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## Regulations

### TITLE 7—AGRICULTURE

#### Chapter III—Bureau of Entomology and Plant Quarantine

[B. E. P. Q. 394, Second Revision]

#### PART 301—DOMESTIC QUARANTINE NOTICES JAPANESE BEETLE ADMINISTRATIVE INSTRUCTIONS MODIFIED

*Introductory note.* In reissuing this circular to replenish the supply no change has been made in the list of bulbs, corms, and tubers that are exempted from the certification requirements of the quarantine. Some modifications have been made in the names, however, principally the common names, in order to bring them into line with standard plant nomenclature.

§ 301.48-6a *List of true bulbs, corms, and tubers exempted from Japanese beetle certification.* Under § 301.48-6 [regulation 6 of quarantine No. 48], true bulbs, corms, and tubers are exempt from Japanese beetle certification when dormant, except for storage growth, and when free from soil. The exemption includes single dahlia tubers or small dahlia root divisions when free from stems, cavities, and soil. Dahlia tubers, other than single tubers or small root divisions meeting these conditions, require certification.

The following list of bulbs, corms, and tubers, issued effective July 20, 1942, is for the information of inspectors of the Bureau and for the use of shippers within the regulated areas. The key letter (B) before the name stands for true bulb, (C) for corm, and (T) for tuber. Plant roots of a bulbous nature not given on this list are, in most cases, fleshy rhizomes, and are therefore not exempt from certification.

- (C) Acidanthera.
- (T) Alstroemeria.
- (B) Amaryllis.
- (C) Amorphophallus (Devilstongue).
- (B) Anemone nemorosa, A. ranunculoides, A. deltoidea.

- (C) Antholyza (Madflower).
- (C) Babiana (Baboonroot).
- (T) Begonia (tuberous rooted).
- (T) Boussingaultia (Madeira vine).
- (C) Brodiaea.
- (B) Bulbocodium (Meadowsaifron).
- (C) Calochortus (Mariposa-lilly or Globe-tulip).
- (B) Camassia.
- (B) Chionodoxa (Glory-of-the-snow).
- (B) Colchicum (Autumn-crocus).
- (T) Colocasia (Caladium esculentum and fancy-leaved varieties).
- (B) Cooperia (Evening-star and rain-lilly).
- (B) Corydalis bulbosa, C. tuberosa.
- (B) Crinum.
- (C) Crocus.
- (C) Cyclamen.
- (T) Dahlia (see statement in introductory paragraph).
- (C) Dierama (Eflinwands).
- (T) Dioscorea batatas (Cinnamon-vine).
- (T) Eranthis (Winter-aconite).
- (B) Erythronium (fawnlily, troutlily or Dogtooth violet).
- (B) Eucharis (Amazonlily).
- (C) Freesia.
- (B) Fritillaria (Fritillary).
- (B) Galanthus (Snowdrop).
- (B) Galtonia (Hyacinthus candicans) (Summer-hyacinth).
- (C) Gladiolus.
- (T) Gloriosa rothschildiana.
- (T) Gloxinia (see Sinningia).
- (B) Hippeastrum.
- (B) Hyacinthus (Hyacinth, Dutch, and Roman).
- (B) Hymenocallis.
- (B) Iris, bulbous (Dutch, Spanish, and English).
- (B) Ismene (Peruvian-daffodil).
- (B) Ixia.
- (B) Ixolirion.
- (B) Lachenalia (Cape-cowslip).
- (B) Lapeyrousia (Lapeyrousia, Anomatheca).
- (B) Leucojum (Snowflake).
- (B) Lillium (Lily bulbs, imported and domestic).
- (B) Lycoris.
- (B) Milla (Mexican-star).
- (B) Muscari (Grape-hyacinth).

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- (B) Narcissus (Daffodil, Jonquil).
- (B) Nerine.
- (B) Ornithogalum (Star - of - Bethlehem).
- (B) Oxalis.
- (B) Pancratium.
- (B) Polianthes (Tuberose).
- (B) Puschkinia.
- (T) Ranunculus (Buttercup).
- (B) Scilla (Squill, Starhyacinth).
- (T) Sinningia speciosa (Gloxinia).
- (C) Sparaxis (Wandflower).
- (B) Sprekelia (Aztec-lily, Jacobean lily, St. Jameslily).
- (B) Sternbergia.
- (B) Tigridia (Tigerflower or Shellflower).
- (C) Tritonia (Montbretia).
- (B) Tulipa (Tulip).
- (B) Vallota (Scarboro-lily).
- (B) Watsonia (buglelily).
- (T) Zantedeschia (Richardia) (calla-lily).
- (B) Zephyranthes (zephyrlily).

(7 CFR § 301.48-6; sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161)

Done at Washington, D. C., this 13th day of July, 1942.

[SEAL] AVERY S. HOYT,  
Acting Chief.

[F. R. Doc. 42-6724; Filed, July 15, 1942; 11:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4257]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JACK HERZOG AND COMPANY

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* In connection with the purchase of furs, fur garments or other commodities, in commerce, receiving or accepting directly or indirectly anything of value as brokerage, commission, or other compensation or any allowance or discount in lieu thereof from any seller on or in connection with purchases made from such seller (a) when such purchases are made for respondents' own account, or (b) when such purchases are made as agent or buying representative of the purchaser, or (c) when in making such purchases respondents are acting in fact for or in behalf, or are subject to the direct or indirect control of the purchaser; prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U.S.C., sec. 13 (c)) [Cease and desist order, Jack Herzog and Company, Docket 4257, July 8, 1942]

*In the Matter of Jack Herzog, Michael Herzog, George Herzog, and Louis Herzog, Individually and Trading as Jack Herzog and Company*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of July, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of respondents Jack Herzog, Michael Herzog, George Herzog, and Louis Herzog, individually and trading as Jack Herzog and Company, which answer admits all of the material allegations of the complaint to be true and waives all other intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion herein that said respondents, Jack Herzog, Michael Herzog, George Herzog, and Louis Herzog, individually and trading as Jack Herzog and Company, have violated the provisions of "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" approved October 15, 1914 (the Clayton Act), as amended by an Act of Congress approved June 19, 1936 (the Robinson-Patman Act), (U.S.C. Title 15, Sec. 13):

*It is ordered,* That the respondents, Jack Herzog, Michael Herzog, George Herzog, and Louis Herzog, individually and trading as Jack Herzog and Company, or under any other name, jointly or severally, their agents, employees and representatives, directly or through any corporate or other device in or in connection with the purchasing of furs, fur garments or other commodities in commerce, as commerce is defined in the aforesaid Clayton Act, as amended, do forthwith cease and desist from:

Receiving or accepting directly or indirectly anything of value as brokerage, commission or other compensation or any allowance or discount in lieu thereof from any seller on or in connection with purchases made from such seller (a) when such purchases are made for respondents' own account, or (b) when such purchases are made as agent or buying representative of the purchaser, or (c) when in making such purchases respondents are acting in fact for or in behalf, or are subject to the direct or indirect control of the purchaser.

*It is further ordered,* That the respondent 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.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-6725; Filed, July 15, 1942; 11:51 a. m.]

[Docket No. 4299]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

L. W. POWERS COMPANY

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* In connection with the purchase

of women's ready-to-wear apparel and other commodities in commerce, receiving or accepting directly or indirectly anything of value as brokerage, commission or other compensation or any allowance or discount in lieu thereof from any seller on or in connection with purchases made from such seller (a) when such purchases are made for respondent's own account, or (b) when such purchases are made as agent or buying representative of the purchaser, or (c) when in making such purchases respondent is acting in fact for or in behalf, or is subject to the direct or indirect control, of the purchaser; prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U.S.C., sec. 13 (c)) [Cease and desist order, L. W. Powers Company, Docket 4299, July 8, 1942]

*In the Matter of Lawrence W. Powers, an Individual Trading as L. W. Powers Company.*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of July, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of respondent, Lawrence W. Powers, an individual trading as L. W. Powers Company, which answer admits all of the material allegations of fact set forth in said complaint and waives all other intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion herein that said respondent has violated the provisions of "An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes", approved October 15, 1914 (the Clayton Act), as amended by an Act of Congress approved June 19, 1936 (the Robinson-Patman Act) (U.S.C. Title 15, Sec. 13);

*It is ordered,* That respondent Lawrence W. Powers, an individual trading as L. W. Powers Company, or under any other name, his agents, employees and representatives, directly or through any corporate or other device, in or in connection with the purchase of women's ready-to-wear apparel and other commodities in commerce, as commerce is defined in the aforesaid Clayton Act, as amended, do forthwith cease and desist from:

Receiving or accepting directly or indirectly anything of value as brokerage, commission or other compensation or any allowance or discount in lieu thereof from any seller on or in connection with purchases made from such seller (a) when such purchases are made for respondent's own account, or (b) when such purchases are made as agent or buying representative of the purchaser, or (c) when in making such purchases respondent is acting in fact for or in behalf, or is subject to the direct or indirect control, of the purchaser.

*It is further ordered,* That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing,

setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Dec. 42-6726; Filed, July 15, 1942;  
11:51 a. m.]

[Docket No. 4231]

PART 3—DIGEST OF CEASE AND DESIST  
ORDERS

ISAAC S. DICKLER

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* In connection with the purchase of furs, fur garments or other commodities in commerce, receiving or accepting directly or indirectly anything of value as brokerage, commission or other compensation or any allowance or discount in lieu thereof from any seller on or in connection with purchases made from such seller (a) when such purchases are made for respondent's own account, or (b) when such purchases are made as agent or buying representative of the purchaser, or (c) when in making such purchases respondent is acting in fact for or in behalf, or is subject to the direct or indirect control, of the purchaser; prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U.S.C., sec. 13 (c)) [Cease and desist order, Isaac S. Dickler, Docket 4231, July 8, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of July, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of respondent, Isaac S. Dickler, which answer admits all of the material allegations of fact set forth in said complaint to be true and waives all other intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion herein that said respondent has violated the provisions of "An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes" approved October 15, 1914 (the Clayton Act), as amended by an Act of Congress approved June 19, 1936 (the Robinson-Patman Act) (U.S.C. Title 15, Sec. 13);

*It is ordered,* That respondent Isaac S. Dickler, an individual, his agents, employees and representatives, directly or through any corporate or other device in or in connection with the purchase of furs, fur garments or other commodities in commerce, as commerce is defined in the aforesaid Clayton Act, as amended, do forthwith cease and desist from:

Receiving or accepting directly or indirectly anything of value as brokerage, commission or other compensation or any allowance or discount in lieu thereof from any seller on or in connection with purchases made from such seller (a) when such purchases are made for re-

spondent's own account, or (b) when such purchases are made as agent or buying representative of the purchaser, or (c) when in making such purchases respondent is acting in fact for or in behalf, or is subject to the direct or indirect control, of the purchaser.

