound or the market price at the time and place of delivery, out-of-hull

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basis, with appropriate adjustments in the net weight or price for quality factors, which may include oil content. Premiums will be paid for certain improved varieties or strains of castor beans grown for planting seed under special seed production and purchase contracts.

(b) CCC will stand ready to enter into contracts with private companies, producer cooperative associations, or others with adequate facilities who will agree to arrange for the production and procurement of 1953-crop castor beans in certain areas. Under the terms of such contracts the company association, or other person may be required to (1) enter into contracts with producers for the production and purchase of 1953-crop castor beans, (2) purchase, at prices not less than the price to producers mentioned in paragraph (a) of this section, all castor beans grown and delivered by producers under contract which are suitable for crushing or planting seed, (3) hull the castor beans in areas where the producers deliver in the hull pursuant to the terms of their contracts, (4) inspect, handle, store, and load out the castor beans, and (5) perform all functions and services necessary to the efficient operation of the program in the area. Such contracts also will provide that the company, association, or other person may offer to CCC, under terms provided in the contracts, any or all castor beans delivered by producers under contract, or the oil equivalent of such beans, at any time when the market price of castor beans at the delivery point, as determined by CCC, is less than nine cents per pound. If CCC makes farm machinery or other equipment available to producers in any area covered by such a contract with a company, association, or other person, under conditions which CCC determines are likely to result in a loss, such company, association, or other person must deliver to CCC, under terms provided in the contract, a percentage of the castor beans (or oil equivalent) produced which is equal to the ratio of the estimated number of machine hours used by such machinery or equipment to the total

CFR SUPPLEMENTS

(For use during 1953)

The following Supplement is now available:

Title 17 (\$0.35)

Previously announced: Titles 10-13 (\$0.40); Title 18 (\$0.35); Title 49: Parts 71 to 90 (\$0.45)

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**TITLE 7—AGRICULTURE**

**Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture**

**PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION**

**MISCELLANEOUS AMENDMENTS**

On January 6, 1953, a notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 116) regarding a number of proposed amendments of the regulations (7 CFR 27.1 through 27.107, as amended) governing cotton classification under provisions of the Internal Revenue Code (53 Stat. 210; 26 U. S. C. 1920-1935) derived from the United States Cotton Futures Act (39 Stat. 476) as amended.

After consideration of all relevant matters presented pursuant to the notice, said regulations are hereby amended as follows, pursuant to the authority contained in the provisions of the Internal Revenue Code cited above.

**1. Section 27.82 is amended to read:**

§ 27.82 *Fees; review of classification.* For the review of the classification of any cotton, the fee shall be 35 cents per bale, which shall cover the review and any expense incident to forwarding and returning samples or other additional expense connected therewith, whether the review classification is performed by the Appeal Board of Review Examiners at Washington, D. C., or by a committee of such Board functioning in the field.

**2. The headnote and text of § 27.87 is amended to read:**

§ 27.87 *Fees; classification information.* Whenever the person who requests the classification of cotton, or the person on whose behalf such request is made, shall also request the transmission by telegraph or telephone of information concerning such classification, the person making the request for classification shall pay in addition to the applicable costs prescribed in this subpart the cost of tolls incurred in such transmission.

**3. Section 27.90 is amended to read:**

§ 27.90 *Bills for payment of fees and expenses.* The Administration shall deliver bills to all persons from whom payment for fees or expenses on account of services under this subpart shall be due. Such bills shall be rendered as soon as practicable after the last day of each month for the amounts due and unpaid on such day. When necessary, in the discretion of the chairman of the board or the Administrator, any bill may be rendered at an earlier date for any fees and expenses then due by the person to whom such bill shall be rendered. Payment of any such bill shall be made as soon as possible after the rendition thereof, but in any event not later than 2 weeks after such rendition.

**4. Section 27.2 (a) is amended to read:**

(a) *The act.* The provisions of the Internal Revenue Code (53 Stat. 210; 26 U. S. C. 1920-1935) derived from the

United States Cotton Futures Act (39 Stat. 476) as amended.

5. Sections 27.3 and 27.4 are amended by deleting therefrom the phrase "as amended"

6. Section 27.7 is amended by striking out the phrase "section 6A" and substituting therefor the phrase "section 1923"

7. Section 27.8 is amended by striking out the phrase "United States Cotton Futures Act" and substituting therefor the word "act"

8. Section 27.86 is amended by striking out the phrase "section 5" and substituting therefor the phrase "paragraph 1922 (a)"

9. Section 27.95 is amended by striking out the phrase "sections 6, 7, and 8" and substituting therefor the phrase "paragraphs 1922 (c) and 1929 (c) and section 1927"

10. Section 27.97 is amended by striking out the phrase "sections 5 and 6" and substituting therefor the phrase "section 1922"

11. Sections 27.2, 27.3, 27.4, 27.5, 27.7, 27.31, 27.42, 27.43, 27.44, 27.45, 27.47, 27.52, 27.53, 27.62, 27.63, 27.65, 27.71, 27.73, 27.84, 27.94, and 27.99 are amended by striking out the phrase "Section 5" or "section 5" wherever it appears and substituting therefor the phrase "Section 1922" or "section 1922" respectively.

12. Sections 27.94 and 27.99 are amended by striking out the phrase "section 6" wherever it appears and substituting therefor the phrase "paragraph 1922 (c)"

13. The heading for Part 27 of Title 7 of the Code of Federal Regulations is redesignated as set forth above.

The foregoing amendments shall become effective on April 1, 1953.

(39 Stat. 476, 40 Stat. 1351, 41 Stat. 725, 44 Stat. 1248; 26 U. S. C. 1920-1935)

Done at Washington, D. C., this 19th day of February 1953.

[SEAL] EZRA TAFT BENSON,  
Secretary of Agriculture.

[F. R. Doc. 53-1801; Filed, Feb. 25, 1953; 8:47 a. m.]

number of machine hours required in the production of the castor bean crop, unless provision for reimbursement of CCC in full for such loss is made. Any private company, producer association, or other person interested in entering into such a contract with CCC should notify the Chairman, State PMA Committee, for the State of Arizona, Arkansas, California, New Mexico, Oklahoma, or Texas, as the case may be, of his interest and request further information. Such notification must be filed with the State PMA Chairman within twenty days from the date of publication of this notice in the FEDERAL REGISTER, unless the State PMA Chairman, for good cause shown, extends the time for filing such notification. The State PMA Committee will determine the areas in which the above described contract will be effective within the State. An authorized CCC contracting officer within the State PMA office will enter into contracts on behalf of CCC.

(c) There will be made available to producers under the program facilities for receiving, hulling (except where producers are required by their contracts to deliver castor beans out-of-hull) and inspecting castor beans delivered by such producers pursuant to the terms of their contracts. CCC will sell or rent harvesting machinery and other machinery or equipment owned by it. Other information regarding the program may be obtained from the appropriate State committee in States where the program is in operation or by writing to the Fats and Oils Branch, Production and Marketing Administration, Department of Agriculture, Washington 25, D. C.

(d) The following is a list of the addresses of the Chairmen of the State Committees for the States where castor beans will be produced under the program:

Chairman, State PMA Committee, Union Investment Co. Building, 415 South First Street, Phoenix, Ariz.

Chairman, State PMA Committee, 347 Federal Office Building, Little Rock, Ark.

Chairman, State PMA Committee, 1515 Clay Street, Oakland 12, Calif.

Chairman, State PMA Committee P. O. Box 362, 1224 North Fourth Street, Albuquerque, N. Mex.

Chairman, State PMA Committee, Ether-ton, Building, Sixth and Main Streets, Stillwater, Okla.

Chairman, State PMA Committee, AAA Building, College Station, Tex.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 303, 304, 64 Stat. 801, 802, as amended; 15 U. S. C. Sup. 714c, 50 U. S. C. App. Sup. 2093, 2101)

Issued this 20th day of February 1953.

[SEAL] JOHN H. DEAN,  
Acting Vice President,  
Commodity Credit Corporation.

Approved:

JOHN H. DAVIS,  
President,  
Commodity Credit Corporation.

[F. R. Doc. 53-1825; Filed, Feb. 25, 1953; 8:54 a. m.]

**PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS**

**SUBPART B—UNITED STATES STANDARDS<sup>1</sup>**

**U. S. STANDARDS FOR GRADES OF CANNED CARROTS**

A notice of proposed rule making was published on October 29, 1952, in the FEDERAL REGISTER (17 F. R. 9749) regarding proposed United States Standards for Grades of Canned Carrots. After considering all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Canned Carrots are hereby promul-

<sup>1</sup>The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

gated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952)

§ 52.216 *Canned carrots.* "Canned carrots" means the canned product properly prepared from the clean, sound root of the carrot plant as defined in the definitions and standards of identity for canned vegetables (21 CFR, Cum. Supp. 52.990, as amended 17 F. R. 8176) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(a) *Styles of canned carrots.* (1) "Whole" or "whole carrots" means canned carrots consisting of whole carrots that retain the approximate original conformation of the whole carrot.

(2) "Slices" or "sliced carrots" means canned carrots consisting of carrot slices produced by slicing whole carrots transverse to the longitudinal axis.

(3) "Quarters" or "quartered carrots" means canned carrots consisting of quarters of carrots produced by cutting whole carrots longitudinally into four approximately equal units. Whole carrots cut longitudinally into six units approximating the size and appearance of the quartered carrots are also permitted in this style.

(4) "Diced carrots" means canned carrots consisting of units produced by cutting whole carrots into cubes having edges, other than the rounded outer edges, measuring approximately 1/2 inch or less.

(5) "Julienne," "French style," or "shoestring" means canned carrots consisting of strips of carrots.

(6) "Cut" means canned carrots consisting of units which with respect to size or shape do not conform to any of the foregoing styles. Carrots which have been cut longitudinally into two approximately equal units are included in this style.

(7) "Unit" means an individual carrot or portion of a carrot in canned carrots.

(b) *Grades of canned carrots.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned carrots that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a good color; that are practically free from defects; that are tender; that are practically uniform in size and shape; and that score not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade C" or "U. S. Standard" is the quality of canned carrots that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a fairly good color; that are fairly free from defects; that are fairly tender; that are fairly uniform in size and shape; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of canned carrots that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grade of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that the container of canned carrots be filled as full as practicable with carrots without impairment of quality and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

(d) *Recommended minimum drained weight.* The minimum drained weight recommendations in Table No. I of this paragraph are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned carrots is determined by emptying the contents of the container upon a U. S. Standard No. 8 sieve of proper diameter so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage and allowing to drain for two minutes. The drained weight is the weight of the sieve and carrots less the weight of the dry sieve. A sieve 8 inches in diameter is used for the No. 2 1/2 size can (401 x 411) and smaller sizes; and a sieve 12 inches in diameter is used for containers larger than the No. 2 1/2 size can.

TABLE NO. I—RECOMMENDED MINIMUM DRAINED WEIGHTS, IN OUNCES, OF CARROTS

Container size or designation	Style of canned carrots				
	Whole	Diced	Quartered cut	Sliced	Julienne
8-ounce tall.....	5 3/4	6	6	5 3/4	5 1/2
8-ounce glass.....	5 3/4	6	6	5 3/4	5 1/2
No. 1 picnic.....	7 1/4	7 1/2	7 1/4	7 1/4	7
No. 300.....	9 1/2	10	10	9 1/2	9
No. 303.....	10 1/2	11	11	10 1/2	10
No. 303 glass.....	10 1/2	11	11	10 1/2	10
No. 2.....	12 1/2	13	12 1/2	12 1/2	12
No. 2 1/2.....	18 1/2	19	18 1/2	18 1/2	18 1/4
No. 2 1/2 glass.....	18 1/4	18 3/4	18 1/4	18 1/4	18
No. 10.....	68	72	70 1/2	69	68

(e) *Sizes of carrots in whole carrots.* The size of any carrot is determined by measuring the longest diameter through the center transverse to the longitudinal axis of the carrot.

(f) *Sizes of carrot slices in sliced carrots.* The size of any slice in sliced carrots is determined by measuring the smallest diameter of the largest surface of the slice.

(g) *Sizes of carrot quarters in quartered carrots.* The size of any quarter in quartered carrots with respect to diameter is determined by measuring the largest cut surface transverse to the longitudinal axis.

(h) *Ascertaining the grade.* (1) The grade of canned carrots is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size and shape, absence of defects, and texture.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
(i) Color .....	25
(ii) Uniformity of size and shape.....	15
(iii) Absence of defects.....	30
(iv) Texture .....	30
Total score.....	100

(3) "Normal flavor and odor" means that the canned carrots are free from objectionable flavors and objectionable odors of any kind.

(i) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example, "12 to 15 points" means 12, 13, 14, or 15 points)

(1) *Color* (i) Canned carrots that possess a good color may be given a score of 21 to 25 points. "Good color" means that the canned carrots possess an orange-yellow color that is bright and typical of canned carrots, and that the presence of green units does not more than slightly affect the appearance or eating quality of the product.

(ii) If the canned carrots possess a fairly good color, a score of 18 to 20 points may be given. Canned carrots that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly good color" means that the canned carrots possess the typical color of canned carrots, that such color may be slightly dull but not off-color, and that the presence of green units does not materially affect the appearance or eating quality of the product.

(iii) Canned carrots that are off-color for any reason or that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 17 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

(2) *Uniformity of size and shape.* (1) Canned carrots that are practically uniform in size and shape may be given a score of 12 to 15 points. "Practically uniform in size and shape" has the following meanings with respect to the various styles of canned carrots:

(a) *Whole carrots.* The size of the individual carrot is not more than 1 3/4 inches in diameter, measured as aforesaid; the carrots may vary moderately in shape and the diameter of the largest unit is not more than 50 percent greater than the diameter of the second smallest unit.

(b) *Quartered carrots.* The carrots from which the quarters have been prepared were of a size not more than 2 1/2 inches in diameter, measured as aforesaid, and the diameter of the largest quarter is not more than 50 percent greater than the diameter of the second smallest quarter, and the length of the longest quarter is not more than 50 percent greater than the length of the second shortest quarter.

(c) *Sliced carrots.* The individual slice is not more than 3/8 inch in thickness when measured at the thickest portion; the size of each slice is not more than 2 1/2 inches in diameter, measured

as aforesaid, and the diameter of the largest slice is not more than 50 percent greater than the diameter of the second smallest slice.

(d) *Diced carrots.* The units are practically uniform in size and shape with edges, other than the rounded outer edges, measuring approximately  $\frac{1}{2}$  inch or less; and the aggregate weight of all units of irregular shape which are noticeably smaller than one-half the volume of an average size cube and of all noticeably large and large irregular shaped units does not exceed 12 percent of the weight of all the units.

(e) *Julienne, French style, or shoestring.* The strips of carrots are practically uniform in size and shape, with cross sections measuring approximately  $\frac{3}{16}$  inch, and the aggregate weight of all strips less than  $\frac{1}{2}$  inch in length does not exceed 12 percent of the weight of all the strips.

(f) *Cut.* The individual units weigh not less than  $\frac{1}{4}$  ounce and the largest unit is not more than four times the weight of the second smallest unit. When cut longitudinally into two approximately equal units, the carrots from which the units have been prepared were of a size not more than  $2\frac{1}{2}$  inches in diameter, measured as aforesaid, and the weight of the largest unit is not more than 50 percent greater than the weight of the second smallest unit.