*It is further ordered,* That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Dec. 42-6727; Filed, July 15, 1942;  
11:51 a. m.]

[Docket No. 4223]

PART 3—DIGEST OF CEASE AND DESIST  
ORDERS

HARRY M. BITTERMAN, INC., ET AL.

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* In connection with the purchase of fur garments or other commodities in commerce, and among other things, as in order set forth, and on the part of respondents Harry M. Bitterman, Inc., its officers, etc., engaged in purchase of fur garments for a number of concerns; receiving or accepting directly or indirectly anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, from any seller on or in connection with purchases made from such seller (a) when such purchases are made for respondents' own account, or (b) when such purchases are made by respondents as agents or buying representatives of the purchaser, or (c) when in making such purchases respondents are acting in fact for, or in behalf, or are subject to the direct or indirect control, of the purchaser; prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U.S.C., sec. 13 (c)) [Cease and desist order, Harry M. Bitterman, Inc., et al., Docket 4223, July 8, 1942]

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* In connection with the sale of fur garments or other commodities in commerce, and among other things, as in order set forth, and on the part of respondents I. and A. Berger, Inc., and four other concerns (and their officers, etc.), engaged in selling fur garments in interstate commerce to buyers involved in instant proceeding and to numerous other customers, paying or granting directly or indirectly anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, to Harry M. Bitterman, Inc., a corporation, Harry M. Bitterman, individually or as an officer of Harry M. Bitterman, Inc., Irving Dash, individually or as office manager of Harry M. Bitterman, Inc., or to any corporation, partnership, firm or individual, on or in connection with the sale of fur garments or other commodities (a) when such sales

are made to such corporation, partnership, firm or individual, or (b) when such sales are made through such corporation, partnership, firm or individual acting as agent or buying representative of the purchaser, or (c) when such corporation, partnership, firm or individual in making such purchases is acting in fact for or in behalf, or is subject to the direct or indirect control, of the purchaser; prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U.S.C., sec. 13 (c)) [Cease and desist order, Harry M. Bitterman, Inc., et al., Docket 4229, July 8, 1942]

*In the Matter of Harry M. Bitterman, Inc., a Corporation; Harry M. Bitterman, Individually and as President and One of the Directors of Harry M. Bitterman, Inc.; Herman Bitterman, Individually and as Secretary-Treasurer of Harry M. Bitterman, Inc.; Irving Dash, Individually and as Office Manager of Harry M. Bitterman, Inc.; I. and A. Berger, Inc., a Corporation; B. Ordovery & Sons, Inc., a Corporation; Peter Petras and George Alevras, Individuals Trading as Petras & Alevras; Arthur Petras, an Individual Trading as A. Petras & Company; Morris Minsk, an Individual*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of July, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer filed by each of the respondents named in the caption hereof except Herman Bitterman, individually and as Secretary-Treasurer of Harry M. Bitterman, Inc., and the respective answers of said respondents having admitted all material allegations of fact set out in the complaint to be true and having waived all intervening procedure and further hearing as to said facts and the Commission having made its findings as to the facts and conclusion herein that said respondents Harry M. Bitterman, Inc., a corporation, Harry M. Bitterman, individually and as President and as one of the Directors of Harry M. Bitterman, Inc., Irving Dash, individually and as Office Manager of Harry M. Bitterman, Inc., and I. and A. Berger, Inc., a corporation, B. Ordovery & Sons, Inc., a corporation, Peter Petras and George Alevras, individuals trading as Petras & Alevras, Arthur Petras, an individual trading as A. Petras & Company, and Morris Minsk, an individual, have violated the provisions of subsection (c) of Section 2 of "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" approved October 15, 1914 (the Clayton Act), as amended by an Act of Congress approved June 19, 1936 (the Robinson-Patman Act) (U.S.C., Title 15, Sec. 13);

*It is ordered.* That the respondents Harry M. Bitterman, Inc., a corporation, its officers, agents, and employees; Harry M. Bitterman, individually and as President and as one of the Directors of Harry M. Bitterman, Inc., his representatives, agents, and employees; and Ir-

ving Dash, individually and as Office Manager of Harry M. Bitterman, Inc., his representatives, agents and employees; jointly or severally, directly or indirectly, through any corporate or other device, on or in connection with the purchase of fur garments or other commodities in commerce as commerce is defined in the aforesaid Clayton Act as amended, do forthwith cease and desist from:

(1) Receiving or accepting directly or indirectly anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, from any seller on or in connection with purchases made from such seller (a) when such purchases are made for respondents' own account, or (b) when such purchases are made by respondents as agents or buying representatives of the purchaser, or (c) when in making such purchases respondents are acting in fact for, or in behalf, or are subject to the direct or indirect control, of the purchaser.

*It is further ordered.* That respondents I. and A. Berger, Inc., a corporation, and B. Ordovery & Sons, Inc., a corporation, their officers, agents and employees; Peter Petras and George Alevras, individuals trading as Petras & Alevras, or under any other name; Arthur Petras, an individual trading as A. Petras & Company, or under any other name; and Morris Minsk, an individual; their representatives, agents and employees; directly or indirectly, through any corporate or other device, on or in connection with the sale of fur garments or other commodities in commerce as commerce is defined in the aforesaid Clayton Act as amended, do forthwith cease and desist from:

(1) Paying or granting directly or indirectly anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, to Harry M. Bitterman, Inc., a corporation, Harry M. Bitterman, individually or as an officer of Harry M. Bitterman, Inc., Irving Dash, individually or as office manager of Harry M. Bitterman, Inc., or to any corporation, partnership, firm or individual, on or in connection with the sale of fur garments or other commodities (a) when such sales are made to such corporation, partnership, firm or individual, or (b) when such sales are made through such corporation, partnership, firm or individual acting as agent or buying representative of the purchaser, or (c) when such corporation, partnership, firm or individual in making such purchases is acting in fact for or in behalf, or is subject to the direct or indirect control, of the purchaser.

*It is further 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.

*It is further ordered.* That for the reasons set out in the findings as to the facts herein that the case growing out of the complaint issued herein be, and the same

hereby is, closed as to Herman Bitterman, individually and as Secretary-Treasurer of Harry M. Bitterman, Inc., without prejudice to the right of the Commission, should the facts so warrant, to reopen the same and resume trial thereof in accordance with its regular procedure.

By t Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-6728; Filed, July 15, 1942;  
11:52 a. m.]

[Docket No. 4687]

PART 3—DIGEST OF CEASE AND DESIST  
ORDERS

H. W. LEDERER, PRESIDENT OF THE BIBLE  
INSTITUTE, INC., ET AL.

§ 3.6 (a) Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Business connections or arrangements with others: § 3.6 (a) Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Individual or private business as educational, religious or research institution: § 3.6 (a) Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Organization and operation: § 3.6 (1) Advertising falsely or misleadingly—Free goods or service: § 3.69 (a) Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others: § 3.69 (a) Misrepresenting oneself and goods—Business status, advantages or connections—History: § 3.69 (a) Misrepresenting oneself and goods—Business status, advantages or connections—Operations as educational or religious: § 3.69 (a) Misrepresenting oneself and goods—Business status, advantages or connections—Offering deceptive inducements to purchase—Free goods: § 3.96 (b) Using misleading name—Vendor—Individual or private business being educational, religious or research institution. In connection with offer, etc., of Bibles, prayer books or other religious publications, and among other things, as in order set forth, (1) using the word "Institute" as part of the trade or corporate name under which their said business is conducted, or using the word "Institute", or any word of similar import, to in any way describe or refer to said business; (2) representing in any manner or by any method that said respondents are engaged in work of a religious nature, or that they are connected with any institution; (3) representing in any manner or by any method that the business of said respondents is conducted by a trustee; (4) representing in any manner or by any method that said respondents furnish free religious publications for Sunday Schools or other church activities; and (5) representing in any manner or by any method that the business conducted by said respondents is endowed by philanthropic or any other interests in order to permit a wider distribution of religious

publications, or for any other purpose; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, H. W. Lederer, President of The Bible Institute, Inc., et al., Docket 4687, July 9, 1942]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Organization and operation:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Manufacturer:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Size:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Dealer as manufacturer.* In connection with offer, etc., in commerce, of handbag or other mirrors or glass products, and among other things, as in order set forth, representing, directly or by implication, (1) that said respondents are manufacturers of the glass products offered for sale and sold by them; (2) that said respondents own, control, or operate plants or branch offices in Chicago, Illinois, Pittsburgh, Pennsylvania, New York City, New York, or elsewhere; (3) that the business conducted by said respondents is a substantial one, consisting of a number of departments, and requires the services of a superintendent; and (4) that said respondents are in any way connected with any glass manufacturing company, except as a purchaser of glass products for resale; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, H. W. Lederer, President of The Bible Institute, Inc., et al., Docket 4687, July 9, 1942]

*In the Matter of H. W. Lederer, Individually and as President of The Bible Institute, Inc., a New York Corporation, The Bible Institute, a Delaware Corporation, and American Plate Glass Company, a Corporation; The Bible Institute, Inc., a New York Corporation; The Bible Institute, a Delaware Corporation; and American Plate Glass Company, a Corporation*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of July A. D., 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the original answer and amended answer of respondents, in which amended answer respondents withdraw the specific and general denials of fact set forth in said original answer with certain exceptions, admit all of the material allegations of fact in said complaint with certain qualifications, and waive all intervening procedure and further hearing as to said facts, and a stipulation executed by all of said respondents, and the Commission having made its findings as to the facts

and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That respondent H. W. Lederer, his representatives, agents and employees, directly or through respondent The Bible Institute, Inc., The Bible Institute, or any other corporate or other device, and respondents The Bible Institute, Inc., and The Bible Institute, their officers, agents and employees, in connection with the offering for sale, sale or distribution of Bibles, prayer books and other religious or other publications in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the word "Institute" as part of the trade or corporate name under which their said business is conducted, or using the word "Institute", or any word of similar import, to in any way describe or refer to said business;

(2) Representing in any manner or by any method that said respondents are engaged in work of a religious nature, or that they are connected with any institution;

(3) Representing in any manner or by any method that the business of said respondents is conducted by a trustee;

(4) Representing in any manner or by any method that said respondents furnish free religious publications for Sunday Schools or other church activities;

(5) Representing in any manner or by any method that the business conducted by said respondents is endowed by philanthropic or any other interests in order to permit a wider distribution of religious publications, or for any other purpose.