(ii) If the canned carrots are fairly uniform in size and shape a score of 8 to 11 points may be given. Canned carrots that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly uniform in size and shape" has the following meanings with respect to the various styles of canned carrots:

(a) *Whole carrots.* The size of the individual carrot is not more than  $2\frac{1}{4}$  inches in diameter, measured as aforesaid; the carrots may vary considerably in shape, and the diameter of the largest unit is not more than twice the diameter of the second smallest unit.

(b) *Quartered carrots.* The carrots from which the quarters have been cut were of a size not more than  $2\frac{1}{2}$  inches in diameter, measured as aforesaid, and the diameter of the largest quarter is not more than twice the diameter of the second smallest unit, and the length of the longest quarter is not more than twice the length of the second shortest quarter.

(c) *Sliced carrots.* The individual slice is not more than  $\frac{3}{8}$  inch in thickness when measured at the thickest portion; the size of each slice is not more than  $2\frac{1}{2}$  inches in diameter, measured as aforesaid; and the diameter of the largest slice is not more than twice the diameter of the second smallest slice.

(d) *Diced carrots.* The units are fairly uniform in size and shape, with edges, other than the rounded outer edges, measuring approximately  $\frac{1}{2}$  inch or less; and the aggregate weight of all units of irregular shape which are noticeably smaller than one-half the volume of an average size cube and of all noticeably large and large irregular shaped units does not exceed 25 percent of the weight of all the units.

(e) *Julienne, French style, or shoestring.* The strips of carrots are fairly uniform in size and shape, with cross sections measuring approximately  $\frac{3}{16}$  inch and the aggregate weight of all the strips less than  $\frac{1}{2}$  inch in length does not exceed 25 percent of the weight of all the strips.

(f) *Cut.* The individual units weigh not less than  $\frac{1}{6}$  ounce and the largest unit is not more than twelve times the weight of the second smallest unit. When cut longitudinally into two approximately equal units, the carrots from which the units have been prepared were of a size not more than  $2\frac{1}{2}$  inches in diameter, measured as aforesaid, and the weight of the largest unit is not more than twice the weight of the second smallest unit.

(iii) Canned carrots that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 7 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from defective units. Defective units are units damaged by mechanical injury, unpeeled units, units blemished or seriously blemished by brown or black internal or external discoloration, sunburn, or green colored units, pathological injury or insect injury, and units blemished or seriously blemished by other means.

(a) "Damaged by mechanical injury" means crushed, broken, or cracked units, units with excessively frayed edges and surfaces, excessively trimmed units, or damaged by other means.

(b) "Unpeeled unit" means any unit possessing an unpeeled area greater than the area of a circle  $\frac{1}{4}$  inch in diameter.

(c) "Blemished" means any unit blemished to the extent that the appearance or eating quality is materially affected.

(d) "Seriously blemished" means any unit blemished to the extent that the appearance or eating quality is seriously affected.

(ii) Canned carrots that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" has the following meanings with respect to the various styles of canned carrots:

(a) *Whole carrots.* The aggregate weight of all defective units does not exceed 15 percent of the weight of all the units, and of such 15 percent not more than  $\frac{1}{2}$  thereof or one carrot, whichever weighs more, may consist of blemished units and seriously blemished units: *Provided*, That not more than 1 percent, by weight, of all the units may be seriously blemished, and that the presence of blemished and seriously blemished units does not more than slightly affect the appearance or eating quality of the product.

(b) *Sliced, quartered, and cut carrots.* The aggregate weight of all defective units does not exceed 15 percent of the weight of all the units, and of such 15 percent not more than  $\frac{1}{2}$  thereof or one slice, quarter or cut, whichever weighs more, may consist of blemished units and seriously blemished units:

*Provided*, That not more than 1 percent, by weight, of all the units may be seriously blemished, and that the presence of blemished and seriously blemished units does not more than slightly affect the appearance or eating quality of the product.

(c) *Diced, Julienne, French style, or shoestring carrots.* The aggregate weight of all defective units does not exceed 10 percent of the weight of all the units and of such 10 percent not more than  $\frac{1}{2}$  thereof may consist of blemished units and seriously blemished units: *Provided*, That not more than 1 percent, by weight, of all the units may be seriously blemished, and that the presence of blemished and seriously blemished units does not more than slightly affect the appearance or eating quality of the product.

(iii) Canned carrots that are fairly free from defects may be given a score of 22 to 25 points. Canned carrots that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" has the following meanings with respect to the various styles of canned carrots:

(a) *Whole carrots.* The aggregate weight of all defective units does not exceed 25 percent of the weight of all the units, and of such 25 percent, not more than  $\frac{1}{2}$  thereof may consist of blemished units and seriously blemished units: *Provided*, That not more than 2 percent, by weight, of all the units may be seriously blemished, and that the presence of blemished and seriously blemished units does not seriously affect the appearance or eating quality of the product.

(b) *Sliced, quartered, and cut carrots.* The aggregate weight of all defective units does not exceed 25 percent of the weight of all the units, and of such 25 percent not more than  $\frac{1}{2}$  thereof may consist of blemished units and seriously blemished units: *Provided*, That not more than 2 percent, by weight, of all the units may be seriously blemished, and that the presence of blemished and seriously blemished units does not seriously affect the appearance or eating quality of the product.

(c) *Diced, Julienne, French style, or shoestring carrots.* The aggregate weight of all defective units does not exceed 20 percent of the weight of all the units, and of such 20 percent not more than  $\frac{1}{2}$  thereof may consist of blemished units and seriously blemished units: *Provided*, That not more than 2 percent, by weight, of all the units may be seriously blemished, and that the presence of blemished and seriously blemished units does not seriously affect the appearance or eating quality of the product.

(iv) Canned carrots that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Texture.* (i) The factor of texture refers to the tenderness of the carrots and the degree of freedom from coarse and fibrous units.

(ii) Canned carrots that possess a tender texture may be given a score of 26 to 30 points. "Tender texture" means that the carrots are tender and firm but not fibrous, and possess a practically uniform texture.

(iii) If the canned carrots possess a fairly tender texture, a score of 22 to 25 points may be given. Canned carrots that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product-(this is a limiting rule) "Fairly tender texture" means that the carrots are fairly tender, may be variable in texture but not soft or mushy tough or hard, and there may be present a few units which possess a coarse or fibrous texture.

(iv) Canned carrots that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

(j) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned carrots, the grade for such lot will be determined by averaging the total score of all containers if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(k) *Score sheet for canned carrots.*

Number, size, and kind of container	.....
Container mark or identification	.....
Label	.....
Net weight (ounces)	.....
Vacuum (inches)	.....
Drained weight (ounces)	.....
Style	.....
Size of whole carrots (count)	.....
Size of sliced carrots (diameter)	.....

  

Factors	Score points
I. Color.....	25
II. Uniformity of size and shape.....	15
III. Absence of defects.....	30
IV. Texture.....	30
Total score.....	100

  

Normal flavor and odor.....	.....
Grade.....	.....

<sup>1</sup> Indicates limiting rule.

(1) *Effective time and supersedure.* The revised United States Standards for Grades of Canned Carrots (which are the fourth issue) contained in this section will become effective thirty days after date of publication in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Grades of Canned Carrots which have been in effect since August 27, 1949.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 20th day of February 1953.

[SEAL] - GEORGE A. DICE,  
Deputy Assistant Administrator  
Production and Marketing Administration.

[F R. Doc. 53-1823; Filed, Feb. 25, 1953; 8:54 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS<sup>1</sup>

U. S. STANDARDS FOR GRADES OF FROZEN DICED CARROTS

A notice of proposed rule making was published on September 19, 1952, in the FEDERAL REGISTER (17 F R. 8439) regarding proposed United States Standards for Grades of Frozen Diced Carrots. After considering all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Diced Carrots are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952)

§ 52.218 *Frozen diced carrots.* Frozen diced carrots is the clean and sound product prepared from the fresh root of the carrot plant (*Daucus carota*) by washing, sorting, peeling, trimming, and blanching, and is then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

(a) *Style of frozen diced carrots.* "Diced carrots" means frozen carrots consisting of units produced by cutting whole carrots into cubes having edges, other than the rounded outer edges, measuring approximately 1/2 inch or less.

(b) *Grades of frozen diced carrots.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen diced carrots that possess similar varietal characteristics; that possess a good flavor and odor; that possess a good color; that are practically free from defects; that are tender; that are practically uniform in size and shape; and that score not less than 85 points when scored in accordance with the scoring system outlined in this section.

<sup>1</sup> The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen diced carrots that possess similar varietal characteristics; that possess a reasonably good flavor and odor; that possess a reasonably good color; that are reasonably free from defects; that are reasonably tender; that are reasonably uniform in size and shape; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of frozen diced carrots that fail to meet the requirements of U. S. Grade B or U. S. Extra Standard.

(c) *Ascertaining the grade.* (1) The grade of frozen diced carrots may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size and shape, absence of defects, and texture.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors:	Points
(i) Color.....	25
(ii) Uniformity of size and shape.....	15
(iii) Absence of defects.....	30
(iv) Texture.....	30
Total score.....	100

(3) The score for the factors of color, uniformity of size and shape, and absence of defects in frozen diced carrots is determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. A representative sample of the product is cooked to determine texture and flavor and odor.

(4) "Good flavor and odor" means that the product after cooking has a good characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(5) "Reasonably good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(d) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "12 to 15 points" means 12, 13, 14, or 15 points)

(1) *Color* (i) Frozen diced carrots that possess a good color may be given a score of 21 to 25 points. "Good color" means that the frozen diced carrots possess an orange-yellow color that is bright and typical of frozen carrots, and that the presence of green units does not more than slightly affect the appearance or eating quality of the product.

(ii) If the frozen diced carrots possess a reasonably good color, a score of 18 to 20 points may be given. Frozen diced carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule) "Reasonably good color" means that the frozen diced carrots pos-

sess the typical color of frozen carrots and such color may be slightly dull but not off color, and that the presence of green units does not materially affect the appearance or eating quality of the product.

(iii) Frozen diced carrots that are off color for any reason or that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 17 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

(2) *Uniformity of size and shape.* (i) Frozen diced carrots that are practically uniform in size and shape may be given a score of 12 to 15 points. "Practically uniform in size and shape" means that the units are practically uniform in size and shape with edges, other than the rounded outer edges, measuring approximately 1/2 inch or less; and the aggregate weight of all units of irregular shape which are noticeably smaller than one-half the volume of an average size cube and of all noticeably large and large irregular shaped units does not exceed 12 percent of the weight of all the units.

(ii) If the frozen diced carrots are reasonably uniform in size and shape a score of 8 to 11 points may be given. Frozen diced carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably uniform in size and shape" means that the units are reasonably uniform in size and shape with edges, other than the rounded outer edges, measuring approximately 1/2 inch or less; and the aggregate weight of all units of irregular shape which are noticeably smaller than one-half the volume of an average size cube and of all noticeably large and large irregular shaped units does not exceed 25 percent of the weight of all the units.

(iii) Frozen diced carrots that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 7 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from defective units. Defective units are units damaged by mechanical injury, unpeeled units, units blemished or seriously blemished by brown or black internal or external discoloration, sunburn, or green colored units, pathological injury or insect injury, and units blemished or seriously blemished by other means.

(a) "Damaged by mechanical injury" means crushed, broken or cracked units, units with excessively frayed edges and surfaces, or damaged by other means.

(b) "Unpeeled unit" means any unit possessing an unpeeled area greater than the area of a circle 3/8 inch in diameter.

(c) "Blemished" means any unit blemished to the extent that the appearance or eating quality is materially affected.

(d) "Seriously blemished" means any unit blemished to the extent that the appearance or eating quality is seriously affected.

(ii) Frozen diced carrots that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" means that the aggregate weight of all defective units does not exceed 10 percent of the weight of all the units, and of such 10 percent not more than one-half thereof may consist of blemished units and seriously blemished units: *Provided*, That not more than 1 percent, by weight, of all the units may be seriously blemished and that the presence of blemished and seriously blemished units does not more than slightly affect the appearance or eating quality of the product.

(iii) Frozen diced carrots that are reasonably free from defects may be given a score of 22 to 25 points. Frozen diced carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the aggregate weight of all defective units does not exceed 16 percent of the weight of all the units and of such 16 percent not more than 1/2 thereof may consist of blemished units and seriously blemished units: *Provided*, That not more than 2 percent, by weight, of all the units may be seriously blemished and that the presence of blemished and seriously blemished units does not materially affect the appearance or eating quality of the product.

(iv) Frozen diced carrots that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Texture.* The factor of texture refers to the tenderness of the carrots and the degree of freedom from coarse or fibrous units.

(i) Frozen diced carrots that possess a tender texture may be given a score of 26 to 30 points. "Tender texture" means that the carrots are tender, not fibrous, and possess a practically uniform texture.

(ii) If the frozen diced carrots possess a reasonably tender texture, a score of 22 to 25 points may be given. Frozen diced carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably tender texture" means that the carrots are reasonably tender, may be variable in texture but not tough or hard, and there may be present a few units which possess a coarse or fibrous texture.

(iii) Frozen diced carrots that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(e) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen diced carrots the grade for such lot will be determined by averaging the total scores of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(f) *Score sheet for frozen diced carrots.*

Size and kind of container.....		_____
Container marks or identification.....		_____
Label.....		_____
Net weight (ounce).....		_____
Style.....		_____
<hr/>		
	Factors	Score points
	I. Color.....	25
		(A) 21-25 (B) 15-20 (SStd.) 10-17
	II. Uniformity of size and shape.....	15
		(A) 12-15 (B) 10-11 (SStd.) 10-7
	III. Absence of defects.....	20
		(A) 25-20 (B) 12-25 (SStd.) 10-21
	IV. Texture.....	20
		(A) 25-20 (B) 12-25 (SStd.) 10-21
	Total score.....	100
<hr/>		
Grade.....		_____
Flavor and odor.....		_____

\* Indicates limiting rule.

(g) *Effective time and supersedure.* The revised United States Standards for Grades of Frozen Diced Carrots (which are the second issue) contained in this section will become effective thirty days after date of publication in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Grades of Frozen Diced Carrots which have been in effect since October 15, 1951.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 692c)

Issued at Washington, D. C., this 20th day of February 1953.

[SEAL] GEORGE A. DICE,  
Deputy Assistant Administrator,  
Production and Marketing  
Administration.

[F. R. Doc. 53-1622; Filed, Feb. 25, 1953; 8:54 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 5692]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

DOLCIN CORP. ET AL.

Subpart—*Advertising falsely or misleadingly*: § 3.20 *Comparative data or merits*; § 3.170 *Qualities or properties of product or service*; § 3.195 *Safety*. In connection with the offering for sale, sale and distribution of the drug preparation "Dolcin" or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of respondents' preparation, which advertisements represent, directly or by implication, (a) that the taking of said preparation will constitute an adequate, effective or reliable treatment for rheumatic fever, fibrositis, myositis, neuritis, sciatica, lumbago, bursitis, or any other kind of arthritic or rheumatic condition; (b) that said preparation will arrest the progress or correct the underlying causes of, or will cure, rheumatic fever, fibrositis, myositis, neuritis, sciatica, lumbago, bursitis, or any other kind of arthritic or rheumatic condition; (c) that said preparation will afford any relief of severe aches, pains, and discomforts of rheumatic fever, fibrositis, myositis, neuritis, sciatica, lumbago, bursitis, or any other kind of arthritic or rheumatic condition, or have any therapeutic effect upon any of the symptoms or manifestations of any such condition in excess of affording temporary relief of minor aches, pains, or fever; (d) that the taking of said preparation is an adequate, effective, or reliable treatment for so-called "growing pains" in children, or that its use will prevent rheumatic fever; (e) that said preparation may safely be taken over prolonged periods of time; (f) that said preparation may safely be taken by persons adversely affected by aspirin; and (g) that said preparation is economical, inexpensive, or of low cost, unless and until the retail selling price, without prescription, of such preparation shall, in truth and in fact, be less than the retail selling price, without prescription, of the only active ingredient contained in said preparation, which is acetylsalicylic acid, commonly known as aspirin; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Dolcin Corporation et al., New York, N. Y., Docket 5692, December 2, 1952]

*In the Matter of Dolcin Corporation, and Victor Van Der Lande, George Shimmerlik and Albert T. Wantz, Individually and as Officers of Dolcin Corporation*

This proceeding was heard by Abner E. Lapscomb, hearing examiner, upon

the complaint of the Commission, respondents' answer, and hearings at which testimony and other evidence, duly recorded and filed in the office of the Commission, in support of and in opposition to the allegations of said complaint, were introduced before said examiner, theretofore duly designated by the Commission.

Thereafter the proceeding regularly came on for final consideration by said examiner, upon the complaint, answer thereto, testimony and other evidence, proposed findings as to the facts and conclusions presented by counsel, oral argument not having been requested; and said hearing examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,<sup>1</sup> conclusion<sup>1</sup> drawn therefrom, and order to cease and desist.

Thereafter, following respondents' appeal from said initial decision, the matter was disposed of by the Commission's "Order Denying Appeal from Initial Decision of the Hearing Examiner, Decision of the Commission and Order to File Report of Compliance" dated December 2, 1952, as follows:

This matter came on to be heard by the Commission upon respondents' appeal from the initial decision of the hearing examiner, briefs in support of and in opposition to said appeal and oral argument of counsel. In support of their appeal respondents have set out in their appeal brief extensive exceptions to certain of the findings as to the facts, conclusion and provisions of the order and to certain procedural rulings of the hearing examiner. These exceptions have been fully considered and denied by the Commission in a separate order issued simultaneously herewith.

This matter relates to the truth of falsity of certain claims made by respondents in advertisements of the preparation Dolcin. There is no contest as to the actual advertisements or as to the ingredients of the preparation. The contest is as to the meaning of the advertisements and the effects of using the preparation as directed.

The record shows that respondents claimed in their advertising that, in addition to providing relief from the symptoms of arthritic and rheumatic conditions, Dolcin would attack the underlying causes of the conditions themselves. An example is the following excerpt from one of respondents' advertising pamphlets:

7. Is Dolcin just another palliative \* \* \* a product for relieving pain for a few hours? The answer is very definitely that Dolcin is not just a palliative masking pain and discomfort for a few hours. Dolcin is designed to relieve pain promptly but, also, the Dolcin treatment is directed to the disturbances in metabolism which are a very important part of the background of the Rheumatic State, and is designed to give prolonged relief from symptoms.

The greater weight of the evidence is that other than aspirin none of the ingredients in Dolcin have any value in

connection with arthritic and rheumatic conditions and that the only value of aspirin taken in this connection is that it provides temporary relief from the less severe pains and fever accompanying these conditions. Respondents admit their preparation will not prevent the underlying causes, cure or arrest the progress of arthritic or rheumatic conditions. However, they do contend that it will relieve stiffness and swelling accompanying such conditions in certain cases in addition to providing pain relief. The greater weight of the evidence is contrary to respondents' contention and fully supports the findings of the hearing examiner in his initial decision.

The record also shows that respondents claimed in their advertising that Dolcin is non-toxic, may be taken safely in large quantities over prolonged periods even by persons adversely affected by aspirin. The greater weight of the evidence shows that the aspirin in Dolcin has exactly the same effect as if taken alone and that certain persons are adversely affected by aspirin and should not take it in large quantities or over a prolonged period. Aspirin is one of the safest analgesics known and is widely prescribed by physicians in large dosages for temporary relief of pain and fever in arthritic and rheumatic conditions. Serious results from such excessive use are rare. However, less serious but undesirable effects such as headache, nausea, vomiting will occur in persons unable to tolerate aspirin. Respondents' representations to the contrary are false and deceptive as found by the hearing examiner in his initial decision.

For these reasons as well as those set out in its ruling on respondents' exceptions, the Commission is of the opinion that all of the findings as to the facts contained in the initial decision are supportable by reliable, substantial, and probative evidence of record; that the conclusion contained therein is correct; and that the order to cease and desist therein is proper upon this record and is required to provide proper relief from respondents' illegal practices; and

The Commission, therefore, being of the opinion that respondents' appeal from the hearing examiner's initial decision is of no merit and that said initial decision is appropriate in all respects to dispose of this proceeding:

*It is ordered*, That the appeal of respondents from the initial decision of the hearing examiner be, and it hereby is, denied.

*It is further ordered*, That the initial decision of the hearing examiner shall on the 2d day of December 1952 become the decision of the Commission.

*It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in said initial decision, a copy of which is attached hereto.

The order to cease and desist in said initial decision, thus made the decision of the Commission, is as follows:

<sup>1</sup> Filed as part of the original document.

It is ordered, That the respondents Dolcin Corporation, a corporation, and Victor van der Linde, George Shummerlik, and Albert T. Wantz, individually and as officers of said corporation, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of the drug preparation "Dolcin" or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That the taking of said preparation will constitute an adequate, effective or reliable treatment for rheumatic fever, fibrositis, myositis, neuritis, sciatica, lumbago, bursitis, or any other kind of arthritic or rheumatic condition;

(b) That said preparation will arrest the progress or correct the underlying causes of, or will cure, rheumatic fever, fibrositis, myositis, neuritis, sciatica, lumbago, bursitis, or any other kind of arthritic or rheumatic condition;

(c) That said preparation will afford any relief of severe aches, pains, and discomforts of rheumatic fever, fibrositis, myositis, neuritis, sciatica, lumbago, bursitis, or any other kind of arthritic or rheumatic condition, or have any therapeutic effect upon any of the symptoms or manifestations of any such condition in excess of affording temporary relief of minor aches, pains, or fever;

(d) That the taking of said preparation is an adequate, effective, or reliable treatment for so-called "growing-pains" in children, or that its use will prevent rheumatic fever;

(e) That said preparation may safely be taken over prolonged periods of time;

(f) That said preparation may safely be taken by persons adversely affected by aspirin; and

(g) That said preparation is economical, inexpensive, or of low cost, unless and until the retail selling price, without prescription, of such preparation shall, in truth and in fact, be less than the retail selling price, without prescription, of the only active ingredient contained in said preparation, which is acetylsalicylic acid, commonly known as aspirin;

2. Disseminating or causing to be disseminated, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains

any of the representations prohibited in paragraph 1 hereof.

Issued: December 2, 1952.

By the Commission.<sup>2</sup>

[SEAL]

D. C. DANIEL,  
Secretary.

[F. R. Doc. 53-1811; Filed, Feb. 25, 1953;  
8:50 a. m.]

[Docket 5997]

PART 3—DIGEST OF CEASE AND DESIST  
ORDERS

NATIONAL HEALTH AIDS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly*: § 3.30 *Composition of goods*; § 3.170 *Qualities or properties of product or service*; § 3.205 *Scientific or other relevant facts*. In connection with the offering for sale, sale, or distribution of NHA Complex or any product of substantially similar composition or possessing substantially similar properties whether sold under the same name or any other name, and on the part of respondent National Health Aids, etc., and its officers, respondent Kasher, individually and as president thereof, respondent T. A. A., Inc. (their advertising agent), its officers, and said respondents respective representatives, etc., disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparation, which advertisements represent, directly or indirectly, (a) that the use of NHA Complex, as directed, will make one well or keep one well; (b) that NHA Complex, is of any value in the treatment of arthritis, neuralgia, sciatica, lumbago, gout, bursitis, coronary thrombosis, malfunctioning glands, infected tonsils, infected appendix, gallstones, eye trouble, overweight or goiter; (c) that NHA Complex, used as directed, is of any value in the treatment of neuritis, underweight, improper digestion and assimilation of food, constipation, indigestion, nervousness, lack of energy, lack of vitality, lack of ambition, grouchiness, or inability to sleep, except when such conditions are due solely to mild forms of vitamin and mineral deficiencies and then only when said preparation is taken continuously over a long period of time; (d) that all persons in the United States consume a diet which is deficient in vitamins and minerals or that there are not many persons in the United States who consume a well balanced diet; (e) that persons who consume a well balanced diet cannot obtain therefrom the minimum daily requirements of vitamins and minerals; (f) that it is necessary for persons who consume a well balanced diet to use a dietary supplement in order to assure their bodies a supply of mini-

mum daily requirements of vitamins and minerals; or, (g) that NHA Complex contains Vitamin B-12 in sufficient quantity, so that when used as directed, it will be of any value in the treatment of any disease, disorder, or symptom thereof; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, National Health Aids, Inc., et al., Baltimore, Maryland, Docket 5997, December 2, 1952]

*In the Matter of National Health Aids, Inc., a Corporation, and Charles D. Kasher Individually and as President of Said Corporation, and Television Advertising Associates, Inc., a Corporation*

This proceeding was instituted by complaint which charged respondents with the use of unfair and deceptive acts and practices in commerce in violation of provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice", dated December 3, 1952, through the consent settlement procedure provided in Rule V of the Commission's Rules of Practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on December 2, 1952, and ordered entered of record as the Commission's findings as to the facts,<sup>1</sup> conclusion,<sup>2</sup> and order in disposition of this proceeding.

The time for filing report of compliance pursuant to the aforesaid order runs from the date of service hereof.

Said order to cease and desist, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

It is ordered, That the respondents, National Health Aids of Baltimore, Inc., a corporation, its officers, Charles D. Kasher, individually and as President of said National Health Aids of Baltimore, Inc., and T. A. A., Inc., a corporation, its officers and said respondents' respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of NHA Complex or any product of substantially similar composition or possessing substantially similar properties whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

(1) Disseminating or causing to be disseminated any advertisement (a) by means of United States mails, or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or indirectly:

(a) That the use of NHA Complex, as directed, will make one well or keep one well;

<sup>1</sup> Commissioner Carretta not participating for the reason that oral argument on the merits was heard prior to his appointment to the Commission.

<sup>2</sup> Filed as part of the original document.

## RULES AND REGULATIONS

(b) That NHA Complex is of any value in the treatment of arthritis, neuralgia, sciatica, lumbago, gout, bursitis, coronary thrombosis, rheumatism, high blood pressure, diabetes, bad bones, bad teeth, malfunctioning glands, infected tonsils, infected appendix, gallstones, eye trouble, overweight or goiter.

(c) That NHA Complex, used as directed, is of any value in the treatment of neuritis, underweight, improper digestion and assimilation of food, constipation, indigestion, nervousness, lack of energy, lack of vitality, lack of ambition, grouchiness, or inability to sleep, except when such conditions are due solely to mild forms of vitamin and mineral deficiencies and then only when said preparation is taken continuously over a long period of time;

(d) That all persons in the United States consume a diet which is deficient in vitamins and minerals or that there are not many persons in the United States who consume a well balanced diet;

(e) That persons who consume a well balanced diet cannot obtain therefrom the minimum daily requirements of vitamins and minerals;

(f) That it is necessary for persons who consume a well balanced diet to use a dietary supplement in order to assure their bodies a supply of minimum daily requirements of vitamins and minerals;

(g) That NHA Complex contains Vitamin B-12 in sufficient quantity, so that when used as directed, it will be of any value in the treatment of any disease, disorder, or symptom thereof.

(2) Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation which advertisement contains any of the representations prohibited in paragraph (1) hereof.

*It is furthered ordered*, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 3, 1952.

By direction of the Commission.

[SEAL] D. C. DANIEL,  
*Secretary.*

[F. R. Doc. 53-1810; Filed, Feb. 25, 1953; 8:50 a. m.]

## TITLE 32—NATIONAL DEFENSE

## Chapter V—Department of the Army

## Subchapter G—Procurement

## PART 601—LABOR

## ARMY PROCUREMENT PROCEDURE; BASIC CONSIDERATION

Section 601.1101 is hereby revoked and the following substituted therefor:

§ 601.1101 *Basic consideration.* Policy and procedure governing the removal of items from facilities affected by work stoppages prescribe that principal reli-

ance with respect to such removals be placed on cooperative arrangements and voluntary concurrence. In this connection, it is emphasized that the Department of Defense Policy Governing Participation in Industrial Labor Relations Matters Affecting Military Procurement, provides that agencies of the Department shall remain impartial in, and shall refrain from taking a position on the merits of, a labor dispute and shall not undertake the mediation of such a dispute. Removal of items by Procuring Activities will be in accordance with that expressed policy.

[C9, APP, Nov. 15, 1952] (R. S. 161; 5 U. S. C. 22. Interprets or applies 62 Stat. 21; 41 U. S. C. Sup. 151-161)

[SEAL] WM. E. BERGIN,  
*Major General, U S. Army,*  
*The Adjutant General.*

[F. R. Doc. 53-1809; Filed, Feb. 25, 1953; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE,  
APPENDIX

## Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-32, Revocation]

## M-32—CHEMICALS, LIMITATION FOR DORATED ORDERS

## REVOCATION

NPA Order M-32, as amended August 20, 1951 (16 F. R. 8359) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-32, nor deprive any person of any rights received or accrued under that order prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong., 50 U. S. C. App. Sup. 2154)

This revocation shall take effect February 25, 1953.

NATIONAL PRODUCTION  
AUTHORITY,  
By GEORGE W. AUXIER,  
*Executive Secretary.*

[F. R. Doc. 53-1869; Filed, Feb. 25, 1953; 11:02 a. m.]

## Chapter XIV—General Services Administration

[Regulation 4, Amdt. 2 to Revision 1]

REG. 4—MANGANESE REGULATION: PURCHASE PROGRAM FOR DOMESTIC MANGANESE ORE AT BUTTE AND PHILIPSBURG, MONT.

## PRICE SCHEDULE

Pursuant to the authority vested in me by delegation from the Defense Materials Procurement Administrator, this regulation, as revised and amended, is further amended as follows:

1. Delete the words and figures "0.201 ounce to 0.25 ounce—pay for 60 percent at \$30 per ounce" which constitute the last sentence under "Gold" appearing in section 6 (c) and in lieu thereof substitute the following: "Over 0.201 ounce—pay for 60 percent at \$30 per ounce."

2. Add a new paragraph to section 6 to be identified as subparagraph "(d)" to read as follows:

(d) No payment shall be made for manganese contained in the ore as silligates.

3. Delete the first sentence in the first paragraph of section 9 and in lieu thereof substitute the following: "The Government shall purchase, pursuant to the following schedule and the requirements of this regulation, as revised and amended, manganese oxide delivered either (1) f. o. b. railway cars, Philipsburg, Montana, or (2) f. o. b. Government depot, Butte, Montana."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This amendment shall be effective as of the date hereof.

Dated: February 19, 1953.

RUSSELL FORBES,  
*Acting Administrator*

[F. R. Doc. 53-1847; Filed, Feb. 25, 1953; 8:56 a. m.]

[Revision 1]

## MANGANESE REGULATIONS

## DOMESTIC MANGANESE PURCHASE PROGRAM

This regulation is revised for the purpose of (1) redefining the meaning of the term "manganese ores and concentrates", and (2) modifying the chemical and physical requirements of acceptable lots. Changes have been made only in the provisions of sections 2 (h) 5 and 6. All other sections remain unchanged.