*It is further ordered,* That respondent H. W. Lederer, his representatives, agents and solicitors, directly or through respondent American Plate Glass Company, or any other corporate or other device, and respondent American Plate Glass Company, its officers, agents and employees, in connection with the offering for sale, sale or distribution of handbag or other mirrors or glass products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication, that said respondents are manufacturers of the glass products offered for sale and sold by them;

(2) Representing, directly or by implication, that said respondents own, control, or operate plants or branch offices in Chicago, Illinois, Pittsburgh, Pennsylvania, New York City, New York, or elsewhere;

(3) Representing, directly or by implication, that the business conducted by said respondents is a substantial one, consisting of a number of departments, and requires the services of a superintendent;

(4) Representing, directly or by implication, that said respondents are in any way connected with any glass manufacturing company, except as a purchaser of glass products for resale.

*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 this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. D. C. 42-6729; Filed, July 15, 1942; 11:52 a. m.]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

[Docket No. 4444]

JOHN CARNER, AS OFFICER OF FRETTED INSTRUMENT MANUFACTURING CORPORATION, ETC., ET AL.

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Manufacture or preparation:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Nature.* In connection with offer, etc., in commerce, of guitars and mandolins, or other stringed musical instruments, (1) simulating genuine resonating or amplifying musical instruments by equipping their products with polished perforated discs or plates; (2) simulating genuine resonating or amplifying musical instruments by painting the inside of their products with aluminum paint, or treating it in any other manner so as to give it the appearance of being equipped with an aluminum cone; and (3) representing directly or by implication that their products, or any of them, are equipped with a resonating or amplifying device; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, John Carner, as Officer of Fretted Instrument Manufacturing Corporation, etc., et al., Docket 4444, July 9, 1942]

*In the Matter of John Carner, Individually and as an Officer of Fretted Instrument Manufacturing Corporation; and United Guitar Corporation; Morris Brooks, Individually and as an Officer of Fretted Instrument Manufacturing Corporation; Frank Solvino and Frank Masiello, Individually and as Officers of United Guitar Corporation; Fretted Instrument Manufacturing Corporation, a Corporation; and United Guitar Corporation, a Corporation*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of July, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the joint answer of the respondents, testimony and other evidence in support of and in opposition to the allegations of the complaint introduced before duly appointed trial examiners of the Commission designated by it to serve in this proceeding, the report of the trial examiners and exceptions thereto, and briefs in support of and in opposition to the complaint: And the Commission having made its findings as to the facts and its conclu-

sion that respondents have violated the provisions of the Federal Trade Commission Act:

*It is ordered,* That the respondents, Fretted Instrument Manufacturing Corporation, a corporation, United Guitar Corporation, a corporation, their officers, directors, representatives, agents and employees; respondents John Carner, individually and as an officer of respondent corporations; Morris Brooks, individually and as an officer of respondent Fretted Instrument Manufacturing Corporation; Frank Solvino and Frank Mastello, individually and as officers of respondent United Guitar Corporation—directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of guitars and mandolins, or other stringed musical instruments in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Simulating genuine resonating or amplifying musical instruments by equipping their products with polished perforated discs or plates;

(2) Simulating genuine resonating or amplifying musical instruments by painting the inside of their products with aluminum paint, or treating it in any other manner so as to give it the appearance of being equipped with an aluminum cone;

(3) Representing directly or by implication that their products, or any of them, are equipped with a resonating or amplifying device.

*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 this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-6730; Filed, July 15, 1942;  
11:52 a. m.]

[Docket No. 4259]

PART 3—DIGEST OF CEASE AND DESIST  
ORDERS

CENTRAL BUYING SERVICE, INC.

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* In connection with the purchase of millinery or other commodities, in commerce, receiving or accepting directly or indirectly anything of value as brokerage, commission or other compensation, or any allowance or discount in lieu thereof, from any seller on or in connection with purchases made from such seller (a) when such purchases are made for respondent's own account, or (b) when such purchases are made as agent or buying representative of the purchaser, or (c) when in making such purchases respondent is acting in fact for or in behalf, or is subject to the direct or

indirect control, of the purchaser; prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U.S.C., sec. 13 (c)) [Cease and desist order, Central Buying Service, Inc., Docket 4259, July 8, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of July, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer duly filed by respondent Central Buying Service, Inc., a corporation, which answer admits all of the material allegations of fact set forth in said complaint to be true and waives all other intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion herein that respondent Central Buying Service, Inc., a corporation, has violated the provisions of "An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes", approved October 15, 1914 (the Clayton Act), as amended by an Act of Congress approved June 19, 1936 (the Robinson-Patman Act) (U.S.C. Title 15, Sec. 13):

*It is ordered,* That the respondent, Central Buying Service, Inc., a corporation, its officers, directors, representatives, agents and employees, directly or through any corporate or other device in or in connection with the purchase of millinery or other commodities in commerce, as commerce is defined in the aforesaid Clayton Act, as amended, do forthwith cease and desist from:

Receiving or accepting directly or indirectly anything of value as brokerage, commission or other compensation, or any allowance or discount in lieu thereof, from any seller on or in connection with purchases made from such seller (a) when such purchases are made for respondent's own account, or (b) when such purchases are made as agent or buying representative of the purchaser, or (c) when in making such purchases respondent is acting in fact for or in behalf, or is subject to the direct or indirect control, of the purchaser.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-6731; Filed, July 15, 1942;  
11:52 a. m.]

[Docket No. 4240]

PART 3—DIGEST OF CEASE AND DESIST  
ORDERS

DAVID M. WEISS

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* In connection with the purchase of fur garments or other commodities, in

commerce, receiving or accepting directly or indirectly anything of value as brokerage, commission or other compensation or any allowance or discount in lieu thereof from any seller on or in connection with purchases made from such seller (a) when such purchases are made for respondent's own account, or (b) when such purchases are made as agent or buying representative of the purchaser, or (c) when in making such purchases respondent is acting in fact for or in behalf, or is subject to the direct or indirect control, of the purchaser; prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U.S.C., sec. 13 (c)) [Cease and desist order, David M. Weiss, Docket 4240, July 8, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of July, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of respondent David M. Weiss, which answer admits all of the material allegations of the complaint to be true, waives further hearing as to said facts and all other intervening procedure, and the Commission having made its findings as to the facts and conclusion herein that said respondent, David M. Weiss, has violated the provisions of subsection (c) of section 2 of "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" approved October 15, 1914 (the Clayton Act), as amended by an Act of Congress approved June 19, 1936 (the Robinson-Patman Act) (U.S.C. Title 15, Sec. 13):

*It is ordered,* That the respondent, David M. Weiss, an individual, his agents, employees and representatives, directly or through any corporate or other device in or in connection with the purchase of furs, fur garments or other commodities in commerce, as commerce is defined in the aforesaid Clayton Act, as amended, do forthwith cease and desist from:

Receiving or accepting directly or indirectly anything of value as brokerage, commission or other compensation or any allowance or discount in lieu thereof from any seller on or in connection with purchases made from such seller (a) when such purchases are made for respondent's own account, or (b) when such purchases are made as agent or buying representative of the purchaser, or (c) when in making such purchases respondent is acting in fact for or in behalf, or is subject to the direct or indirect control, of the purchaser.

*It is further ordered,* That the respondent shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-6732; Filed, July 15, 1942;  
11:53 a. m.]

## TITLE 26—INTERNAL REVENUE

## Chapter I—Bureau of Internal Revenue

[T. D. 5163]

## Subchapter A—Income and Excess-Profits Taxes

## PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

## AMENDMENTS TO REGULATIONS RELATING TO INVENTORIES

Section 19.22 (d)–2 of Regulations 103 (Part 19, Title 26, Code of Federal Regulations, 1940 Sup.) is amended as follows:

1. Paragraph (c) is changed to read as follows:

§ 19.22 (d)–2 *Requirements incident to adoption and use of the elective method.* \* \* \*

(c) Goods of the specified type included in the opening inventory of the taxable year for which the method is first used shall be considered as having been acquired at the same time and at a unit cost equal to the actual cost of the aggregate divided by the number of units on hand. The actual cost of the aggregate shall be determined pursuant to the inventory method employed by the taxpayer under the regulations applicable to the preceding taxable year with the exception that restoration shall be made with respect to any write-down to market values resulting from the pricing of former inventories;

2. Paragraph (f) is changed to read as follows:

(f) Goods of the specified type on hand as of the close of the taxable year preceding the taxable year for which this inventory method is first used, whether such preceding taxable year began before or after December 31, 1938, shall be included in the taxpayer's closing inventory for such preceding taxable year at cost determined in the manner prescribed in paragraph (c) of this section; (Secs. 22 (d) (3) and 62 of the Internal Revenue Code (53 Stat. 877, 32; 26 U.S.C., 1940 ed., 22 (d) (3), (62).)

[SEAL] GUY T. HELVERING,  
*Commissioner of Internal Revenue.*

Approved: July 14, 1942.

JOHN L. SULLIVAN,  
*Acting Secretary of the Treasury.*

[F. R. Doc. 42-6715; Filed, July 14, 1942;  
4:34 p. m.]

## TITLE 32—NATIONAL DEFENSE

## Chapter IX—War Production Board

## Subchapter B—Division of Industry Operations

## PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Supplemental General Imports Order M-63-a, as Amended July 15, 1942]

Section 1042.2 *Supplemental General Imports Order M-63-a*<sup>1</sup> is hereby amended to read as follows:

<sup>1</sup> 7 F.R. 4201.