Sec.

1. Basis and purpose.
2. Definitions.
3. Duration of the Program.
4. Participation in the Program.
5. Specifications.
6. Price, premiums and penalties.
7. Deliveries and acceptance.
8. Sampling and analysis.
9. Transportation charges.
10. Weight.
11. Payment.

**AUTHORITY:** Sections 1 to 11 issued under sec. 704, 64 Stat. 816, as amended, Pub. Law 429, 82d Cong., 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended, Pub. Law 429, 82d Cong., 50 U. S. C. App. Sup. 2093; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1951 Supp., E. O. 10281, Aug. 28, 1951, 16 F. R. 8789, 3 CFR 1951 Supp.

**SECTION 1. Basis and purpose.** (a) The purpose of this regulation is to establish a Program to encourage expansion of domestic production of manganese by providing a uniform price scale for small domestic producers of metallurgical grade manganese ores and concentrates. Any small domestic producer whose total anticipated or actual production is less than 10,000 long dry tons per calendar year shall be eligible to participate under the provisions of this Program as hereinafter specifically set forth. Individuals or firms whose total production exceeds 10,000 long dry tons per year may negotiate with the Government for the purchase of their production.

(b) This regulation interprets and implements the authority of the Administrator of General Services, pursuant to delegation of authority from the Defense Materials Procurement Administrator of even date with this regulation, to purchase metallurgical grade manganese ores and concentrates, all of domestic origin, as authorized by the Defense Production Administration on May 9, 1952, and outlines the attendant responsibilities and functions of the Administrator of General Services in purchasing such manganese ores and concentrates for Government use and resale. In accordance with the Program set forth herein, the Administrator of General Services will buy domestically produced metallurgical grade manganese ores and concentrates conforming to the specifications, at the price, and under the other terms and conditions of this regulation.

**SEC. 2. Definitions.** (a) "Administrator" means the Administrator of General Services.

(b) "Program" means the Program as set forth in the following paragraphs.

(c) "Shipping point" means the location at which the small domestic producer delivers material f. o. b. railroad cars.

(d) "Receiving point" means the location to which shipments shall be consigned.

(e) "Small domestic producer" means any individual or firm whose total anticipated or actual production of manganese ore or concentrates mined and milled in the continental United States annually is less than 10,000 long dry tons.

(f) The term "continental United States" means the forty-eight (48) States and the District of Columbia.

(g) "Long ton unit" means one percent of 2,240 pounds avoirdupois dry weight, or 22.4 pounds of metallic manganese contained in manganese oxide or manganese carbonate.

(h) "Manganese ores or concentrates" means natural or sintered oxide ores or concentrates or sintered carbonate ores or concentrates, as defined in section 5 of this regulation, and furnace slags, excluding battery and chemical grades and ores and concentrates containing manganese as manganese silicate in excess of 10 percent.

(i) "Lot" means that quantity of ore and concentrates offered at one time. It shall consist of one or more railroad carloads. Fractions of a carload may not be offered.

(j) "Carload" means the quantity (carried in one railroad car) equalling or exceeding the minimum tonnage which can be moved at the lowest transportation rate.

**SEC. 3. Duration of the Program.** The Program shall terminate and be of no further force or effect at the close of business June 30, 1956, or when deliveries under the Program total 19,000,000 long dry ton units of manganese, whichever occurs first.

**SEC. 4. Participation in the Program.** Any small domestic producer desiring to participate in the Program shall make application to the nearest General Serv-

ices Administration regional office in the form of a letter, postcard, or telegram, postmarked or dated by the telegraph office on or before June 30, 1953, stating (a) that applicant has read this regulation and accepts its terms and conditions, and (b) that applicant desires to participate in this Program, and will offer manganese ore or concentrates to the Government pursuant thereto. Such notification must be signed and a return address given. Receipt of this application will be acknowledged by the regional office which may request such additional information as may be necessary and will issue to those who qualify hereunder a certificate authorizing the applicant to make shipments under the Program.

**SEC. 5. Specifications—(a) Chemical requirements.** All shipments must meet the following chemical analysis:

	<i>By weight (dry basis) (percent)</i>
Manganese (Mn)-----	40.0 minimum.
Iron (Fe)-----	16.0 maximum.
Phosphorus (P)-----	0.30 maximum.
Copper plus lead plus zinc (Cu plus Pb plus Zn), of which not more than 0.25 percent may be copper.	1.0 maximum.
Silica plus alumina (SiO <sub>2</sub> + plus Al <sub>2</sub> O <sub>3</sub> ).	(2).

<sup>1</sup>No maximum specified; however, material over 15 percent will be purchased in exceptional cases only.

(b) **Physical requirements.** Four types of material, according to physical characteristics, are covered by this specification. All offers shall stipulate the type covered and the following shall constitute the rejection limits of each type.

Type I—Lump ore shall be natural ore, unprocessed except for grading, washing, or screening. Not more than 5 percent shall pass a Tyler standard 20 mesh screen.

Type II—Fine ore shall be natural ore, unprocessed except for grading, washing, or screening. Not more than 15 percent shall pass a Tyler standard 20 mesh screen.

Type III—Nodules or sinter shall be natural fines, or concentrates, densely agglomerated by the application of heat. Not more than 5 percent shall pass a Tyler standard 20 mesh screen.

Type IV—Slag shall be material which has been agglomerated by the application of heat above the point of fusion. Not more than 5 percent by weight shall pass a Tyler standard sieve mesh No. 20 or U. S. standard sieve No. 20.

Fine concentrates may be considered for acceptance under this Program through special arrangement with the appropriate regional office. In such case, appropriate adjustments may be made in price and other terms and conditions.

**SEC. 6. Price, premiums, and penalties.**

(a) The price to be paid for any carload lot of material will be determined in accordance with the base price and the premiums and penalties stated hereinbelow. Prices herein stated are f. o. b. railroad cars at the participant's shipping point.

(b) The base price shall be \$2.30 per long dry ton unit for material of the following analysis:

	<i>Percent</i>
Manganese (Mn)-----	45.0
Iron (Fe)-----	6.0
Phosphorus (P)-----	0.12
Silica plus alumina (SiO <sub>2</sub> plus Al <sub>2</sub> O <sub>3</sub> )--	11.0

(c) For material which is superior or inferior to the above analysis, the following premiums and penalties shall be applied:

(1) **Premiums:** Manganese content above 48 percent (dry basis) - ½ cent per unit for each 1 percent. Iron content below 6.0 percent (dry basis) - ½ cent per unit for each 1 percent.

(2) **Penalties:** Manganese content below 48 percent (dry basis), 1 cent per unit for each 1 percent, down to and including 44.0 percent. Below 44.0 percent, 4 cents per unit plus 1½ cents per unit for each 1.0 percent down to and including 40 percent. Iron content above 6 percent (dry basis) 1 cent per unit for each 1.0 percent up to and including 8.0 percent. Above 8 percent; 2 cents per unit plus ¾ cent per unit for each 1.0 percent up to and including 16 percent. Silica plus alumina content above 11.0 percent (dry basis); 1 cent per unit for each 1.0 percent up to and including 15.0 percent. Above 15.0 percent, 4 cents per unit plus 2 cents per unit for each 1.0 percent up to and including 18.0 percent; 19.0 percent and above 10 cents per unit. Phosphorus content above 0.12 percent (dry basis), ½ cent per unit for each 0.01 percent up to and including 0.30 percent.

Ores and concentrates containing more than one (1) percent copper plus lead plus zinc (of which not more than 0.25 percent shall be copper) will not be accepted under this Program.

**SEC. 7. Deliveries and acceptance.** (a) Participant shall advise the nearest General Services Administration regional office at least twenty (20) days prior to an intended date of shipment of each lot, giving full information as to shipping point, tonnage and analysis of the lot. The regional office will inform the participant of the receiving point and consignee within fifteen (15) days of receipt of notice, and participant shall deliver the lot, at his expense, f. o. b. railroad cars at his designated shipping point, consigned in accordance with such instructions. Shipment must be in lots of one or more carloads. Fractional carloads will not be accepted. The lot will be weighed, sampled and analyzed at the receiving point, and the cost of weighing, sampling and analysis will be at the expense of the Government. Upon receipt of analysis, participant will be informed as to the acceptability of the lot.

(b) If the lot fails to meet the specifications herein provided, the participant will be held responsible for the removal of the lot from the unloading site. Upon failure to remove the lot within fifteen (15) days after due notice, the Government may, at its option, remove such lot and the cost of such removal shall be for participant's account, or otherwise dispose of such lot without liability therefor. Lots delivered to the Government based on inaccurate information willfully furnished by the participant

may be the basis for terminating participation in the Program.

**SEC. 8. Sampling and analysis.** Each lot will be sampled at the time of unloading at the receiving point by a sampler designated by the Government. Three pulp samples will be prepared from the sample taken, one each for the Government, participant, and umpire, and an analysis made for manganese, iron, silica, and alumina, and, if necessary, for phosphorus, copper, lead and zinc. Usual provisions will be made for splitting limits and settlement by average of the Government's and participant's analyses, or by trade practice if samples are sent to umpire. Moisture samples will be taken in accordance with standard practice. The participant, at

his own expense, may have a representative at the sampling.

**SEC. 9. Transportation charges.** Freight charges from shipping point to receiving point will be paid either by the Government or by its consignee. Participant shall be held accountable for freight charges and any other charges incurred by the Government with respect thereto on any lot failing to meet the specifications provided herein, and for any expense to the Government due to railway cars being loaded in excess of the maximum limit.

**SEC. 10. Weight.** The number of long dry tons in each lot shall be the net railroad-track-scale weight less moisture as determined by standard practice.

**SEC. 11. Payment.** Upon receipt by the appropriate regional office of applicable moisture and analysis determination and certified weight certificate with respect to each acceptable delivery under the terms of the program hereinabove stated, the participants shall be promptly paid for each such delivery in accordance with the price provisions of this program.

This revision shall be effective upon publication in the FEDERAL REGISTER.

Dated: February 19, 1953.

RUSSELL FORBES,  
Acting Administrator

[F. R. Doc. 53-1848; Filed, Feb. 25, 1953;  
8:57 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Production and Marketing Administration

#### [ 7 CFR Part 903 ]

[Docket No. AO 10-A17]

#### HANDLING OF MILK IN ST. LOUIS, MISSOURI, MARKETING AREA

#### NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of a public hearing to be held at the Melbourne Hotel, St. Louis, Missouri, beginning at 10:00 a. m., c. s. t., March 2, 1953, for the purpose of receiving evidence with respect to emergency, and other economic conditions which relate to the handling of milk in the St. Louis, Missouri, marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area (7 CFR 903 et seq.) These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, milk marketing area were proposed, as follows:

#### By Sanitary Milk Producers:

1. Delete § 903.7 and substitute therefor the following:

§ 903.7 *Producer* A producer means any person who produces Grade A or Grade B raw milk under a dairy farm permit or rating issued by a health authority duly authorized to administer regulations governing the quality of milk disposed of in the marketing area, which

milk is received at an approved plant or diverted from an approved plant by a cooperative association. This definition shall not include a person who produces milk which is received at the plant of a handler partially exempt from the provisions of this part, pursuant to § 903.61 with respect to milk received by such handler.

2. Delete § 903.8, "City Plant," and substitute therefor the following:

§ 903.8 *City plant.* City plant means a plant where milk is received from producers or from a country plant and which packages milk, skim milk or cream, processed and disposed of as Class I milk in the marketing area, to wholesale or retail outlets, including plant stores.

3. Insert new section as follows:

§ 903.9 *Approved plant.* An approved plant is a plant at which milk is received from producers and which plant disposes of milk, skim milk, or cream in an amount of not less than 65 percent or more of the volume of milk received at such plant from producers during any month as Class I milk in the marketing area: *Provided,* That if such plant disposed of 65 percent or more of its receipts from producers during each of four months of the period July through December, such plant, upon application in writing to the market administrator before December 31 of such year, shall be allowed to retain the status as approved plant for the months of January through June.

4. Insert new section as follows:

§ 903.10 *Unapproved plant.* An unapproved plant would be any milk manufacturing, processing, bottling or distributing plant, other than an approved plant

5. Delete the period at the end of § 903.10 and add the following: "Or a cooperative association of producers with respect to milk diverted by such cooperative, whether to an approved plant or an unapproved plant."

6. *Compensatory payments:* Add a provision requiring that an operator of an unapproved plant shall pay to the market administrator on any milk disposed of as Class I milk in the marketing area an amount calculated as follows:

Multiply the pounds of such milk by the Class I price adjusted by the Class I butterfat differential and subtract therefrom the amount of such milk multiplied by the Class II price adjusted by the Class II butterfat differential: *Provided,* That money so paid to the market administrator shall be distributed pro rata on the basis of the volume of milk received from producers to handlers for distribution to producers.

7. Delete § 903.45 (a) (2)

8. Delete that portion of § 903.43 (d) which precedes subparagraph (1) and substitute therefor the following:

(d) Skim milk and butterfat disposed of in bulk form as milk, skim milk or cream by transfer or diversion from a plant of a handler to any plant other than a plant of a handler or to a non-handler shall be classified as Class I milk, unless:

9. Clarify the language of § 903.52 with respect to eligibility of Class I milk to receive the location differential credit and provide a maximum rate of deduction of 36 cents.

10. Delete § 903.51 (b) and substitute therefor the following:

(b) The price per hundredweight for Class II milk shall be computed from the following formula.

(1) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling price (using the mid-point of any price range as one price) of Grade A (92 score) bulk creamery butter per pound at Chicago as reported by the U. S. Department of Agriculture, during the month;

(2) Multiply by 8.2 the weighted average of car lot prices per pound of spray process non-fat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as

published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. Department of Agriculture; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents: *Provided*, That such prices shall not be less than the basic formula price during the months of September through February.

11. Amend § 903.53 (b) to provide that the factor used in determining the Class II butterfat differential shall be 1.12 during the months of March through August inclusive.

12. Make such further changes in the order as required to effectuate the purpose of the amendments here proposed.

By Producers Creamery Company of Cabool, Missouri:

13. Delete all of § 903.51 (b) and substitute in lieu thereof the following:

(b) *Class II Milk*. The price per hundredweight for Class II milk shall be that computed from the following formula:

(1) Multiply by 4.24 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92 score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the delivery period;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process non-fat dry milk solids, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the United States Department of Agriculture; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75 cents: *Provided*, That for each of the delivery periods of September through February, the Class II price shall be not less than the basic formula price.

14. Delete all of § 903.53 (b) and substitute in lieu thereof the following:

(b) *Class II milk*. Multiply by 1.12 the average daily wholesale price per pound of 92 score butter in the Chicago market as reported by the Department of Agriculture during the delivery period and divide the result by 10.

15. Delete all of § 903.84.

16. Amend the order to provide for a "market-wide" pool for the St. Louis marketing area in lieu of the "individual handler" pool as now effective, to-wit, to provide for the determination of the uniform price to be paid on the basis of a market-wide utilization rather than an individual handler utilization, and to provide for the establishment of a producer-settlement fund into which and out of which qualified pool plants will make or receive payments on the basis of each handler's utilization in relation to the market utilization.