§ 1042.2 *Supplemental General Imports Order M-63-a.* Until further order of the Director of Industry Operations, the provisions of General Imports Order M-63, as amended June 2, 1942, and June 30, 1942, shall not apply to materials on List III of said order located in, and to be shipped overland, by air, or by inland waterway from Canada or Mexico.

(P.D. Reg. 1, as amended, 6 F.R. 6600; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of July 1942.

J. S. KNOWLSON,  
*Director of Industry Operations.*

[F. R. Doc. 42-6720; Filed, July 15, 1942;  
10:47 a. m.]

## PART 1075—CONSTRUCTION

[Supplementary Conservation Order L-41-b]

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

In accordance with the provisions of § 1075.1 (*Conservation Order L-41*)<sup>1</sup> which the following order supplements:

§ 1075.3 *Supplementary Conservation Order L-41-b.* (a) Conservation Order L-41 shall not apply to construction commenced prior to January 1, 1943, which is necessary to the conversion or substitution of heating equipment to permit the use of fuel other than oil, electricity, natural gas or mixed natural and manufactured gas, in the following states:

Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, West Virginia, and the District of Columbia.

(P.D. Reg. 1, as amended, 6 F.R. 6600; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of July 1942.

J. S. KNOWLSON,  
*Director of Industry Operations.*

[F. R. Doc. 42-6718; Filed, July 15, 1942;  
10:47 a. m.]

## Subchapter B—Director General for Operations

## PART 998—METAL OFFICE FURNITURE AND EQUIPMENT

[Amendment 4 to Supplementary Limitation Order L-13-a]

Section 998.2 *Supplementary Limitation Order L-13-a*<sup>2</sup> is hereby amended in the following particulars:

<sup>1</sup> 7 F.R. 2730, 3712, 3774, 4320.

<sup>2</sup> 7 F.R. 2536, 2866, 4167, 5920.

Paragraph (b) (10) is hereby amended to read as follows:

(10) The restrictions contained in this order shall not apply to specific orders, contracts or subcontracts for metal shelving or metal lockers to be delivered to or for the account of the Army or Navy of the United States and the United States Maritime Commission, provided that:

(i) Such metal lockers are delivered to or for the account of the Army or Navy of the United States or the United States Maritime Commission prior to July 15, 1942, and

(ii) Such metal shelving is delivered to or for the account of the Army or Navy of the United States or the United States Maritime Commission prior to August 1, 1942, and further provided that no steel shall be sheared for the production of such metal shelving after July 15, 1942.

Paragraph (b) is hereby amended by adding at the end thereof the following new subparagraph:

(12) On and after July 1, 1942, no manufacturer (whether Class A, Class B or Class C) shall process, fabricate, work on or assemble any iron or steel for use in the production of metal shelving, nor shall any manufacturer (whether Class A, Class B or Class C) manufacture or assemble any metal shelving, except as provided in Paragraph (b) (10) or (b) (11) of this order.

(P.D. Reg. 1, as amended, 6 F.R. 6630; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of July 1942.

AMORY HOUGHTON,  
*Director General for Operations.*

[F. R. Doc. 42-6738; Filed, July 15, 1942;  
11:55 a. m.]

## PART 1043—METAL SIGNS

[Amendment 2 to General Limitation Order L-29]

Section 1043.1 *General Limitation Order L-29*<sup>1</sup> is hereby amended in the following particulars:

Paragraph (b) (4) is hereby amended to read as follows:

(4) Any person affected by this order shall sell material in his inventory only in accordance with the provisions of Priorities Regulation No. 13 (Part 944) and all other applicable orders and regulations.

Paragraph (f) is hereby amended to read as follows:

(f) *Reports.* Any person affected by this order shall file with the War Production Board such reports and questionnaires as said Board shall from time to time prescribe.

(P.D. Reg. 1, as amended, 6 F.R. 6530; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7

<sup>1</sup> 7 F.R. 2235, 4201.

F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of July 1942.

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Doc. 42-6719; Filed, July 15, 1942;  
10:47 a. m.]

**PART 1176—IRON AND STEEL CONSERVATION**  
[Amendment 2 to General Conservation Order M-126 as amended July 13, 1942]

The governing date of every item heretofore put on Supplementary List A by Conservation Order M-126 as amended July 13, 1942<sup>1</sup> is July 15, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of July 1942.

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Doc. 42-6737; Filed, July 15, 1942;  
11:56 a. m.]

**Chapter XI—Office of Price Administration**

**PART 1351—FOOD AND FOOD PRODUCTS**

[Amendment 2 to Revised Price Schedule 50<sup>2</sup>]

**GREEN COFFEE**

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

Paragraph (c) of § 1351.7 is revoked and, in § 1351.1, paragraph (b) (2), paragraph (e), paragraph (f), and paragraph (g) are amended to read as set forth below:

§ 1351.1 *Maximum prices for green coffee.* \* \* \*

(b) The maximum price shall include all commissions and all other charges, except that \* \* \*

(2) If the services of a broker or brokers are required either in a port of entry or in a secondary market, a commission or commissions, which in the aggregate shall not exceed 1% of the maximum prices named in § 1351.1 (c) of Revised Price Schedule No. 50 or a maximum price determined by trade differentials in effect prior to December 8, 1941, as provided for in § 1351.1 (c) of the Schedule, may be added to such maximum prices. This addition may be made only when such commissions have been actually paid, and shall be based upon the net maximum price before the addition

of charges permitted by paragraphs (b) (1), (e), (f), and (g) of § 1351.1 of the Schedule.

\* \* \* \* \*

(e) For any green coffee sold ex warehouse rather than ex dock New York City or other port of entry, the cost of actually "putting the coffee into the warehouse" may be added by the seller who incurred the cost. "Putting the coffee into the warehouse" shall include only the following charges: (1) transportation charges from dock to warehouse, (2) "handling in and out" and (3) warehouse storage charges for not more than 30 days.

(f) The delivered price for any type or grade of green coffee shall in no case exceed the maximum price plus transportation charges incurred from the dock or warehouse in New York City or other port of entry to the place of destination: *Provided*, That such transportation charges shall not exceed the cost of transporting an equal quantity of coffee from the same port of entry directly to the place of destination, computed at the lowest transportation rate for the mode of transportation employed.

(g) Any person making sales of green coffee in lots of 25 bags or less may add to the maximum prices specified above an amount not in excess of 3% of the comparable selling price of lots of more than 25 bags: *Provided*, That no such premium may be added on resales of coffee which have been sold pursuant to Amendments Nos. 1 or 2 to Conservation Order M-135,<sup>3</sup> issued by War Production Board.

§ 1351.9 *Effective dates of amendments.* \* \* \*

(b) Amendment No. 2 (§ 1351.1 (b) (2), (e), (f) and (g)) to Revised Price Schedule No. 50 shall become effective July 18, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 14th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6709; Filed, July 14, 1942;  
2:17 p. m.]

**PART 1377—WOODEN CONTAINERS**

[Amendment 2 to Maximum Price Regulation 160<sup>1</sup>]

**SEASONAL WOODEN AGRICULTURAL CONTAINERS**

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

Subparagraph (2) of § 1377.58 (a) is amended to read as set forth below.

§ 1377.58 *Definitions.* (a) When used in this Maximum Price Regulation 160 the term:

\* \* \* \* \*

<sup>1</sup> 7 F.R. 4337, 4852.

<sup>2</sup> 7 F.R. 3114, 3445, 4451.

(2) "Wooden agricultural container" means any wooden box, basket, crate, cup, till, tray, hamper, lug, carrier, or similar container, and the constituent parts thereof, used for handling, shipping, or storing perishable fruits and vegetables; but does not include cooperage products, or any used containers, or any sawn shook agricultural containers, or veneer covers for such containers, produced in California, Washington, Oregon, Idaho, Montana, Wyoming, Utah, Nevada, Arizona, New Mexico, and Colorado. The term also includes wire-bound dressed poultry boxes sold by the Northern Package Corporation, 175 Colfax Avenue North, Minneapolis, Minnesota.

§ 1377.59a *Effective dates of amendments.* \* \* \*

(b) Amendment No. 2 to Maximum Price Regulation No. 160 (§ 1377.58 (a) (2)) shall become effective July 18, 1942. (Pub. Law 421, 77th Cong.)

Issued this 14th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6710; Filed, July 14, 1942;  
2:18 p. m.]

**PART 1499—COMMODITIES AND SERVICES**

[Maximum Prices Authorized Under § 1499.3 (b) of General Maximum Price Regulation—Order 32]

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the General Maximum Price Regulation it is hereby ordered:

§ 1499.69 *Approval of maximum prices for sale to ultimate consumer of coal tar pitch base Stelco Roof Cement by the Stelwagon Manufacturing Company of Philadelphia, Pennsylvania.* (a) The maximum prices for the sale by the Stelwagon Manufacturing Company of Philadelphia, Pennsylvania to an ultimate consumer other than an industrial or commercial user of coal tar pitch base Stelco Roof Cement shall be as follows:

	<i>Per pound</i>
In drums.....	\$0.045
In half drums.....	.048
In 50-pound pails.....	.061
In 10-pound cans.....	.09

(b) This Order No. 32 may be revoked or amended by the Office of Price Administration at any time.

(c) This Order No. 32 (§ 1499.69) shall become effective July 16, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 15th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6741; Filed, July 15, 1942;  
12:02 p. m.]

<sup>1</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4330, 4487, 4659, 4738, 5027.

<sup>1</sup> 7 F.R. 5353, 5358.

<sup>2</sup> 7 F.R. 1305, 1836, 2132, 2945.

Chapter XVII—Office of Civilian Defense  
[Administration Order 27]

PART 1900—ORGANIZATION

ESTABLISHMENT OF FOREST FIRE FIGHTERS SERVICE

Pursuant to authority granted by Executive Order No. 8757 dated May 20, 1941, as amended by Executive Order No. 9134 of April 15, 1942, and Executive Order No. 9165 of May 19, 1942, the Director of Civilian Defense hereby confirms the establishment, within the Office of Civilian Defense, of the Forest Fire Fighters Service:

- Sec.
- 1900.10 Purpose.
- 1900.11 Insigne.
- 1900.12 Organization and supervision.