17. Amend the order to provide that for a plant to become a qualified pool plant and to participate in the pool as contemplated by the establishment of a market-wide uniform price and to participate in the payments into and the distributions from the producer-settlement fund, such plant must meet certain performance requirements in lieu of the presently established health requirements. Said performance requirements should, in general, be that a plant must be either a city plant where milk is received from producers or from a country plant and from which packaged or processed milk, skim milk, or cream is disposed of as Class I milk in the marketing area to wholesale or retail outlets, including plant stores, or if a plant does not meet the requirements of a city plant as hereinabove set forth, such plant may qualify as a country plant if it receives milk from producers and during at least four out of the five-month period September through January disposes of a given percentage of all its Grade A receipts to a city plant.

18. Redefine the definitions of producer, city plant, country plant, handler, non-handler, and other source milk, and add such definitions of pool plant and non-pool plant, and such further definitions, all as may be necessitated to effectuate the change from individual handler pool to a market-wide pool.

19. Make all conforming changes in the order necessitated by the change from an individual handler pool to a market-wide pool, and the establishment of performance requirements in order to be a qualified pool plant, including but not limiting the generality of the foregoing, such changes as may be necessary in the duties of the market administrator, the responsibility of handlers, and reclassification of milk, transfers, allocation of skim milk, and butterfat classified.

20. Provide that all plants now qualified as handlers under the terms of the present order would continue to be qualified as a pool plant from the effective date of any amendment to the order until disqualified.

By Square Deal Milk Producers Association of Illinois and Cooperative Milk Producers of Missouri:

21. That the emergency price increase in Order No. 3, effective September 1, 1952, should be continued through the month of March, 1953, so that it would be therein provided that for said month the Class I price differential or premium would not be less than \$1.79 per hundredweight.

22. That § 903.51 (a) be amended to provide that the month of April be included in the delivery periods now provided for January, February and March so that as amended the month of April would receive the delivery period premium provided in the order of \$1.15 per hundredweight.

23. That § 903.51 (a) of Order No. 3, as amended, be amended so that the delivery period premium for the months of May and June be 90 cents per hundredweight rather than 75 cents per hundredweight as now provided in said order.

By St. Louis Dairy Company:

24. Amend § 903.51 (a) by providing that July and December shall be removed from that group of delivery periods for which the highest amount is added to the basic formula price to obtain the Class I price, and be included in the group of delivery periods for which the medium amount is added to the basic formula price to obtain the Class I price.

25. Further amend § 903.51 (a) in the supply-demand adjustment provision by adding the months of July and December to the present group of January through March, and removing the months of July and December from the present group of July through December.

26. Amend § 903.51 (b) by adding the proviso: "*Provided*, That for the delivery periods of March through July the price for Class II milk shall be the price determined by § 903.50 (a) less 15 cents."

27. Amend § 903.53 (a) by deleting the first three words thereof "Multiply by 1.25," and replacing with the words "Multiply by 1.12."

28. Amend § 903.53 (b) by deleting the first three words thereof "Multiply by 1.2," and replacing with the words "Multiply by 1.12."

29. Amend § 903.81 by deleting the first three words after the colon, "Multiply by 1.2" and replacing with the words "Multiply by 1.12."

By Major Dairy Company:

30. That the market be changed from independent handler pool to market-wide pool.

31. That there should be some reduction in price of Class II milk during surplus months, particularly when such milk has to move to manufacturing plants for conversion into cheese, butter, dry milk solids, and canned evaporated milk.

32. That there should be some reduction in formula price for Class II butterfat over the 3.5 base when such butterfat has to move to butter manufacturing plants.

33. That if market-wide pool is adopted, that only handlers selling a certain percentage of their milk on the market be allowed to participate in the pool.

34. That if a handler qualifies for participation in the pool, he shall offer milk to other handlers on the market, in tank truck lots, at a price not to exceed the Class I price plus 50 cents per hundredweight handling charge, and plus Health Department fees and market administrator fees, before being allowed to export milk to other markets. Such charges on small sales in can lots or partial tank loads may be more

35. To prevent dumping of milk during surplus months on the St. Louis market, that any handler not now a qualified handler on the St. Louis market, shall be required to sell milk on the market for at least one year before being allowed to participate in the pool benefits. Also, that he must also meet the requirements for percentage of milk sold on the market, Item 33, and shall offer such milk at prices in line with Item 34.

## PROPOSED RULE MAKING

By Aro Dairy Company:

36. Amend the order to provide that cream received from other handlers in the ungraded portion of a plant and used for manufacturing purposes be classified as Class II.

By Adams Dairy Inc., Ashley Milk Co., Ozark Dairy Co., Prairie Farms Creamery, Raskas Dairy Co., and Valley Farm Dairy Co..

37. Revision of Class II price.

38. Revision of butterfat differential on Class I and Class II.

39. Market-wide pool with qualifications.

40. Market administrator assessment to apply on Class I only.

By Pevely Dairy Company:

41. That consideration be given to amending Federal Order No. 3, as amended, so that a lower Class II price be determined in Federal Order No. 3, as amended.

42. That consideration be given to amending Federal Order No. 3, as amended, so that a lower butterfat differential be applied to Class II users of milk as determined in the order, as amended.

43. That consideration be given to amending Federal Order No. 3, as amended, so that the Federal milk market administrator's fees be based on Class I sales only.

44. That consideration be given to amending the order so that the Federal milk market administrator be required to publish the name of a handler, if any, and the volume of milk other than Grade A as having been priced for Class I sales to such handler, if any, in each delivery period when the use of such milk other than Grade A has been so determined.

45. That consideration be given to amending Federal Order No. 3, as amended, so that all imports from other Federal market areas be deducted from Class I usage before allocating the balance of Class I to local producer milk.

46. That consideration be given to further amending Federal Order No. 3, as amended, to so modify said order by making such additional changes as may be necessary to effectuate the above proposals.

By The Dairy Branch, Production and Marketing Administration:

47. Specify the number of decimal points to which class prices and butterfat differentials shall be carried.

48. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 4030 Chouteau Avenue, St. Louis 10, Missouri, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: February 20, 1953, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,  
Assistant Administrator.

[F. R. Doc. 53-1802; Filed; Feb. 25, 1953; 8:48 a. m.]

## [ 7 CFR Part 921 ]

[Docket No. AO 222-A3]

HANDLING OF MILK IN SPRINGFIELD,  
MISSOURI, MARKETING AREA

## NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of a public hearing to be held at the Colonial Hotel, Springfield, Missouri, beginning at 10:00 a. m., c. s. t., March 5, 1953, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the handling of milk in the Springfield, Missouri, marketing area, and to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Springfield, Missouri, milk marketing area (7 CFR 921 et seq.) These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the Springfield, Missouri, milk marketing area were proposed, as follows:

By the Greene County Missouri Milk Producers Association:

1. Delete all of § 921.51 (b) and substitute in lieu thereof the following:

(b) *Class II milk.* The price per hundredweight for Class II milk shall be that computed from the following formula:

(1) Multiply by 4.24 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92 score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the delivery period;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process non-fat dry milk solids, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the United States Department of Agriculture; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75 cents:

*Provided*, That for each of the delivery periods of September through February, the Class II price shall be not less than the basic formula price.

2. Delete all of § 921.52 (b) and substitute in lieu thereof the following:

(b) *Class II milk.* Multiply such prices as computed for the current delivery period by 0.112.

3. Amend § 921.44 (d) by deleting therefrom the words "the form of" and substitute in lieu thereof the words "bulk form as."

By the Producers Creamery Company of Springfield:

4. Delete all of § 921.51 (b) and substitute in lieu thereof the following:

(b) *Class II milk.* The price per hundredweight for Class II milk shall be that computed from the following formula.

(1) Multiply by 4.24 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92 score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the delivery period;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process non-fat dry milk solids, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the United States Department of Agriculture; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75 cents;

*Provided*, That for each of the delivery periods of September through February, the Class II price shall be not less than the basic formula price.

5. Delete all of § 921.52 (b) and substitute in lieu thereof the following:

(b) *Class II milk.* Multiply such price as computed for the current delivery period by 0.112.

6. Amend § 921.44 (d) by deleting therefrom the words "the form of" and substitute in lieu thereof the words "bulk form as."

By the Patton Creamery Company:

7. In § 921.87 *Expense of administration* delete the last eight words of the last sentence of this section. This section would then read as follows:

§ 921.87 *Expense of administration.* As his pro rata share of the expense of administration hereof each handler shall pay to the market administrator, on or before the 15th day after the end of the delivery period, 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all receipts within the delivery period of producer milk (including such handler's own production)

By the Dairy Branch, Production and Marketing Administration:

8. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 4030 Chouteau Avenue, St. Louis 10, Missouri, or from the Hearing Clerk, Room 1353, South Building, United States De-

partment of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: February 20, 1953, at Washington, D. C.

[SEAL] ROY W LENNARTSON,  
Assistant Administrator.

[F. R. Doc. 53-1820; Filed, Feb. 25, 1953; 8:52 a. m.]

### 17 CFR Part 976 I

#### HANDLING OF MILK IN FORT SMITH, ARKANSAS, MARKETING AREA

#### DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was conducted at Fort Smith, Arkansas, on February 5, 1953, pursuant to notice thereof which was published in the FEDERAL REGISTER January 31, 1953 (18 F. R. 670)

The material issues of record related to:

1. A proposal that the price for Class II milk be decreased; and
2. The need for immediate action by the Secretary because of emergency conditions surrounding the marketing of producer milk not needed for Class I use.

*Findings and conclusions.* The findings and conclusions with respect to the aforementioned material issues to be considered in this decision, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

1. Emergency marketing conditions for milk used for manufacturing in the Fort Smith area make it necessary to alter the pricing provisions of the order. Evidence in the record indicates that under present conditions, much of the Class II milk cannot be marketed at prices which are comparable to the Class II price as now provided by the order. It is necessary therefore that lower prices be provided for milk in certain uses in order to provide a market for such milk and to maintain the orderly flow of milk from farms to plants.

Since the order has been in effect, the Class II price has been based on the average of the prices paid farmers by several milk manufacturing plants in the general area. It has been customary in the past several years for a number of the nearby milk manufacturing plants to accept excess milk from Fort Smith handlers and pay for it at a rate somewhat above the prices paid producers. Under this arrangement handlers have accepted and disposed of whatever producer milk was offered for sale. Fort Smith handlers have been dependent upon these outlets for milk since they have no manufacturing facilities in their own plants.

Recently however, most of the local manufacturing plants have discontinued purchasing any milk except that received directly from dairy farmers. Plants in the area which are accepting additional milk pay only the equivalent of prices paid their farmers, or less. This appears to be an abnormal condition brought on partly by an unseasonably high rate of milk production on the part of ungraded producers. The record indicates that receipts of ungraded milk are now as much as 70 percent above a year ago at some plants.

Because of the inability of handlers to obtain satisfactory prices for Class II milk and because they have no processing facilities of their own, they have been unwilling to accept any producer milk except that needed to maintain Class I operations.

Some producers' milk was refused by handlers, during January. More has been refused in February as production has increased. Further increases in production during the next three or four months may be expected to result in additional refusals by handlers unless the Class II price is reduced, or unless marketing conditions for such milk change materially.

Producers in some instances have been required to keep their milk on the farm or to divert it to other plants where possible. Milk which has not been accepted from producer members of the Farm Bureau Milk Producers Association has been diverted by the association to manufacturing plants. Although diverted milk may be pooled with all milk under the order, producers of such milk or the cooperative which markets it will nevertheless receive a lower net rate of return on such milk than if it were accepted by the handlers at their plants. This results from the extra expense in hauling such milk to manufacturing plants. Furthermore, to the extent the price received for such milk by the cooperative is less than the Class II price, the cooperative must make up the difference or pay its members less than the uniform price provided under the order.

At the time of the hearing the cooperative was diverting approximately 15 thousand pounds of milk every other day to the Sugar Creek Creamery at Russellville, Arkansas. According to the testimony presented by the cooperative, the cost of hauling this milk to Russellville was expected to exceed the cost of hauling it to Fort Smith. Data provided indicate that this excess cost will amount to about 25 to 30 cents per hundredweight of milk diverted.

Not all outlets for excess milk have been equally affected by the emergency marketing conditions. Testimony and prices contained in the record indicate that plants making ice cream in the Fort Smith market are paying prices for milk and milk products which exceed those paid by plants in the area making cheese, evaporated milk, and butter. No reason was presented to indicate that the price for milk should be reduced on Class II products, such as ice cream and cottage cheese.

The manufacturing plants which ordinarily accept excess milk and which are

now refusing to purchase such milk: are for the most part those making butter, American type cheeses, and evaporated milk. It is concluded therefore that the order should provide a credit to the handler for butterfat used in the production of these products, and that the regular Class II price should not be altered with respect to other products.

The eligibility of milk transferred or diverted to unapproved plants for this credit should be considered to have been established if the operator of the unapproved plant permits the market administrator to verify that an equivalent amount of butterfat was used at the plant during the month in the production of butter, American type cheeses, or evaporated milk. Such credit should be allowed on the basis of 7 cents per pound of butterfat in the milk so utilized. Indications are that the average butterfat test for producer milk will be near 4.0 percent during the flush production season. This would mean therefore that an additional margin of about 28 cents per hundredweight of milk will be allowed on milk eligible for such credit. It is concluded that this change will permit milk to be diverted by the cooperative without undue loss, and also will encourage handlers to assume a larger share of the handling of Class II milk.

Changes in the net price charged under the order for milk used in making butter, American type cheeses, and evaporated milk will be dependent upon variations in the Class II pricing provisions of the order. Thus, if prices paid by local manufacturing plants decrease as milk production gains during the spring months, then the cost of milk subject to this credit will be correspondingly lower.

The reduction in handlers' obligations which result from the credit herein provided shall be reflected to producers during the base operating period first in blend prices for excess milk. No reduction should be made in the base price unless the quantity of butterfat which receives the credit exceeds that contained in excess milk. This will continue the practice of allocating the value of milk sold for manufacturing purposes to the excess milk and preserve first priority on Class I sales for base milk.

It is concluded that the emergency butterfat credit to handlers allowed under the amendment herein provided should be continued through the months of greatest production. Since data showing milk supplies are available only since September 1952, when the order became effective, the usual amounts of Class II milk to be expected during various months are not known. The record indicates that May is ordinarily the month of largest production. June is also a month of large production however, and it is concluded that the allowance herein provided should be continued through that month in order to facilitate the disposition of excess milk when such milk is likely to be in largest supply. The credit provided under this amendment is extended therefore through the month of June. This will carry through the months of greatest production and allow time for further

consideration of additional changes in the order if such are required.

2. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exception thereto, on the above issues.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would make such relief ineffective. The propriety of omitting the recommended decision and opportunity for filing exceptions thereto with respect to all proposals considered was indicated on the record by interested parties, who likewise waived the opportunity to file briefs on the record of the hearing.

*General findings.* (a) The tentative marketing agreement and the order as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Determination of representative period.* The month of December 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order as amended, regulating the handling of milk in the Fort Smith, Arkansas, marketing area in the manner set forth in the attached amending order, as amended, is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Fort Smith, Arkansas, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Fort Smith,

Arkansas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the order shown below which will be published with this decision.

This decision filed at Washington, D. C., this 20th day of February 1953.

[SEAL] TRUE D. MORSE,  
Acting Secretary of Agriculture.

*Order<sup>1</sup> Amending the Order as Amended, Regulating the Handling of Milk in the Fort Smith, Arkansas, Marketing Area*

§ 976.0 *Findings and determinations.*

The findings and determinations herein-after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fort Smith, Arkansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act:

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended are such prices as will reflect

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof the handling of milk in the Fort Smith, Arkansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 976.44 (f) change the period at the end thereof to a colon and add the following: "Provided, That if the market administrator is permitted to audit the records of receipts and utilization at any such unapproved plant, butterfat contained in such transfers or diversions may be deemed to have been used in the production of butter, American type cheeses or evaporated milk to the extent butterfat was used at such plant in the production of such products during the month."

2. In § 976.70 change the period at the end thereof to a colon and add the following: "Provided, That from the effective date hereof through June 1953, 7 cents shall be deducted from this sum for each pound of butterfat in producer milk which was allocated to Class II pursuant to § 976.46, and which was used in the production of butter, American type cheeses or evaporated milk, or which was assigned to such products pursuant to § 976.44 (f) "

3. In § 976.72 (d) change the semi-colon at the end thereof to a colon, and add the following: "Provided, That from the foregoing sum shall be subtracted an amount equal to the deductions made pursuant to the proviso in § 976.70 or 7 cents times the pounds of butterfat in excess milk, whichever is less;"

[F. R. Doc. 53-1821; Filed, Feb. 25, 1953; 8:53 a. m.]

#### [ 7 CFR Part 986 ]

HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

PROCEDURAL RULES GOVERNING LIQUIDATION OF HOP CONTROL BOARD

Notice is hereby given that the Department is considering issuance of the proposed administrative rule herein set forth pursuant to provisions of § 986.107 (c) of Marketing Agreement No. 107, as amended, and Order No. 86, as amended (17 F. R. 6626) regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States, as well as pursuant to the order (17 F. R. 11772) terminating said program, effective July 1, 1953.

Prior to final issuance of this proposed administrative rule, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on the tenth day after publication of this notice in the FEDERAL REGISTER, except that if said tenth day should fall on a Saturday, Sunday, or holiday, such submission may be received by the Director not later than the close of business on the next following work day.

Said agreement and order, as amended, provide, in § 986.107 (c) that, upon termination of the regulation, the members of the Control Board then functioning shall continue as trustees for the purpose of liquidating the affairs of said Control Board and it further provides that the activities of the trustees shall be as prescribed by the Secretary. The termination order provides that proceedings after termination shall be in accordance with such supplementary instructions as may be issued by the Secretary prior to the effective time of termination.

Pursuant to the above stated provisions, the proposed administrative rule is as follows:

§ 986.404 *Procedural rules governing activities of the members of the Hop Control Board acting as trustees for the purpose of liquidating the affairs of the Hop Control Board*—(a) *Delegation of authority.* The general supervision and control of the trustees in connection with the taking of this liquidation action is hereby delegated to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., who is referred to hereafter as the "Director." The Director is empowered to make all necessary decisions, and to issue all necessary instructions to the said trustees, in regard to such liquidation action, consistent with the provisions hereof, except the final discharge of such trustees.

(b) *Selection and organization of the trustees.* In accordance with § 986.107 (c) of Marketing Agreement No. 107, as amended, and Marketing Order No. 86, as amended, the members of the Hop Control Board in office on December 23, 1952, shall act as trustees for the purpose of liquidating the affairs of the Board (including its subsidiaries, the Growers Allocation Committee, and the several Growers Advisory Committees) consistent with the continuance of this program in effect until July 1, 1953, and shall continue in that capacity until discharged by the Secretary. *Provided,* That such trustees may perform such liquidation actions through a committee selected by them from their membership, which committee shall act under the general supervision of, and, subject to the ratification of their actions by said trustees: *And provided further* That such persons shall also continue to function in their present capacities as members of the Hop Control Board until July 1, 1953. Unless

changed by subsequent action of the trustees, the chairman, vice-chairman, secretary, and treasurer who were serving in those capacities for the Board on December 23, 1952, shall serve in the same respective capacities under the trusteeship.

(c) *Compensation.* The several trustees shall serve without compensation, but shall be paid their reasonable expenses incurred in the performance of their duties hereunder.

(d) *Actions of trustees.* Actions of the trustees shall be taken by an affirmative vote of not less than ten members. The chairman of the Board may authorize voting by mail or telegraph: *Provided,* That due advance notice is given to all members, including complete information on each matter under consideration.

(e) *Maintenance of books and records.* The trustees shall keep books, and other appropriate records of their operations, which shall reflect clearly all of their acts and transactions as trustees, which books and other records shall be subject, at any time, to examination by the Director, or his designated representatives.

(f) *Expenses of liquidation.* Liquidation expenses shall be paid from assessment funds on hand, and the proceeds resulting from this liquidation, and shall include all necessary expenses, such as salaries, transportation, rent, cost of advertising and selling property, cost of mailing checks, audits, and cost of meetings of the trustees.

(g) *Collection of debts.* The trustees shall make every reasonable effort to collect all debts by June 30, 1953, and if there should remain outstanding as of that date any uncollected indebtedness, they shall submit promptly to the Director a detailed statement and recommendation with regard to each such situation for his consideration and instructions as to what further action should be taken.

(h) *Disposition of property.* The trustees shall dispose of all furniture, equipment, and supplies by sale at the most advantageous prices obtainable, except filing cabinets necessary to contain books and records to be retained permanently as authorized in paragraph (l) of this section. The funds derived from such sales shall be a part of the gross liquid assets.

(i) *Refunds to handlers.* When, in the opinion of the Director, liquidation action has been completed from the standpoint that all property has been sold, all collectible indebtedness due the Board has been collected, and all expenses incurred by the Board (including the costs of this liquidation action) have been paid, he shall direct the trustees to refund to handlers the net assets from this liquidation procedure plus any unused funds from assessments imposed for the 1952-53 marketing season. Said refund shall be made to the handlers who paid assessments for the 1952-53 marketing season, and shall be prorated among them in proportion to their respective assessment payments for that season. Insofar as practicable only one refund check shall be issued to each handler. A brief explanatory statement

shall be sent with each check, indicating that it represents the handler's share in unused assessments for the 1952-53 marketing season and his equity in the net assets.

(j) *Disposition of funds not distributable to handlers.* Any unused assessment funds for marketing seasons prior to the 1952-53 marketing season which it has not been practicable to refund to handlers by reason of inability to locate them, or for any other reason, and any refunds due handlers pursuant to paragraph (i) of this section which it is not practicable to make by reason of inability to locate said handlers, or for any other reason, shall be remitted by the trustees to the Director in the form of a check payable to the Treasurer of the United States.

(k) *Audit.* The trustees shall cause the books and other records of the Hop Control Board, in connection with its operations under the aforementioned marketing agreement and order, to be audited by one or more competent accountants as of the close of business on June 30, 1953, and their own books and other records as trustees hereunder, as of the close of the liquidation period, as provided for in this section, and shall submit promptly to the Secretary at least two copies of each of such audit reports. The audit of the trustees' books and records shall set forth a complete financial accounting, and shall include among other things a statement of refunds to individual handlers, and an itemized statement of disposition of furniture, equipment, and supplies.

(l) *Disposition of books and records.* (I) A list of all records, with a brief description of each type, a statement of the cubic feet of file space that each type occupies, the number and size of filing cabinet drawers, and a recommendation as to the records which should be retained permanently, shall be submitted to the Director. Prior to completion of final liquidation, the Director shall designate the books and records to be retained.

(II) Upon completion of the liquidation, the books and records which have been designated by the Director for permanent retention (together with the file cabinets or other containers thereof) of both the Hop Control Board and the trustees shall be delivered to the Director, or his designated representative, at such address as he may designate. The records not designated for permanent retention shall be disposed of by the trustees in accordance with instructions from the Director, and the manner and time of such disposition shall be reported to the Director.

(m) *Preservation of rights and liabilities.* With respect to violations, rights accrued, or liabilities incurred under the above mentioned marketing agreement, as amended, and order, as amended, up to the effective time of their termination (i. e. July 1, 1953) all provisions of said marketing agreement, as amended, and order, as amended, in effect prior to the effective time of such termination action, shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit,

action, or other proceeding with regard to any such violation, right, or liability.

(n) *Report of liquidation.* This liquidation shall be completed, and a final report of the trustees in connection therewith shall be submitted to the Director, on or before August 1, 1953, unless such time is extended by the Director.

Done at Washington, D. C., this 20th day of February 1953.

[SEAL]

S. R. SMITH,  
Director

*Fruit and Vegetable Branch.*

[F. R. Doc. 53-1826; Filed, Feb. 25, 1953;  
8:54 a. m.]

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Parts 40, 61 ]

#### SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES; FLIGHT TIME AND DUTY TIME LIMITATIONS

##### NOTICE OF PROPOSED RULE MAKING AND POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given that the Civil Aeronautics Board is proposing the adoption of an amendment to Part 61 of the Civil Air Regulations and is postponing the oral argument concerning flight time and duty time limitations scheduled for February 26, 1953, as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by April 21, 1953. Copies of such communications will be available after April 23, 1953, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

On December 23, 1952, the Board circulated Draft Release No. 52-34 and published as a notice of proposed rule making and oral argument in the FEDERAL REGISTER on December 31, 1952, giving notice that the Board would hear oral argument on February 26, 1953, on four designated points at issue concerning flight time and duty time limitations. Draft Release No. 52-34 also stated that persons desiring to participate in the oral argument should so indicate to the Board by January 26, 1953, with comment as to the views and arguments to be presented. No comment was received in response to this draft release. Meanwhile, the Air

Transport Association and the Air Line Pilots Association have requested that the oral argument be postponed to permit these two parties to establish a working group to explore the problems in connection with the matters designated for oral argument. Two of the four points at issue involve amendments sponsored by the Air Transport Association and heretofore opposed by the Air Line Pilots Association which, if adopted by the Board, would relax certain current daily and weekly flight time limitations. A third point involves the 85 hour monthly flight time limitations set forth in section 401 (1) of the act and a construction thereof urged by the Air Line Pilots Association, which the Board has heretofore not followed and to which the carriers are opposed. The Board is of the opinion that under the circumstances the postponement of oral argument on these issues will benefit the public interest by permitting further cooperative exploration by the parties most directly concerned and the possibility of producing a sounder factual basis on which the Board can ultimately make its decision. In the meantime, of course, the current requirements will remain in effect.

The fourth point at issue, however, stands on a different basis. It involves the question of placing limitations on over-all duty time for air carrier flight crews, a provision not currently in the regulations. Since the Board is of the opinion that the imposition of some requirement of this nature may be necessary in the interest of safety in air commerce, it does not believe that an indefinite postponement of this issue is warranted. However, rather than hear oral argument on this issue alone, the Board considers it desirable to institute separate rule-making proceedings thereon.

In view of the foregoing, the Board hereby postpones sine die the hearing of oral argument presently scheduled for February 26, 1953, concerning flight time and duty time limitations and institutes separate rule-making proceedings concerning daily duty time limitations as contained herein.

Accordingly, it is proposed to amend Part 61 (proposed revision of Part 40) of the Civil Air Regulations by adding a new provision to the scheduled air carrier flight time limitations which will limit the scheduled duty time of flight crew members to a fixed number of hours in any 24 hour period. Consideration is being given to proposals by interested persons for duty time limitations ranging from 12 to 16 hours. The Board is considering the merits of adopting a scheduled daily duty time limitation of less than the 16 hour limitation currently being used by air carriers as a sched-

uled daily duty time limitation, in order to render more remote the probability that actual duty time will exceed 16 hours. The Board also has received a proposal that daily duty time limitations for flight engineers should not exceed 12 hours, irrespective of what limits may be established for pilots, because of the peculiar conditions under which flight engineers are required to serve. Comment is invited with respect to these views.

Proposals of interested persons also differ with respect to the manner of application of such daily duty time limitations. Some persons have recommended that the daily duty time limitations be applied only on a daily scheduled basis and that, if in any particular case the daily duty time limitations are exceeded, a subsequent rest period of not less than 16 hours shall be provided the flight crew members involved. Other interested persons, however, have proposed that the daily duty time limitations operate as an absolute maximum to be applicable on a "flight" basis (block to block) such that a pilot who has exceeded the daily duty time limitations would not be permitted to continue a scheduled trip beyond an en route stop.

Comment is requested, therefore, as to whether duty time limitations, if any, should operate solely as a limitation on daily scheduled time or whether there should be an absolute restriction and in either case what numerical value should be used. In the event duty time limitations are applied solely on a scheduled basis, comment is desired concerning a mandatory subsequent 16 hour rest period. In the event duty time limitations are treated as absolute limitations, comment is desired concerning a mandatory 8 hour rest period, if adequate rest facilities are provided at the airport, or 10 hours, if adequate rest facilities are not provided at the airport. Comment is also invited with regard to the desirability of considering deadhead time as on duty time and, if so, under what conditions.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule-making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012; 49 U. S. C. 551-560)

Dated: February 20, 1953, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 53-1812; Filed, Feb. 25, 1953;  
8:51 a. m.]

**NOTICES**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

**NEW MEXICO**

AIR NAVIGATION SITE WITHDRAWAL NO. 125;  
REDCUED

FEBRUARY 12, 1953.

In accordance with the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U. S. C. 214) and pursuant to section 2.22 (a) of Delegation Order No. 427 of August 16, 1950 (15 F. R. 5641) it is ordered as follows:

Departmental Order of April 27, 1939, withdrawing certain lands in New Mexico for use by the Department of Commerce in the maintenance of air navigation facilities, is hereby revoked so far as it affects the following-described land:

NEW MEXICO PRINCIPAL MERIDIAN

T. 16 S., R. 1 E., sec. 20, SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

containing 40 acres.

The land is situated approximately 23 miles southeast of Engle, New Mexico, and is primarily suitable for grazing. The land will not be subject to occupancy or disposition under any nonmineral public land law until it has been classified. It is unlikely that it will be classified for homestead, desert land, or small tract uses.

This order shall become effective immediately as to administration of grazing on the land by the Bureau of Land Management, but shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 35th day after the date hereof. At that time the said land shall become subject to application, petition, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the period during which, and the conditions under which veterans and others may file applications of the land may be obtained on request from the U. S. Land and Survey Office, Santa Fe, New Mexico.

E. R. SMITH,  
Regional Administrator.

[F. R. Doc. 53-1795; Filed, Feb. 25, 1953;  
8:45 a. m.]

**CIVIL AERONAUTICS BOARD**

[Docket No. 5142]

BRANIFF AIRWAYS, INC., FINAL MAIL  
RATES, DOMESTIC OPERATIONS

**NOTICE OF REASSIGNMENT OF HEARING**

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith of

Braniff Airways, Inc., in its domestic operations.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, heretofore indefinitely postponed, has been reassigned and will be held on March 12, 1953, at 10:00 a. m., e. s. t., in Room 2045, Temporary Building No. 4, Seventeenth Street, south of Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., February 20, 1953.

[SEAL] FRANCIS W BROWN,  
Chief Examiner.

[F. R. Doc. 53-1813; Filed, Feb. 25, 1953;  
8:51 a. m.]

[Docket No. 5827]

BRANIFF AIRWAYS, INC., AND UNITED AIR  
LINES, INC., INTERCHANGE OF EQUIP-  
MENT

**NOTICE OF HEARING**

In the matter of the joint application of Braniff Airways, Inc., and United Air Lines, Inc., for approval by the Civil Aeronautics Board under section 412 and, if such approval is deemed necessary, under section 408 of the Civil Aeronautics Act, as amended, of an agreement relating to the interchange of equipment.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 408, 412 and 1001 of the said act, that the above-entitled proceeding is assigned for hearing on March 16, 1953, at 10:00 a. m., e. s. t., in Room 2045, Temporary Building No. 4, Seventeenth Street, south of Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Without limiting the scope of the issues presented by the joint application, particular attention will be directed to the following questions:

1. Does the agreement constitute a lease or contract to operate the properties, or any substantial part thereof, of an air carrier by another air carrier within the meaning of section 408 (a) (2) of the act?