**AUTHORITY:** §§ 1900.10 to 1900.12, inclusive, issued under E.O. 8757, 6 F.R. 2517; E.O. 9134, 7 F.R. 2887; E.O. 9165, 7 F.R. 3765.

§ 1900.10 *Purpose.* The Forest Fire Fighters Service has been established, in accordance with the policy of the Facility Security Program of the Office of Civilian Defense, to safeguard forest lands and other timber facilities and resources, to prevent and control fires which might endanger such facilities and resources, and to minimize the effects of any such fires. It shall cooperate with the forest fire protection agencies of the Department of Interior and Department of Agriculture, with State Forestry officials and private forest fire protective organizations.

§ 1900.11 *Insigne.* The basic insignie prescribed for the Forest Fire Fighters Service shall consist of a pine tree, in red, placed in the center of a white equilateral triangle embossed on a circular field of blue. The basic insignie may be included in arm bands and brassards, lapel pins and buttons, sleeve insignie for uniforms, collar and cap emblems for uniforms, automobile stickers and plates, and Certificates of Membership. The use and wear of all official articles embodying the prescribed insignie shall be governed by §§ 1902.1 to 1902.9, inclusive, of this chapter (Office of Civilian Defense Regulations No. 2)<sup>1</sup> and any other rules, regulations, orders, or instructions issued by the Director.

§ 1900.12 *Organization and supervision.* (a) The Forest Fire Fighters Service shall operate under the supervision of the Office of Civilian Defense, Facility Security Branch, and shall be directed by the Timber and Related Facilities Committee which shall consist of appropriate officials in the Department of Interior and the Department of Agriculture, appointed by and responsible to the Director of Civilian Defense.

(b) The Director of Civilian Defense shall appoint, upon the recommendation of the Timber and Related Facilities Committee, a National Coordinator of the Forest Fire Fighters Service to direct its operations subject to the Timber and Related Facilities Committee, and such National Coordinator shall appoint, with the approval of the Director of Civilian Defense, State Coordinators from Fed-

eral, State or private forest fire protection agencies.

(c) The State Coordinators shall appoint Local Coordinators from Federal, State or private forest fire protection agencies.

(d) The Local Coordinators shall appoint from the enrolled membership of the Forest Fire Fighters Service, within each locality, a Squad Leader who will have under his control a working unit of from 8 to 10 Forest Fire Fighters.

[SEAL] JAMES M. LANDIS,  
*Director of Civilian Defense.*

JULY 11, 1942.

[F. R. Doc. 42-6714; Filed, July 14, 1942; 4:39 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Permit O.D.T. 6-6<sup>1</sup>]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—PERMITS

SUBPART E—LOCAL DELIVERY CARRIERS DELIVERIES OF LIQUIDS IN BULK

In accordance with the provisions of paragraph (e) of § 501.36 of General Order O.D.T. No. 6<sup>2</sup> as amended,<sup>3</sup> Chapter II of this Title, Part 501, Subpart E, *It is hereby authorized, That:*

§ 521.2006 *Deliveries of liquids in bulk.* Any vehicle, the primary carrying capacity of which is occupied by a mounted tank or tanks designed to carry bulk liquids, when operated by a local carrier in the transportation and delivery of liquids in bulk, is hereby exempted from the provisions of General Order O.D.T. No. 6, as amended, Title 49, Chapter II, Part 501, Subpart E, for a period of sixteen (16) days commencing July 16, 1942, and ending July 31, 1942. (E.O. 8989, 6 F.R. 6725; Gen. Order O.D.T. No. 6, 7 F.R. 3008, 7 F.R. 3532, and 7 F.R. 4184)

Issued at Washington, D. C., this 14th day of July 1942.

JOSEPH B. EASTMAN,  
*Director of Defense Transportation.*

[F. R. Doc. 42-6716; Filed, July 15, 1942; 9:03 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1516]

DISTRICT BOARD 3—CORNELL COKE CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of Bituminous Coal Producers Board for District No. 3 for preliminary and perma-

<sup>1</sup> 7 F.R. 4186; 7 F.R. 4933.  
<sup>2</sup> 7 F.R. 3008.  
<sup>3</sup> 7 F.R. 3532; 7 F.R. 4184.

nent relief regarding the establishment of additional price classifications and minimum prices for the Yale Mine (Mine Index No. 584) of Cornell Coke Company.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party.

*It is ordered,* That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on August 19, 1942, at 10:00 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

*It is further ordered,* That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before August 15, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Bituminous Coal Producers Board for District No. 3 requesting preliminary and permanent relief regarding a change in the established classification of "J" in Size Groups 1 to 10, inclusive, to a dual classification of "DJ" for rail shipments, for the coals of the Yale Mine (Mine Index No. 584) of the Cornell Coke Company; the "D" classification to apply to the coal of any

<sup>1</sup> 7 F.R. 3242.

size groups having a sulphur content under 1.35 percent; the "J" classification to apply to the coal of any size group if the sulphur content is in excess of 1.35 percent; and for the establishment of a "B" classification in Size Groups Nos. 11 to 16, inclusive.

Dated: July 14, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-6733; Filed, July 15, 1942;  
11:54 a. m.]

[Docket No. B-62]

DICKINSON FUEL CO.

ORDER GRANTING EXTENSION OF TIME

In the matter of J. E. Dickinson and S. E. Tigert, Partners, doing business as Dickinson Fuel Company, registered distributor, Registration No. 2323, Respondent.

On July 13, 1942, respondent filed a petition for extension of ten days within which to file exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner;

It appearing that the request is reasonable;

Now therefore it is ordered, That the time for filing exceptions to the Examiner's Report be and it hereby is extended until July 24, 1942.

Dated: July 14, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-6734; Filed, July 15, 1942;  
11:54 a. m.]

[Docket No. 1802-FD]

BEAVER FORK COAL COMPANY, CODE  
MEMBER

ORDER DISMISSING COMPLAINT

A written complaint having been filed on July 21, 1941, by Triangle Coal Company, Alliance, Ohio, Code member, District No. 4, as complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by Beaver Fork Coal Company, a Code member, defendant in the above-entitled matter, of the Act, the Bituminous Coal Code (the "Code"), and the effective minimum prices established thereunder by selling on June 9, 1941, approximately 50 tons of mine run coal at prices less than the effective minimum price established therefor; and

The complainant, having been advised by letter, dated March 26, 1942, that the aforesaid complaint would be dismissed without prejudice unless within fifteen (15) days from the date thereof the complainant submitted to the Division additional evidence to support the aforesaid complaint or requested the Division to schedule the above-entitled matter for hearing; and

Said complainant having failed to submit such additional evidence or to re-

quest the Division to schedule the above-entitled matter for hearing within the fifteen (15) days as required;

Now, therefore, it is ordered, That said complaint of Triangle Coal Company, filed by it with the Division on July 21, 1941, alleging wilful violation by Beaver Fork Coal Company of the Act, the Code and the effective minimum prices established thereunder, be, and the same hereby is dismissed without prejudice.

Dated: July 14, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-6735; Filed, July 15, 1942;  
11:54 a. m.]

[Docket No. B-262]

G. W. ROSE COAL CO.

NOTICE OF FILING OF APPLICATION FOR DISPOSITION OF COMPLIANCE PROCEEDING WITHOUT FORMAL HEARING

In the matter of G. W. Rose, doing business under the name and style of G. W. Rose Coal Company, Code Member.

Notice is hereby given that an application dated June 8, 1942 for the disposition of this proceeding without formal hearing was filed with the Bituminous Coal Division (the "Division") on June 10, 1942, pursuant to § 301.132 of the Rules of Practice and Procedure Before the Bituminous Coal Division, by G. W. Rose, doing business under the name and style of G. W. Rose Coal Company, the above-named Code member (the "Code member").

In said application the Code member:

1. Admits that the allegations of the complaint dated May 13, 1942, filed against the applicant by Bituminous Coal Producers Board for District No. 8 on May 14, 1942, are in all respects true and that as alleged in said complaint he wilfully violated the Bituminous Coal Code and the effective minimum prices established thereunder by selling, delivering and offering to sell to various purchasers on various dates between October 2, 1940 and August 23, 1941, approximately 104 tons of High Volatile Size Group 5, (for truck shipment), 1¼" x 2" nut coal produced by the applicant in District No. 8 from the applicant's mine (Mine Index No. 2388) at a price of \$1.55 per net ton f. o. b. the mine, the effective minimum price established for such sales, deliveries, and offers to sell being \$2.25 per net ton f. o. b. the mine.

2. States that to the best of his belief and knowledge he has not committed any violation of the Act, the Code, or the regulations thereunder other than the violation specifically referred to and admitted in said application.

3. States that upon facts represented and admitted therein, the applicant consents to the entry of an Order directing him to Cease and Desist from violations of the Code and the regulations thereunder.

All interested parties desiring to do so may file with the Division recommendations or requests for formal conference in respect to such application within

fifteen (15) days from the date of this notice.

Dated: July 13, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-6736; Filed, July 15, 1942;  
11:54 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT IN CERTAIN  
INDUSTRIES

NOTICE OF AMENDMENT OF CERTIFICATES

In the matter of amendment of the certificates applying to the employment of learners under section 14 of the Fair Labor Standards Act in the single pants, shirts and allied garments, women's apparel, sportswear, rainwear, robes and leather and sheep-lined garments divisions of the apparel industry.

All holders of special learner certificates in the single pants, shirts and allied garments, women's apparel, sportswear, rainwear, robes and leather and sheep-lined garments divisions of the apparel industry issued pursuant to Regulations Applicable to the Employment of Learners in the Apparel Industry, published in the FEDERAL REGISTER on September 7, 1940, or issued pursuant to Regulations Applicable to the Employment of Learners in the Single Pants, Shirts and Allied Garments and Women's Apparel Industries, published in the FEDERAL REGISTER on September 23, 1941 and made effective on September 29, 1941 by later amendment, are notified that the terms of such certificates are hereby amended as of July 20, 1942 to provide for the employment of learners in accordance with the terms of the Regulations Applicable to the Employment of Learners in the single pants, shirts and allied garments, women's apparel, sportswear, rainwear, robes and leather and sheep-lined garments divisions of the apparel industry, (Part 522, §§ 522.160 to 522.165—Chapter V, Wage and Hour Division, published in the FEDERAL REGISTER, June 25, 1942), effective July 20, 1942.

Each holder of a certificate in these industries will be sent a copy of the amended terms of the certificate. Any holder who has not received the amendment by July 20, 1942 should apply to the Hearings Branch, Wage and Hour Division, New York, New York, for his copy.

Signed at New York, New York this 11th day of July 1942.

MERLE D. VINCENT,  
Authorized Representative of  
the Administrator.

[F. R. Doc. 42-6722; Filed, July 15, 1942;  
11:31 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE

Notice of Issuance of special certificates for the employment of learners

under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective July 16, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

#### Apparel

Star Coat Front Co., 90 Wareham St., Boston, Massachusetts; coat fronts (canvas); 5 learners (T); July 16, 1943.

Single Pants, Shirts, and Allied Garments and Women's Apparel

Nelly Ann Dress Co., 140 West 54th St., Chicago, Illinois; ladies cotton dresses and slack outfits, ladies defense garments; 10 percent (T); July 16, 1943.

Pendleton Woolen Mills, Plant No. 2, 746 S. Los Angeles St., Los Angeles, California; slacks, leisure jackets, shirts, frontier jackets and trousers and robes; 10 percent (T); July 16, 1943.

A. Morganstern & Co., Fredericksburg, Virginia; pants; 10 percent (T); July 16, 1943.

#### Millinery

Adler Manufacturing Co., 19 Townsend St., Port Chester, New York; millinery novelties; 10 percent (T); January 16, 1943.

Signed at New York, N. Y., this 14th day of July 1942.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 42-6723; Filed, July 15, 1942; 11:31 a. m.]

### FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-27]

CANNED FRUIT COCKTAIL, ETC.

PROPOSED DEFINITION AND STANDARD OF IDENTITY, STANDARD OF QUALITY, AND STANDARD OF FILL OF CONTAINER

#### Proposed Order

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, 21 U.S.C. 1940 ed. 341, sec. 403 (h), 52 Stat. 1047, 21 U.S.C. 1940 ed. 343 (h), and sec. 701, 52 Stat. 1055, 21 U.S.C. 1940 ed. 371); the Reorganization Act of 1939 (53 Stat. 561-565, 5 U.S.C. 1940 ed. 133-133r); Reorganization Plans Nos. I and IV (53 Stat. 1423; 5 U.S.C. 1940 ed. Plan No. 1 and 54 Stat. 1234, 5 U.S.C. 1940 ed. Plan No. IV); and on the basis of the evidence received at the above-entitled hearings duly held pursuant to notices thereof issued by the Federal Security Administrator on December 11, 1940 (5 F.R. 4699) and April 10, 1942 (7 F.R. 2748), the following order be promulgated.

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the Assistant General Counsel, Room 2242, South Building, 14th Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof.

#### QUALITY

#### Findings of Fact

1. The use of canned fruit cocktail for cocktail, salad, and dessert purposes makes an appetizing appearance a rela-

tively important factor in its quality. (R., pp. 84, 202-9, 226, 231, 233, 315-6)<sup>1</sup>

2. Insofar as the appearance of canned fruit cocktail is not controlled by natural factors it is largely dependent upon the size and shape of the units of peach, pear and pineapple; upon the absence from the food of cracked or crushed grapes or grapes from which the cap stems have not been removed; upon the absence of adhering peel on the units of pear and peach; upon the freedom of the units of peach, pear, grape and cherry ingredient from blemishes; and upon the uniformity of color of the units of cherry ingredient, when artificially colored cherries are used. (R., pp. 192-9, 203-4, 205, 206-9, 231, 315-7, 318, 326, 330, 334, 337, 344-5, 350-1, 354-5, 386-7, 389)

3. Canned fruit cocktail is not of good quality when the units of peach, pear and pineapple are too large for use as a cocktail or dessert or are not of reasonably uniform shape. Such defects impair the utility and appearance of the food. The presence of an excessive number of small units tends to make the product unsightly and to increase the difficulty of heat processing, with resulting disintegration. The size and shape of grapes and of the units of the cherry ingredient are controlled by the natural dimensions of the fruits, and are not sufficiently variable to affect adversely the quality of the product. (R., pp. 105-6, 199-200, 202-3, 315-6, 318-20, 363-5, 377-83, 388)

4. Throughout the life of the product the units of peach, pear, and pineapple when diced have been diced in machines in which the cutting knives are ordinarily set at one-half inch intervals. Such machines do not always cut units to perfectly uniform size, and the heat processing results in a small amount of shrinkage in the size of the units. (R., pp. 201, 243, 251, 320-1)

5. The diced units of peach, pear and pineapple are sifted and sorted to remove those which are too large, too small, or misshapen. (R., pp. 199, 320-1)

6. When cut and sorted in the customary manner such units are usually about one-half inch in each dimension, but there are occasional units having one or more dimensions as great as three-fourths inch. There are also many units having one or more dimensions as small as five-sixteenths inch. (R., pp. 201-3, 320-1, 322-4)

7. When the units of pineapple are sectors rather than dice, they are prepared from rings as such rings are commonly cut for canning. The length and thickness of the sectors is determined by the size of the rings. (R., pp. 203-4, 326)

8. The sectors of pineapple ordinarily conform to the following dimensions: The length of the outside arc is more than  $\frac{3}{8}$  inch but is not more than  $\frac{3}{4}$  inch; the thickness is more than  $\frac{5}{16}$  inch but is not more than  $\frac{1}{2}$  inch; the length

<sup>1</sup>The page references to certain relevant portions of the record are for the convenience of the reader. However, the findings are based upon a consideration of all the evidence of record at the hearing and not solely on that portion of the record to which reference is made.

(measured along the radius from inside arc to outside arc) is more than  $\frac{3}{4}$  inch but not more than  $1\frac{1}{4}$  inch. (R., pp. 203-4)

9. It is impossible in the exercise of due care under good manufacturing practices to avoid some units of peach, pear and pineapple which fail to conform to the specifications set forth in findings 6 and 8 because of the irregularity of the natural shape of the fruits and because of the impracticability of completely efficient sorting. In addition, when the units are heated in the can, some breakage results. For these reasons a tolerance on units of peach, pear and pineapple which do not conform to such measurements is necessary. (R., pp. 199-200, 202, 204, 322-4, 326-8)

10. The experience of the fruit cocktail canning industry over a period of years demonstrates that where due care is exercised under good commercial practices, not more than 20 percent by weight of the units of peach, 20 percent by weight of the units of pear, or 20 percent by weight of the units of pineapple will fail to conform to such specifications for size. A convenient and accurate method of determining whether the diced units fall below five-sixteenths inch in edge dimensions is to determine whether they pass through the meshes of a sieve designated as five-sixteenths inch in table I of "Standard Specifications for Sieves" published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. (R., pp. 197-8, 199-200, 202-4, 322, 324-5, 327-30, 374-5)

11. When the units of peach, pear, and pineapple conform to such tolerance, canned fruit cocktail is of acceptable quality to consumers generally in respect of the shape and size of such units for the reason that such units are reasonably uniform in size and shape and are acceptable for the customary uses of the food. When the units do not conform to such tolerance, the food is inferior in quality and frequently would not serve the purposes for which it is bought. (R., pp. 197-8, 200-1, 231-3, 319-20, 328-9, 374-5, 385-8, 394-5)

12. Canned fruit cocktail is not of good quality when significant quantities of peel remain on the units of peach and pear since adhering peel on such units is unsightly and unpleasant to eat. (R., pp. 206-8, 231-3, 317, 337, 391)

13. Peach peel and pear peel are ordinarily easily removed in their entirety in the preparation of the units of fruit for canning. (R., pp. 338-40, 371-2)

14. Occasionally, even when due care is exercised under good manufacturing practices, some adhering peel will escape attention in the hand-sorting of the units and for this reason a tolerance on adhering peel is necessary. (R., pp. 339-40)

15. The experience of the industry demonstrates that a reasonable tolerance for adhering peel on the units of peach and pear in canned fruit cocktail which can be met by the exercise of due care under good manufacturing practices, is not more than one square inch

for each pound of such fruit. For the purpose of applying this tolerance, the weight of such units of peach or pear is computed as that proportion of the weight of the net contents of the container which the weight of such drained units bears to the total weight of fruit drained from the container. (R., pp. 206-9, 341-4, 372-3, 374-5)

16. When the units of peach and pear conform to such tolerance on adhering peel canned fruit cocktail is of acceptable quality to consumers generally in respect of freedom from adhering peel for the reason that such units are relatively free from peel and are acceptable for the customary uses of the food. When the units do not conform to such tolerance the food is inferior in quality and frequently would not serve the purposes for which it is bought. (R., pp. 206, 209, 231-2, 341-2, 374-5, 391, 394-5)

17. When the units of peach, pear, grape and the cherry ingredient are blemished with scab, hail injury, scar tissue, discoloration, or other abnormalities, they are unappetizing and canned fruit cocktail containing them is not of good quality. Freedom from a substantial quantity of such blemished units is a significant factor in consumers' preference among canned fruit cocktails. Blemishes on pineapple are not a significant occurrence in the canning of canned fruit cocktail. (R., pp. 231-2, 344-5, 347-8, 350-1, 367-8, 392)

18. Some peaches, pears, grapes and cherries are so blemished in their natural condition. Such blemished fruits are ordinarily removed by hand-sorting both by the producer of the fruit and the fruit cocktail manufacturer, but removal cannot be accomplished with absolute efficiency. For this reason a tolerance on blemished units of peach, pear, grape and the cherry ingredient is necessary. (R., pp. 215-17, 345-6, 348-9, 350-2)

19. The experience of the industry has demonstrated that a tolerance of 20 percent of blemished units of peaches, pears or grapes and of 15 percent of blemished units of the cherry ingredient is a reasonable tolerance for canned fruit cocktail which can be met by the exercise of due care under good manufacturing practices. (R., pp. 216-17, 346-7, 349-50, 352-3, 368-70, 374-5)