2. If Board approval is required by section 408 (b) of the act, is the agreement consistent with the public interest with respect to any improvement in air transportation service to be provided by the interchange operation, the adverse effect, if any upon another air carrier, and the justness and reasonableness of the agreement as it relates to each party?

3. Will the agreement give the two air carrier parties such a degree of control over air transportation in the area covered by the agreement as to constitute a monopoly?

4. If the Board approves the agreement should it impose any terms and conditions to protect the public interest?

For further details of the issues involved in the proceeding interested per-

sons are referred to the joint application and the prehearing conference report which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before March 16, 1953, a statement setting forth such propositions of fact or law as he desires to advance, and such person may then appear and participate in the hearing in accordance with Rule 14 of the Board's rules of practice.

Dated at Washington, D. C., February 20, 1953.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W BROWN,  
Chief Examiner.

[F. R. Doc. 53-1815; Filed, Feb. 25, 1953;  
8:51 a. m.]

[Docket No. 5828]

CONTINENTAL AIR LINES, INC., AND UNITED  
AIR LINES, INC., INTERCHANGE OF EQUIP-  
MENT

**NOTICE OF POSTPONEMENT OF HEARING**

In the matter of the application of Continental Air Lines, Inc., and United Air Lines, Inc., for approval by the Civil Aeronautics Board under section 412 and, if such approval is deemed necessary, under section 408 of the Civil Aeronautics Act of an agreement relating to the interchange of equipment.

Notice is hereby given that hearing in the above-entitled proceeding, now assigned for March 4, 1953, is postponed and will be held on March 10, 1953, at 10:00 a. m., e. s. t., in Room 2045, Temporary Building No. 4, Seventeenth Street, south of Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., February 20, 1953.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F. R. Doc. 53-1814; Filed, Feb. 25, 1953;  
8:51 a. m.]

**FEDERAL POWER COMMISSION**

[Docket No. E-6472]

SOUTHERN UTAH POWER Co.

**NOTICE OF ORDER AUTHORIZING ISSUANCE OF  
SHORT-TERM PROMISSORY NOTE**

FEBRUARY 19, 1953.

Notice is hereby given that on February 19, 1953, the Federal Power Commission issued its order entered February 18, 1953, authorizing issuance of short-term promissory note in the above-entitled matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 53-1793; Filed, Feb. 25, 1953;  
8:47 a. m.]

[Docket No. G-1958]

ROCKLAND LIGHT AND POWER CO.

## NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 19, 1953.

Notice is hereby given that on February 18, 1953, the Federal Power Commission issued its order entered February 17, 1953, modifying order (17 F R. 9151) issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,  
Secretary.[F. R. Doc. 53-1800; Filed, Feb. 25, 1953;  
8:47 a. m.][Docket Nos. G-1668, G-1828, G-1998,  
G-2026]

SOUTHERN UNION GAS CO. ET AL.

## ORDER DENYING REQUESTS FOR SHORTENED PROCEDURE, CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

FEBRUARY 17, 1953.

In the matters of Southern Union Gas Company, Docket No. G-1668; El Paso Natural Gas Company, Docket Nos. G-1828 and G-1998; West Texas Gas Company, Docket No. G-2026.

By its order issued November 23, 1951, the Commission consolidated proceedings at Docket Nos. G-1668 and G-1828, with those on West Texas Gas Company's (West Texas) application for a certificate of public convenience and necessity in Docket No. G-1831. Following hearing on January 16, 1952, further hearings on the consolidated proceedings were recessed subject to further order of the Commission. West Texas was later permitted to withdraw its Docket No. G-1831 application by the Commission's order issued January 31, 1952.

The proceedings in Docket No. G-1668 concern the construction and operation of facilities by Southern Union Gas Company (Southern Union) to permit the taking of increased volumes of gas from West Texas. The proceedings in Docket No. G-1828 concern a partial abandonment of service to West Texas by El Paso Natural Gas Company (El Paso).

On July 11, 1952, El Paso filed an application in Docket No. G-1998 and on November 5, 1952 a supplement thereto, for a certificate of public convenience and necessity authorizing it to acquire from West Texas and to operate certain natural-gas transmission facilities subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

West Texas on August 7, 1952 filed at Docket No. G-2026 an application for permission to abandon by sale the facilities proposed to be purchased by El Paso, and to abandon service rendered by means of such facilities to Southern Union. A supplement to this application was filed on September 30, 1952.

Due notice of the filing of these applications has been given by publication in

the FEDERAL REGISTER on July 31, 1952 (17 F R. 7031), in the case of Docket No. G-1998 and on August 22, 1952 (17 F R. 7710) in the case of Docket No. G-2026.

El Paso and West Texas have requested that their applications in Docket Nos. G-1998 and G-2026 respectively be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for noncontested proceedings. Intervention has been permitted Southern Union in these dockets by the Commission's orders issued September 16, 1952.

It appears that the above-entitled proceedings involve common questions of law and fact.

The Commission finds:

(1) Good cause has not been shown for granting El Paso and West Texas' requests that their applications in Docket Nos. G-1998 and G-2026 respectively be heard under the shortened procedure as provided by the Commission's rules of practice and procedure, and said request should be denied as hereinafter ordered.

(2) It is appropriate for carrying out the provisions of the Natural Gas Act and good cause exists for consolidating the above proceedings for purpose of hearing.

The Commission orders:

(A) El Paso and West Texas' requests that their applications in Docket Nos. G-1998 and G-2026 respectively be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) be and the same are hereby denied.

(B) The proceedings in Docket Nos. G-1668, G-1828, G-1998, and G-2026 be and the same hereby are consolidated for purpose of hearing.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on March 19, 1953 at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters presented and the issues involved in the above dockets.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: February 18, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.[F. R. Doc. 53-1796; Filed, Feb. 25, 1953;  
8:45 a. m.]

[Docket No. G-2064]

UNITED GAS PIPE LINE CO.

## ORDER FIXING DATE OF HEARING

FEBRUARY 17, 1953.

On September 12, 1952, United Gas Pipe Line Company (Applicant) a Delaware corporation having its principal place of business in Shreveport, Louisi-

ana, filed an application and, on November 28, 1952, a supplement thereto, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction of certain natural-gas transmission facilities subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on September 27, 1952 (17 F R. 8638)

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on March 9, 1953 at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application as supplemented: *Provided, however* That the Commission may after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: February 18, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.[F. R. Doc. 53-1797; Filed, Feb. 25, 1953;  
8:45 a. m.]HOUSING AND HOME  
FINANCE AGENCY

## Public Housing Administration

## CENTRAL OFFICE

DESCRIPTION OF AGENCY AND PROGRAMS AND  
FINAL DELEGATIONS OF AUTHORITY

Section II *Central Office organization and final delegations of authority to Central Office officials* is amended as follows:

Subparagraph (g) is added to paragraph e 2 as follows:

(g) To prepare and sign a "Letter of Agreement to Cancel Advance Loan Notes" (Form PHA-2329) in connection with the exchange of Permanent Notes for Advance Notes at the time low-rent housing projects are permanently financed. The Chief of the Financing and Securities Section or the Chief of

the Securities and Investment Unit is also delegated this power.

Date approved: February 17, 1953.

[SEAL] JOHN TAYLOR EGAN,  
Commissioner

[F. R. Doc. 53-1798; Filed, Feb. 25, 1953;  
8:46 a. m.]

**OFFICE OF DEFENSE  
MOBILIZATION**

[RC 94]

CAMP MCCOY, WISCONSIN, AREA  
DECERTIFICATION OF CRITICAL DEFENSE  
HOUSING AREA

FEBRUARY 25, 1953.

Upon review of specific data presented to the Secretary of Defense and the Director of Defense Mobilization, the undersigned find that one or more of the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, no longer exist in the area designated as: Camp McCoy, Wisconsin, Area.

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is no longer a critical defense housing area.

C. E. WILSON,  
Secretary of Defense.  
ARTHUR S. FLEMING,  
Acting Director of  
Defense Mobilization.

[F. R. Doc. 53-1871; Filed, Feb. 25, 1953;  
11:23 a. m.]

**SECURITIES AND EXCHANGE  
COMMISSION**

[File Nos. 54-177, 59-91]

PENNSYLVANIA GAS & ELECTRIC CORP.  
ET AL.

ORDER RELEASING JURISDICTION WITH RE-  
SPECT TO PROPOSED BOARD OF DIRECTORS  
OF CRYSTAL CITY GAS COMPANY

FEBRUARY 18, 1953.

In the matter of Pennsylvania Gas & Electric Corporation, North Penn Gas Company, Crystal City Gas Company, Penn-Western Service Corporation, applicants, File No. 54-177. Pennsylvania Gas & Electric Corporation and its subsidiary companies, respondents, File No. 59-91.

The Commission on December 15, 1952, having issued its supplemental findings and opinion and order (Holding Company Act Release No. 11600) approving an Amended Plan under section 11 (e) of the act providing for the liquidation and dissolution of Pennsylvania Gas & Electric Corporation ("Penn Corp") a registered holding company, which plan provides, among other things, for the distribution to Penn Corp's stockholders of the common stock of Crystal City Gas Company ("Crystal City") a gas utility company and an indirect subsidiary of Penn Corp;

Said Amended Plan having provided that Penn Corp would file with the Commission, prior to the consummation of said plan, the names, addresses and qualifications of the proposed Board of Directors of Crystal City to serve from the date of consummation of said plan; The Commission's order of December 15, 1952, having reserved jurisdiction with respect to the selection and composition of the new Board of Directors of Crystal City.

Penn Corp., on February 13, 1953, having filed with the Commission the names, addresses and qualifications of the seven persons selected to serve as the new Board of Directors of Crystal City, as briefly summarized below:

J. Edward Barry, vice president and general manager, Crystal City Gas Co., Corning, N. Y.

George H. McNeely, Jr., vice president and treasurer, McNeely & Price Co., Philadelphia (leather manufacturers). Chairman of committee representing Class A stockholders of Penn Corp.

Thomas M. Searles, president, Equity Investment Co., Philadelphia (engaged in factoring business). Member of committee representing Class A stockholders of Penn Corp.

Robert Fleisher, treasurer and director, Modern Heat & Fuel Co., Philadelphia. Proposed by representatives of Penn Corp Class B common stockholders.

Wesley P. Patnode, employee of Townsend, Dabney & Tyson, Boston, Mass., brokers and investment bankers.

W. Frederick Spence, employee of Townsend, Dabney & Tyson, Boston, Mass.

Henning A. Johnson, vice president and treasurer, Waltham Grinding Wheel Co., Waltham, Mass.

Penn Corp having represented that the persons proposed as directors of Crystal City were selected from among 15 persons nominated for such office and that the selection was made after considering the business qualifications and connections of all candidates and their interests in the new common stock of Crystal City.

It appearing, among other things, that McNeely and Searles represent stockholders having substantial holdings of Penn Corp Class A stock which stockholders will receive stock of Crystal City after consummation of the said plan; that Patnode, Spence and Johnson have recently contracted to purchase and will own substantial amounts of Crystal City stock after consummation of said plan; and that Fleisher is a holder of Class B stock of Penn Corp and was suggested by representatives of stockholders having substantial holdings of Penn Corp Class B stock which stockholders will receive stock of Crystal City after consummation of the said plan;

The Commission having considered the proposed Board of Directors of Crystal City and finding that the Board as proposed conforms with the provisions of the said plan and the applicable provisions of the act and that no adverse action need be taken with respect to the proposed Board:

It is ordered, That the jurisdiction heretofore reserved with respect to the selection and composition of the new

Board of Directors of Crystal City be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 53-1804; Filed, Feb. 25, 1953;  
8:48 a. m.]

[File No. 70-2921]

CENTRAL MAINE POWER CO.

SUPPLEMENTAL ORDER GRANTING EXTENSION  
OF TIME FOR ISSUANCE AND SALE OF  
SHORT-TERM NOTES

FEBRUARY 19, 1953.

Central Maine Power Company, a public utility subsidiary of New England Public Service Company, a registered holding company, having filed an application, pursuant to the first sentence of section 6 (b) of the Public Utility Holding Company Act of 1935, with regard to the proposed issuance and renewal, from time to time, up to and including March 1, 1953, of notes having a maturity of three months or less in the maximum amount of \$11,000,000 at any one time outstanding (including notes then outstanding) and

The Commission, by its order dated September 19, 1952, having granted said application, subject to the terms and conditions contained in Rule U-24, and

Applicant having filed an application with the Commission to issue \$10,000,000 principal amount of First and General Mortgage Bonds, Series U, the proceeds to be applied toward the payment of its short-term notes; and applicant having filed an amendment to its application regarding the issuance and renewal of said notes stating that the aforementioned transactions have been partially consummated (the amount of its short-term notes aggregated \$9,000,000 as of January 27, 1953) and having requested that the Commission extend the period within which the transactions may be consummated up to and including April 1, 1953, or such earlier date as applicant shall have sold its bonds; and the Commission deeming it appropriate to grant such request:

It is ordered, That the period of time within which the aforesaid transactions may be consummated be, and it hereby is, extended up to and including April 1, 1953, or such earlier date as applicant shall have sold its proposed issue of Series U Bonds.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 53-1806; Filed, Feb. 25, 1953;  
8:49 a. m.]

[File No. 70-2990]

ARLINGTON GAS LIGHT CO. ET AL.

NOTICE OF FILING REGARDING PROPOSED NOTE  
ISSUES

FEBRUARY 19, 1953.

In the matter of Arlington Gas Light Company, Central Massachusetts Gas

Company, Gloucester Gas Light Company, Malden and Melrose Gas Light Company, Salem Gas Light Company; File No. 70-2990.

Notice is hereby given that declarations have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (the "act") by the above named companies herein-after individually referred to as "Arlington" "Central Mass." "Gloucester Gas" "Malden and Melrose" and "Salem Gas" and collectively referred to as the "borrowing companies" all public-utility subsidiary companies of New England Electric System, a registered holding company. The borrowing companies have designated sections 6 (a) and 7 of the act and Rules U-23 and U-42 (b) (2) promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Under bank loan agreements, dated March 20, 1952, as amended, the borrowing companies have outstanding \$6,690,000 principal amount of unsecured promissory notes, due April 1, 1953, and payable to the National City Bank of New York. Each borrowing company proposes to issue additional unsecured promissory notes to said bank under its bank loan agreement, as further amended. The amended loan agreements, among other things, extend the date on or before which the new notes may be issued to December 31, 1953, and provide that the new notes will mature March 1, 1954, and will bear interest at the same rate as the presently outstanding notes. The following table shows the principal amount of new notes to be issued and the interest rate thereof and the principal amount of presently outstanding notes:

Company	Notes to be issued		Notes outstanding
	Amount	Interest rate	
		<i>Percent</i>	
Arlington.....	\$2,000,000	3 1/4	\$1,785,000
Central Mass.....	700,000	3 1/2	350,000
Gloucester Gas.....	700,000	3 1/2	625,000
Malden and Melrose.....	3,000,000	3 1/4	2,760,000
Salem Gas.....	1,250,000	3 1/4	1,170,000
Total.....	7,650,000		6,690,000

Each borrowing company will use the proceeds derived from the issuance of new notes to pay and discharge its presently outstanding notes and the balance, if any, will be applied to the payment of construction expenditures and for other corporate purposes.