20. When the units of peach, pear, grape and the cherry ingredient conform to such tolerance on blemished units, canned fruit cocktail is of acceptable quality to consumers generally in respect of freedom from blemishes on such units for the reason that such units are relatively free from blemishes and are acceptable for the customary uses of the food. When the units do not conform to such tolerance, the food is inferior in quality and frequently would not serve the purposes for which it is bought. (R., pp. 206-8, 231-2, 346-7, 353, 374-5, 392, 394-5)

21. When the grapes in canned fruit cocktail are crushed or cracked to the extent of being severed into two parts, the canned fruit cocktail is unsightly and unappetizing. Freedom from such grapes is a significant factor in consumers' preferences among canned fruit cocktails. (R., pp. 231-2, 317-8, 330-2, 389-90)

22. If not carefully handled mature grapes crush easily. Such crushed grapes are ordinarily segregated and discarded, along with grapes which are so cracked, prior to the time they are placed in the can. In the hand-sorting of the fruit, however, some crushed grapes escape attention. Heat-processing of canned fruit cocktail so as to prevent spoilage unavoidably cracks some of the grapes into two parts after they are packed in the container. For these reasons a tolerance on crushed grapes and grapes so cracked is necessary. (R., pp. 204-5, 332-3)

23. The experience of the industry has demonstrated that by the exercise of due care under good manufacturing practices not more than 10 percent of the grapes in the finished canned fruit cocktail are cracked to the extent of being severed into two parts or crushed to the extent that their normal shape is destroyed, and that a tolerance of 10 percent of such cracked and crushed grapes is a reasonable tolerance on such grapes for canned fruit cocktail. (R., pp. 204-5, 333-4, 374-5)

24. When the units of grape conform to such tolerance the canned fruit cocktail is of acceptable quality to consumers generally in respect of freedom from crushed and cracked grapes for the reason that the food is reasonably free from cracked or crushed grapes and is acceptable for the customary uses of canned fruit cocktail. When the units do not conform to such tolerance the food is inferior in quality and frequently would not serve the purposes for which it is bought. (R., pp. 204, 231-2, 317-8, 330, 374-5, 389-90, 394-5)

25. Grapes are attached by a small cap stem to the larger stem of an entire bunch. When a grape is removed from the bunch, the cap stem frequently remains attached to the grape. Such stems are inedible and unsightly and their presence is a significant factor in consumers' preference among canned fruit cocktails. (R., pp. 205-6, 317-8, 334)

26. Canned fruit cocktail which contains any significant quantity of grapes with attached cap stems is not of good quality. (R., pp. 205-6, 317-8, 334)

27. It is the practice in the industry to remove such cap stems by the use of a stemming machine, followed by inspection and hand removal. Even under careful supervision such operation involves occasional oversights which make a tolerance on attached cap stems necessary. (R., pp. 205, 334-5)

28. The experience of the industry demonstrates that by the exercise of due care under good manufacturing practices, not more than 10 percent of the grapes in the finished canned fruit cocktail have their cap stems attached, and that a tolerance of 10 percent of grapes with attached cap stems is a reasonable tolerance on such grapes for canned fruit cocktail. (R., pp. 205-6, 335, 374-5)

29. When the grapes conform to such tolerance on attached cap stems canned fruit cocktail is of acceptable quality to

consumers generally in respect of freedom from grapes with attached cap stems for the reason that it is reasonably free from cap stems and is acceptable for all the customary uses of fruit cocktail. When it does not conform to such tolerance the food is inferior in quality and frequently would not serve the purposes for which it is bought. (R., pp. 205-6, 317-8, 335-6, 374-5, 394-5)

30. If the units of cherry ingredient in canned fruit cocktail are artificially colored and each unit is not evenly colored, the appearance of the canned fruit cocktail is impaired and its desirability is lessened. Uniformity of distribution of color on each unit of the cherry ingredient is a significant factor in consumers' preference among fruit cocktails. (R., pp. 208, 354-5, 393)

31. Artificial coloring does not contribute the same intensity of color to all cherries and for this reason a tolerance on cherries other than uniformly red in color is necessary. (R., pp. 355-7, 370)

32. Under normal canning operations not more than 15 percent of the cherries remaining after they have been hand-graded are other than uniformly red in color, and a tolerance of 15 percent is a reasonable tolerance on artificially colored cherries other than uniformly red in color. (R., pp. 208, 357-8, 373-4, 374-5)

33. When the artificially colored cherry ingredient conforms to such tolerance canned fruit cocktail is of acceptable quality to consumers generally because its appearance is not materially impaired. When it does not conform to such tolerance it is inferior in quality. (R., pp. 354-5, 358, 374-5, 393, 394-5)

34. When canned fruit cocktail falls below standard in quality in any respect, a statement on the label as follows: "Below Standard in quality. Good Food—Not high grade", is a simple, informative and adequate statement of that fact. Because the food is a mixture of several fruits it is not practicable to state on the label in what particular the food falls below standard in quality. Such statement serves its purpose when it appears on the label in the following manner and form:

The statement "Below Standard in Quality Good Food—Not High Grade" is printed in two lines of Cheltenham bold condensed caps. The words "Below Standard in Quality" constitute the first line, and the second immediately follows. If the quantity of the contents of the container is less than 1 pound, the type of the first line is 12-point, and of the second, 8-point. If such quantity is 1 pound or more, the type of the first line is 14-point, and of the second 10-point. Such statement is enclosed within lines, not less than 6 points in width, forming a rectangle. Such statement with enclosing lines, is on a strongly contrasting, uniform background, and is so placed as to be easily seen when the name of the food or any pictorial representation thereof is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase. (R., pp. 209-10, 217-21, 223, 360, 397-8)

Upon the basis of the foregoing detailed findings of fact, it is found that the promulgation of the following regulation fixing and establishing a standard of quality for canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail, and specifying the manner and form of a label statement of substandard quality, will promote honesty and fair dealing in the interest of consumers; and that it gives consideration to and makes due allowance for the differing characteristics of the several varieties of the fruits present in canned fruit cocktail.

#### Regulation

§ 27.041 *Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail—Quality; label statement of substandard quality.* (a) The standard of quality for canned fruit cocktail is as follows:

(1) Not more than 20 percent by weight of the units in the container of peach or pear, or of pineapple if the units thereof are diced, are more than  $\frac{3}{4}$  inch in greatest edge dimension, or pass through the meshes of a sieve designated as  $\frac{5}{16}$  inch in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the National Bureau of Standards, U. S. Department of Commerce. If the units of pineapple are in the form of sectors, not more than 20 percent of such sectors in the container fail to conform to the following dimensions: The length of the outside arc is not more than  $\frac{3}{4}$  inch but is more than  $\frac{3}{8}$  inch; the thickness is not more than  $\frac{1}{2}$  inch but is more than  $\frac{5}{16}$  inch; the length (measured along the radius from the inside arc to the outside arc) is not more than  $1\frac{1}{4}$  inches but is more than  $\frac{3}{4}$  inch.

(2) Not more than 10 percent of the grapes in a container containing ten grapes or more, and not more than one grape in a container containing less than ten grapes, is cracked to the extent of being severed into two parts or is crushed to the extent that their normal shape is destroyed.

(3) Not more than 10 percent of the grapes in a container containing ten grapes or more, and not more than one grape in a container containing less than ten grapes, has the cap stem attached.

(4) There is present in the finished canned fruit cocktail not more than one square inch of pear peel per each one pound of drained weight of units of pear plus the weight of a proportion of the packing medium which is the same proportion as the drained weight of the units of pear bears to the drained weight of the entire contents of the can. Such drained weights shall be determined by the method prescribed in § 27.042.

(5) There is present in the finished canned fruit cocktail not more than one square inch of peach peel per each one pound of drained weight of units of peach plus the weight of a proportion of the packing medium which is the same proportion as the drained weight of units of peach bears to the drained weight of the entire contents of the can. Such drained weights shall be determined by the method prescribed in § 27.042.

(6) Not more than 15 percent of the units of cherry ingredient, and not more than 20 percent of the units of peach, pear, or grape, in the container is blemished with scab, hail injury, scar tissue or other abnormality.

(7) If the cherry ingredient is artificially colored, the color of not more than 15 percent of the units thereof in a container containing more than six units, and of not more than one unit in a container containing six units or less, is other than evenly distributed in the unit or other than uniform with the color of the other units of the cherry ingredient.

(b) If the quality of canned fruit cocktail falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.020 (a), in the manner and form therein specified.

#### FILL OF CONTAINER

##### Findings of Fact

1. Canned fruit cocktail is purchased and used by consumers primarily for its fruit content although the liquid present is a necessary and valuable adjunct; and the quantity of fruit units present is a significant factor in consumers' preference among canned fruit cocktails. (R., pp. 242, 252-3)

2. The maximum quantity of fruit units which can be placed in each size of container is limited by the undesirable effects of forcing too large a quantity of fruit units into the container. Such undesirable effects are that when the quantity of fruit units present is too large, the quantity of liquid present must be so limited that the length of time required for heat-processing would be unduly extended, and this excessive processing would frequently disintegrate the units of fruit and would often damage their flavor and color. In addition sufficient space for enough liquid adequately to sweeten the fruit cocktail would not be available in the case of sweetened canned fruit cocktails. (R., pp. 242-3, 253-4)

3. A quantity of fruit units which may be placed in the container under all ordinary circumstances without detrimental effect on the fruit is such quantity as results in a drained weight of units of fruit of not less than 65 percent by weight of the water capacity of the container. Such quantity represents the amount of fruit by weight which experienced producers regard as the maximum quantity of fruit which can always be present, upon the basis of observation and test of a large number of cans of fruit cocktail. (R., pp. 241, 242-3, 249, 250-4)

4. The weight of water which a container will hold is a convenient method of specifying the capacity of the container and is well-known to canners generally. The method for determining the water capacity of containers prescribed in § 10.010 (a) of the general regulations under the Federal Food, Drug, and Cosmetic Act, as follows, gives accurate, reliable and uniform results under all conditions:

(1) In the case of a container with lid attached by double seam, cut out the lid without removing or altering the height of the double seam.

(2) Wash, dry, and weigh the empty container.

(3) Fill the container with distilled water at 68° Fahrenheit to  $\frac{1}{8}$  inch vertical distance below the top level of the container, and weigh the container thus filled.

(4) Subtract the weight found in (2) from the weight found in (3). The difference shall be considered to be the weight of water required to fill the container.

In the case of a container with lid attached otherwise than by double seam, remove the lid and proceed as directed in clauses (2) to (4) inclusive, except that under clause (3) fill the container to the level of the top thereof. (R., pp. 243-4, 248-9, 261-2)

5. In order that uniform determinations may be made it is necessary that a fixed method for determining the weight of fruit present be prescribed. A method which gives accurate, uniform, and reliable results under all normal conditions, and which is well-known to canners generally is as follows:

Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table 1 of "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and drained fruit. The weight so found, less the weight of the sieve, shall be considered to be the total weight of drained fruit. (R., pp. 239-41, 254-5)

6. Containers of canned fruit cocktail which contain fruit units in a quantity less than 65 percent by weight of the water capacities of the containers, as determined by the foregoing methods, are not so filled as to promote honesty and fair dealing in the interest of consumers in the absence of a label statement that they are below standard in fill. (R., pp. 249-50)

7. When canned fruit cocktail is below standard in fill of container the statement on the label, "Below Standard in Fill" is a simple, understandable, and adequate statement of that fact when appearing on the label in the following manner and form:

The statement "Below Standard in Fill" is printed in Cheltenham bold condensed caps. If the quantity of the contents of the container is less than 1

pound, the statement is in 12-point type; if such quantity is 1 pound or more, the statement is in 14-point type. Such statement is enclosed within lines, not less than 6 points in width, forming a rectangle. Such statement with enclosing lines, is on a strongly contrasting, uniform background, and are so placed as to be easily seen when the name of the food or any pictorial representation thereof is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase. (R., pp. 361-3)

Upon the basis of the foregoing detailed findings of fact it is found that the promulgation of the following regulation fixing and establishing a standard of fill of container for canned fruit cocktail, canned cocktail fruits, canned fruit for cocktail, and specifying the manner and form of a label statement of substandard fill of container will promote honesty and fair dealing in the interest of consumers.

#### Regulation

§ 27.042 Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail—Fill of container; label statement of substandard fill. (a) The standard of fill of container for canned fruit cocktail is a fill such that the total weight of drained fruit is not less than 65 percent of the water capacity of the container, as determined by the general method for water capacity of containers prescribed in § 10.010 (a). Such total weight of drained fruit is determined by the following method:

Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and drained fruit. The weight so found, less the weight of the sieve, shall be considered to be the total weight of drained fruit.

(b) If canned fruit cocktail falls below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.020 (b), in the manner and form therein prescribed.

[SEAL]

WATSON B. MILLER,  
Acting Administrator.

JULY 12, 1942.

[F. R. Doc. 42-6717; Filed, July 15, 1942; 10:20 a. m.]

## OFFICE OF PRICE ADMINISTRATION.

[Docket No. 3118-25]

### GRANITE TEXTILE MILLS, INC.

ORDER GRANTING PERMISSION TO AGREE TO ADJUST PRICES UPON DELIVERY MADE DURING PENDENCY OF THIS PETITION IN ACCORDANCE WITH DISPOSITION THEREOF

Order No. 1 under Maximum Price Regulation No. 118<sup>1</sup>—Cotton Products.

On June 4, 1942, Granite Textile Mills, Inc., Midland Park, New Jersey, filed a petition for amendment, exception or adjustment to Maximum Price Regulation No. 118, pursuant to the provisions of § 1400.114 of Maximum Price Regulation No. 118. Pending consideration of this petition and for the reasons set forth in an Opinion which has been issued simultaneously herewith and has been filed with the Division of the Federal Register, it has been determined to allow petitioner to enter into adjustable pricing contracts. For the reasons set forth in the Opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and, in accordance with Procedural Regulation No. 1,<sup>2</sup> issued by the Office of Price Administration, it is hereby ordered:

(a) Granite Textile Mills, Inc., may enter into agreements with the purchasers of its products manufactured at Granite Textile Mills, Inc., located at Midland Park, New Jersey, to adjust prices upon deliveries made during the pendency of its petition for amendment, exception or adjustment, in accordance with the disposition of said petition.

(b) This Order No. 1 may be revoked or amended by the Price Administrator at any time, and, in any event, is to be effective only to the date upon which said petition is finally disposed of.

(c) Unless the context otherwise requires, the definitions set forth in § 1400.115 of Maximum Price Regulation No. 118 shall apply to the terms used herein.

(d) This Order No. 1 shall become effective on the 16th day of July 1942.

Issued this 15th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6740; Filed, July 15, 1942; 12:02 p. m.]

[Docket No. 3041-3]

### HUGHES TOOL CO.

ORDER GRANTING PETITION FOR EXCEPTION

Order No. 1 under Revised Price Schedule No. 41<sup>3</sup>—Steel Castings.

On July 2, 1942, Hughes Tool Company, 300 Hughes Street, Houston, Texas filed a petition for an exception pursuant to § 1306.108 of Revised Price Schedule No. 41, as amended. Due con-

<sup>1</sup> 7 F.R. 3038, 3211, 3522, 3578, 3824, 3005, 4405.

<sup>2</sup> 7 F.R. 971, 3663.

<sup>3</sup> 7 F.R. 1281, 2001, 4667.

sideration has been given to the petition, and an opinion in support of this Order No. 1 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>2</sup> issued by the Office of Price Administration: *It is hereby ordered:*

(a) Hughes Tool Company, Houston, Texas, in ascertaining the maximum price which it may charge for steel armor castings for tanks produced by it at its plant in Houston, Texas, may add to the maximum prices otherwise established for such castings by Revised Price Schedule No. 41, the lowest applicable railroad charge for the transportation of an identical quantity of steel armor castings for tanks from its foundry in Houston, Texas, to the consumer's plant only to the extent that such charge exceeds the lowest applicable railroad charge for the transportation of an identical quantity of such steel castings from its foundry in Houston, Texas, to New Orleans, Louisiana.

(b) All prayers of the petition not granted herein are hereby denied.

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(d) The definitions set forth in § 1306.109 of Revised Price Schedule No. 41 shall apply to the terms used herein.

(e) This Order No. 1 shall become effective July 15, 1942. (Pub. Law 421, 77th Cong.)

Issued this 15th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6739; Filed, July 15, 1942;  
12:03 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 7-610 and 7-611]

EASTERN SUGAR ASSOCIATES—NEW YORK  
CURB EXCHANGE

### ORDER DISPOSING OF APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of July, A. D. 1942.

In the matter of applications by the New York Curb Exchange for permission to extend unlisted trading privileges to Eastern Sugar Associates Voting Trust Certificates for Preferred \$5 Cumulative Stock, \$1 Par Value; Voting Trust Certificates for Common Stock, \$1 Par Value.

The New York Curb Exchange having made application to the Commission pur-

suant to section 12 (f) of the Securities Exchange Act of 1934 and Rule X-12-1, for permission to extend unlisted trading privileges to Voting Trust Certificates for Preferred \$5 Cumulative Stock, \$1 Par Value and Voting Trust Certificates for Common Stock, \$1 Par Value of Eastern Sugar Associates, and

After appropriate notice, a public hearing having been held in this matter; and the Commission having this day made and filed its findings and opinion herein;

*It is ordered,* Pursuant to section 12 (f) of the Securities Exchange Act that the Application of the New York Curb Exchange to extend unlisted trading privileges to the Voting Trust Certificates for Preferred \$5 Cumulative Stock, \$1 Par Value of Eastern Sugar Associates be and the same is hereby approved.

*It is further ordered,* That the Application of the New York Curb Exchange for permission to extend unlisted trading privileges to the Voting Trust Certificates for Common Stock, \$1 Par Value of Eastern Sugar Associates be and the same is hereby denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 42-6711; Filed, July 14, 1942;  
3:05 p. m.]

[File No. 31-522]

KENTUCKY NATURAL GAS CORPORATION  
(DEL.)

### NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of July 1942.

An application pursuant to section 3 (a) (3) of the Public Utility Company Act of 1935 having been duly filed with this Commission by Kentucky Natural Gas Corporation, a corporation organized and existing under the laws of the State of Delaware, for exemption for itself and all its subsidiaries from the provisions of the Act;

It appearing to the Commission that it is appropriate and in the public interest, and interest of investors and consumers, that hearing be held with respect to said matter;

*It is ordered,* That a hearing on such application shall be held on July 28, 1942, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause may be shown why such application should be granted.

*It is further ordered,* That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at any such

hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be here or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 21, 1942.

*It is further ordered,* That without limiting the scope of the issues presented by said application, particular attention will be directed at such hearing to the following matters and questions:

1. Whether Kentucky Natural Gas Corporation is only incidentally a holding company being primarily engaged or interested in a business other than that of a public utility company.

2. Whether it owns substantially all the outstanding securities of its public utilities subsidiaries.

3. Whether it is necessary or appropriate in the public interest or for the protection of the investors and consumers to impose terms and conditions in respect of said application.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 42-6712; Filed, July 14, 1942;  
3:05 p. m.]

[File No. 70-553]

UTILITIES POWER & LIGHT OPERATING  
CORPORATION

### ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 9th day of July 1942.

Utilities Power & Light Operating Corporation having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) and Rule U-46 promulgated under said Act, regarding the following transaction:

Utilities Power & Light Operating Corporation, a wholly-owned service company subsidiary of Ogden Corporation, a registered holding company, proposes to dissolve and to distribute its remaining assets consisting of cash and an account receivable, aggregating \$10,000, to Ogden Corporation as a liquidating dividend.

Said declaration having been filed on May 27, 1942, and the last amendment thereto having been filed on June 27, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pur-

suant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period prescribed in said notice, or otherwise, and not having ordered a hear thereon; and

The Commission deeming it appropriate in the public interest and for the

protection of investors and consumers to permit said declaration to become effective;

*It is hereby ordered,* Pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be and hereby

is permitted to become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-6713; Filed, July 14, 1942;  
3:05 p. m.]