Each borrowing company proposes that if any permanent financing is done before the maturity of the proposed notes, it will apply the proceeds therefrom in reduction of, or in total payment of, notes then outstanding, and the amount of authorized but unissued notes, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the notes at the time outstanding.

The declarations state that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company,

an affiliated service company, such cost being estimated not to exceed \$300 for each of the borrowing companies, or an aggregate of \$1,500.

The declarations state that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed note issues. Each of the borrowing companies requests that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than March 12, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the declarations, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 53-1807; Filed, Feb. 25, 1953;  
8:49 a. m.]

[File No. 70-3003]

DELAWARE POWER & LIGHT CO.

NOTICE OF FILING REGARDING PROPOSED INCREASE OF AUTHORIZED PREFERRED STOCK

FEBRUARY 19, 1953.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act") by Delaware Power & Light Company ("Delaware") a registered holding company and a public utility company. The declarant has designated sections 6 (a) and 7 of the act and Rule U-62 promulgated thereunder as applicable to the proposed transaction, which is summarized as follows:

Delaware proposes to amend its certificate of incorporation so as to increase the number of its authorized shares of preferred stock from 200,000 to 300,000 shares. Such action is proposed to be taken by vote of its preferred and common stockholders at Delaware's annual meeting of stockholders to be held on April 21, 1953, and Delaware proposes to submit this proposal to its stockholders for their approval at that meeting.

Delaware presently has outstanding 190,000 shares of its cumulative preferred stock, having a par value of \$100 per share. The presently outstanding stock consists of four series having respective dividend rates of 4 percent, 3.70 percent, 4.28 percent, and 4.56 percent. The Company represents that continuing de-

mands for electric and gas service have required the adoption of a substantial construction program, and the Company anticipates that such construction program will require expenditures of approximately \$35,000,000 during the next three years. The declaration represents that, while the Company does not presently have any definitive plans as to the issue and sale of additional preferred stock, it is contemplated that the construction program will be financed in substantial part by the sale of additional preferred and common stock and by the sale of mortgage bonds and unsecured temporary bank borrowings.

Notice is further given that any interested person may, not later than March 5, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any raised by the said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 5, 1953, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 53-1808; Filed, Feb. 25, 1953;  
8:49 a. m.]

## SMALL DEFENSE PLANTS ADMINISTRATION

[S. D. P. A. Pool Request No. 13]

REQUEST TO SMALL PLANTS ASSOCIATES OF PHILADELPHIA TO OPERATE AS SMALL BUSINESS PRODUCTION POOL AND REQUEST TO CERTAIN COMPANIES TO PARTICIPATE IN OPERATIONS OF SUCH POOL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request to Small Plants Associates of Philadelphia to operate as a small business production pool and the request to the companies hereinafter listed to participate in the operations of such pool, set forth below, were approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Small Defense Plants Administration. The voluntary program in accordance with which the pool shall operate has been approved by the Administrator of the Small Defense Plants Administration and found to be in the public interest as contributing to the national defense.

**REQUEST TO SMALL PLANTS ASSOCIATES OF PHILADELPHIA**

You are requested to operate as a small business production pool in accordance with the voluntary program, as set forth in the papers submitted to the Small Defense Plants Administration, Pooling Branch, Washington 25, D. C.

In my opinion, the operations of your association as a small business production pool will greatly assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to Section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary program and find it to be in the public interest as contributing to the national defense. You may commence your operations as a small business production pool upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that such operations are within the limits set forth in the approved voluntary program.

Your cooperation in this matter will be appreciated.

Sincerely yours,

JOHN E. HORNE,  
*Administrator.*

**REQUEST TO COMPANIES**

You are requested to participate in the operations of the Small Plants Associates of Philadelphia which will operate as a small business production pool, in accordance with the voluntary program, as set forth in the papers submitted by it to the Small Defense Plants Administration, Pooling Branch, Washington 25, D. C.

In my opinion, your participation in the operations of this small business production pool will greatly assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect to this matter between his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to Section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary program and find it to be in the public interest as contributing to the national defense.

You will become a participant upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the operations of this production pool and your participation therein are within the limits set forth in the approved voluntary program.

Your cooperation in this matter will be appreciated.

Sincerely yours,

JOHN E. HORNE,  
*Administrator.*

The Small Plants Associates of Philadelphia accepted the request set forth above to operate as a small business production pool.

**LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE**

- Boxco Manufacturing Co., Inc., 427 East Seventy-sixth Street, New York, N. Y.
- Budge Manufacturing Co., Southeast corner Howard Street and Lehigh Avenue, Philadelphia, Pa.
- Samuel Cowan & Sons, Inc., 414 North Third Street, Philadelphia, Pa.
- Crescent Leather Goods Co., Lenni Mills, Pa.

Edward Freeman Co., 247 South Third Street, Philadelphia, Pa.

Gittis Luggage Co., 4041 Ridge Avenue, Philadelphia, Pa.

International Leather Goods Co., 314 North Thirteenth Street, Philadelphia, Pa.

M. M. Levinson & Co., 141 North Third Street, Philadelphia, Pa.

Rue Manufacturing Co., 1429 Melon Street, Philadelphia, Pa.

Rugged Luggage & Trunk Co., Inc., 109 Bruce Street, Newark, N. J.

Willow Leather Products, 39 Division Street, Newark, N. J.

The F. H. White Co., 40 North Sixth Street, Philadelphia, Pa.

United Luggage Co., Inc., 28-30 West Twenty-third Street, New York, N. Y.

(Sec. 708, 64 Stat. 818, Pub. Law 96, as amended by Pub. Law 429, 82d Cong.; 50 U. S. C. App. 2158; E. O. 10370, July 7, 1952, 17 F. R. 6141)

Dated: February 20, 1953.

Y. BRYNILDSEN,  
*Acting Administrator.*

[F. R. Doc. 53-1872; Filed, Feb. 25, 1953; 11:32 a. m.]

**INTERSTATE COMMERCE COMMISSION**

[Ex Parte No. 185]

**RAILWAY EXPRESS AGENCY, INC.**

**INCREASED EXPRESS RATES AND CHARGES, 1953**

FEBRUARY 20, 1953.

By petition dated January 30, 1953, the Railway Express Agency, Incorporated, requests authority to increase and revise its express rates and charges and classification provisions. Appendix I as set forth below contains a summary of petitioner's proposals.

This proceeding has been assigned to Division 3 and by it to Commissioner James K. Knudson for administrative handling and to Examiner Burton Fuller for hearing. It is the desire of the Division and the Examiner that it be handled with dispatch and minimum expense to the parties and the Commission, consistent with proper hearing and disposition of the issues.

To meet the foregoing objectives, it has been found necessary to provide for only one hearing outside of Washington, namely, at the Congress Hotel, Chicago, Illinois, beginning at 9:30 a. m., U. S. standard time, on May 4, 1953, with the closing hearing at the offices of the Commission in Washington, D. C., beginning at 9:30 a. m., U. S. standard time, on May 18, 1953, with the special rules of practice set forth in Appendix II as set forth below, providing among other things, for verified statements by parties not desiring or unable to be present at the oral hearings. The Chicago hearing will be primarily for the presentation of petitioner's evidence in chief, cross examination of its witnesses by protestants, and for the presentation of evidence by protestants who desire to be heard at that session. The Washington hearing will be primarily for the presentation of further evidence by protestants and rebuttal by petitioner.

It is anticipated that a representative of the State Commissions will participate in this proceeding under the cooperative plan and that one or more members of

Division 3 will sit in at the hearings from time to time as their engagements may permit.

Copies of this notice and appendices are being served upon petitioner, the Governors and regulatory bodies of the several States, and all parties to the prior proceeding, Ex Parte No. 177, Increased Express Rates and Charges, 1951, and upon the general public by depositing same in the office of the Secretary of the Commission at Washington, D. C., and by filing same with the Director of the Division of the Federal Register.

By the Commission.

[SEAL] GEORGE W. LAIRD,  
*Acting Secretary.*

**APPENDIX I**

**SUMMARY OF PETITIONER'S PROPOSALS**

Petitioner proposes a new scale of First Class rates per 100 pounds for nationwide application, which are \$1.04 or \$1.05 higher than the current First Class rates. The difference between the increases of \$1.04 and \$1.05 is due to the disposition of fractions. Second Class rates per 100 pounds are to be on the normal basis of 75 percent of First Class.

A new table of First Class graduated charges on shipments 1 to 99 pounds is proposed, computed by deducting \$1.86 from the one-hundred-pound, First Class rate, dividing the remainder by one hundred and multiplying the quotient by the weight of the package, and adding to the product the \$1.86 originally deducted. Thus each package charge contains the fixed factor of \$1.86. Where the charge so computed is less than the minimum charge of \$2.30, the latter charge applies.

The proposed Second Class graduated charges are on the normal basis of 75 percent of the First Class charges, observing 75 percent of the ten pound First Class charge as a minimum but no charge to be less than the minimum charge of \$2.30.

The proposed First and Second Class rates and charges are to supersede the present First and Second Class rates and charges including the present additional charge by 6 cents per shipment.

Petitioner also proposes to increase generally by 25 percent rates and charges on commodity rated traffic, valuation charges, c. o. d. service charges, storage charges, empty containers returned, Money Classification rates and charges, various merchandise classification rates and charges, including minimum charges, carload rates on fruits, vegetables and other perishable traffic, carload shipments subject to class rates, and international rates, charges and classification items between points in the United States and Canada, except carload rates on fruits, vegetables and other perishable traffic with a minimum of over 20,000 pounds, would be increased 15 percent.

A charge of not less than \$2.30 per shipment will apply on any express shipment, except milk and cream and related commodities, daily newspapers, and human remains.

*Notice of intention to produce testimony at the hearings.* Persons who desire to be heard will facilitate necessary arrangements by promptly sending notice of their intention by letter or telegram to the Commission at Washington, so as to reach the Commission on or before April 10, 1953, which shall state the number of witnesses, the approximate amount of time considered necessary for presentation of direct testimony, and whether they desire to be heard at Chicago or Washington.

*Verified statements (affidavits).* Evidence in the form of verified statements (affidavits) without personal appearance of the

affiant as a witness will also be received in the absence of objection, as hereinafter specified. Parties desiring to offer such statements should make available as early as possible during the hearing 15 copies for the Commission and 100 copies for other parties, including the applicants. Verified statements may be mailed, addressed to the Interstate Commerce Commission at Washington, D. C., so as to reach this Commission on or prior to the date of the hearing. Notice of any objection to the receipt of any such statement in evidence should be given to the Commission and to the party submitting the statement promptly following the receipt of such statement. If no such notice is given promptly it will be considered that objection to the receipt of the statement in evidence is waived, but objection to the weight to be accorded the statement of facts is reserved. Such statements should conform to the rules of practice in respect of style, mimeographing or printing, etc. They should be limited strictly to statements of fact and contain no argument, and if not so limited may be excluded. Such statements of fact should include the name and location of the party represented, qualifications of the witness, the commodity or commodities, between what points shipped, average loading, value, and volume of movement by express for a representative period before and after the last increase, and movement by other forms of transportation. The Commission on its own motion or on objection may exclude a verified statement or any portion thereof which (a) is not material or relevant to the questions presented in this proceeding, (b) is obviously incompetent, or (c) is argumentative in character. In the absence of objection to introduction of the verified statement it will be unnecessary for the affiant to appear personally at the hearing. All verified statements received in evidence will be part of the record in the proceeding, upon which the Commission will base its decision.

**Correspondence.** Correspondence relative to this matter should be addressed to the Secretary of the Interstate Commerce Commission at Washington 25, D. C., with reference to the docket number, Ex Parte No. 185,

#### APPENDIX II

##### SPECIAL RULES OF PRACTICE

**Protestants: Petitions of intervention unnecessary.** Persons appearing in opposition to the petition herein, will be considered as protestants, and may be heard without the filing of petitions of intervention.

**Simplification of presentations.** In order to conserve time and avoid expense, it is strongly urged that persons finding themselves with common interests in the proceeding shall, to the greatest extent possible, endeavor to consolidate their presentation of

testimony, and arrange for cross-examination by as few counsel as possible. The same course should be followed upon oral argument.

Evidence offered should carefully be prepared with a view to conciseness and clarity, and so as to avoid unnecessary extraneous, immaterial, and irrelevant matter, and undue cumulation of testimony or of witnesses upon any point. It should be factual in character, and argument should be reserved for the oral argument stage, and not be incorporated in the testimony.

**Exhibits.** In the preparation of exhibits, Rules 81 to 84, inclusive, of the general rules of practice should be followed. If possible, all documents submitted by a witness should be embraced in a single exhibit, with pages consecutively numbered, suitably bound together. In order to supply the State Commissioners, members of this Commission, and counsel in the proceeding, at least 150 copies of each exhibit should be prepared. So far as possible, exhibits should be made self-explanatory in order to minimize the amount of time required for explanation by oral testimony.

**Prepared statements.** Witnesses who expect in the course of their testimony to read from a written statement should comply with Rule 77 of the rules of practice. They should have sufficient copies thereof to supply opposing counsel, the representative of the State Commissions, the Examiner on the bench, and the official reporter.

**Submission of evidence in chief in written form.** The evidence in chief to be produced on behalf of the petitioner Railway Express Agency, Inc., shall be submitted in written form, as prepared statements by the respective witnesses, with their accompanying exhibits. Such documents should be made available to the Commission by filing 25 copies on or before April 20, 1953, and a copy should be transmitted by express by petitioner to the regulatory authority of each State having jurisdiction with respect to the intrastate rates and charges of petitioner, and also to each person who shall give notice on or before April 10, 1953, to the Commission of their intention to appear at the hearings as protestants.

[F. R. Doc. 53-1817; Filed, Feb. 25, 1953; 8:52 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 9, Amdt. 1]

#### ANN ARBOR RAILROAD CO.

##### REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 9 and good cause appearing therefor: *It is ordered*, That:

Taylor's I. C. C. Order No. 9 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p. m., March 25, 1953, unless otherwise modified, changed, suspended or annulled.

*It is further ordered*, That this amendment shall become effective at 11:59 p. m., February 25, 1953, and that this order shall be served 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 by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., February 19, 1953.

INTERSTATE COMMERCE  
COMMISSION  
CHARLES W. TAYLOR,  
*Agent.*

[F. R. Doc. 53-1818; Filed, Feb. 25, 1953; 8:52 a. m.]

#### ABOLISHMENT OF DISTRICT NO. 5, BUREAU OF MOTOR CARRIERS

##### REAPPORTIONMENT TO OTHER DISTRICTS

FEBRUARY 20, 1953.

The Interstate Commerce Commission announces that, effective March 1, 1953, District No. 5 of its Bureau of Motor Carriers will be abolished. The Virginia portion of the district will become a part of District No. 3, which has headquarters at Philadelphia, Pa. The area lying in the States of North Carolina and South Carolina will become part of District No. 6 with headquarters at Atlanta, Ga. Charlotte, N. C., which has been the headquarters of District No. 5 will become a District Supervisor's office.

[SEAL]

GEORGE W. LAIRD,  
*Acting Secretary.*

[F. R. Doc. 53-1816; Filed, Feb. 25, 1953; 8:52 a. m.]